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DEPARTMENT OF ENERGY

2 CFR Part 910

RIN 1991–AC02

Administrative Requirements for Grants and Cooperative Agreements

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) is adopting, a rule amending the administrative requirements for grants and cooperative agreements with for-profit organizations. The regulations modify title provisions, and requirements related to the handling of real property and equipment acquired with federal funds. The regulations also add provisions related to export control requirements and supporting U.S. manufacturing, reporting on utilization of subject inventions, novation of financial assistance agreements, and changes of control of recipients.

DATES: *Effective:* October 5, 2015.

FOR FURTHER INFORMATION CONTACT: Ellen Colligan, Procurement Analyst, U.S. Department of Energy, Office of Acquisition Management, Contract and Financial Assistance Policy Division MA–611, Telephone: (202) 287–1776. Email: *ellen.colligan@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

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I. Summary

The Department makes substantial use of financial assistance awards (grants and cooperative agreements) to for-profit organizations to meet its mission goals. To manage these awards, the Department added requirements specifying changes and additions to its Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. On May 15, 2014, a Notice of Proposed Rulemaking (NOPR) was published in the **Federal Register** (79 FR 27795) that detailed changes to the rules for for-profit recipients.

DOE is amending the rule by adding provisions concerning: (1) The Department's title to and interest in property purchased by financial assistance recipients with Federal funds; (2) the Department's ability to monitor and control the use of Federal funds, property purchased with those funds, and any intellectual property developed with such funds; (3) the related issues of novation (that is, the transfer of a financial assistance agreement from one recipient entity to another) and of change of control of a recipient (that is, a transfer of control of the recipient entity from one individual, group of individuals or entity, to another); (4) reporting by recipients regarding the utilization of inventions developed with Federal funds; and (5) export controls applicable to inventions and technology developed with Federal funds, and support for U.S. manufacturing of inventions and technology developed with Federal funds.

DOE received no comments from members of the public in response to the NOPR. Nevertheless, DOE made the following technical changes to the text of the rule to address the codification of the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards at 2 CFR part 200 and the relocation of the Department's Administrative Requirements for Grants and Cooperative Agreements from 10 CFR part 600 to 2 CFR part 910 (79 FR 76024). As a result, the regulatory text proposed as amendments to part 600 are adopted unchanged as amendments to part 910.

(1) The text proposed as § 600.304 is renumbered and adopted as § 910.372.

(2) The text proposed as § 600.321 is renumbered and adopted as § 910.360.

(3) The text proposed as § 600.326 is renumbered and adopted as § 910.364.

(4) The text proposed as § 600.327 is renumbered and adopted as § 910.366.

(5) The text proposed as § 600.354 is renumbered and adopted as § 910.368.

(6) The text proposed as § 600.355 is renumbered and adopted as § 910.370.

III. Procedural Requirements

A. Review Under Executive Orders 12866 and 13563

Today's regulatory action has been determined to be a ''significant regulatory action'' under Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (October 4, 1993). Accordingly, this rule was reviewed by the Office of Information and Regulatory Affairs within the Office of Management and Budget.

DOE has also reviewed this regulation pursuant to Executive Order 13563, issued on January 18, 2011 (76 FR 3281 (Jan. 21, 2011)). Executive Order 13563 is supplemental to, and explicitly reaffirms the principles, structures, and definitions governing, regulatory review established in Executive Order 12866. To the extent permitted by law, agencies are required by Executive Order 13563 to: (1) Propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct

regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

DOE emphasizes as well that Executive Order 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. DOE believes that today's Final Rule is consistent with these principles, including the requirement that, to the extent permitted by law, agencies adopt a regulation only upon a reasoned determination that its benefits justify its costs and, in choosing among alternative regulatory approaches, those approaches maximize net benefits.

B. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction.

With regard to the review required by section 3(a), 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 section 3(a) and section 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; these regulations meet the relevant standards of Executive Order 12988.

C. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of a regulatory flexibility analysis 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. This rule will not have a significant impact on small entities as it applies to only for-profit entities (excluding small non-profits, individuals or other small entities not set up as a for-profit.) This rule also excludes small for-profit entities receiving awards through SBIR and STTR programs from many requirements. Historically the awards made by DOE under Subchapter D are to businesses considered large in their industry or field. Accordingly, DOE certifies that this rule would not have a significant economic impact on a substantial number of small entities, and, therefore, no regulatory flexibility analysis has been prepared.

D. Review Under the Paperwork Reduction Act

This rule would require the preparation and submission of a UCC financing statement for awards where the Federal share exceeds $1 million. This collection of information is required for the Department to protect the taxpayers by clarifying the rights to real property and equipment purchased under financial assistance awards.

The collection of information for DOE financial assistance awards has been approved by OMB under control number 1910–0400. Collection of the UCC–1 form is covered by this control number.

E. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this rule falls into a class of actions which would not individually or cumulatively have significant impact on the human environment, as determined by DOE's regulations (10 CFR part 1021, subpart D) implementing the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*). Specifically, this rule is categorically excluded from NEPA review because the amendments to the DEAR are strictly procedural (categorical exclusion A6). Therefore, this rule does not require an environmental impact statement or environmental assessment pursuant to NEPA.

F. Review Under Executive Order 13132

Executive Order 13132, 64 FR 43255 (August 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. DOE has examined today's rule and has determined that it does not preempt State law and does 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. No further action is required by Executive Order 13132.

G. Review Under the Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) generally requires a Federal agency to perform a detailed assessment of costs and benefits of any rule imposing a Federal Mandate with costs to State, local or tribal governments, or to the private sector, of $100 million or more. This rulemaking does not impose a Federal mandate on State, local or tribal governments or on the private sector.

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 or policy that may affect family well-being. This rule will have no impact on family well-being. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. 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 the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, a Statement of Energy Effects for any significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates 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 proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution and use. Today's rule is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

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

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 implementing guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed today's notice under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13609

Executive Order 13609 of May 1, 2012, ''Promoting International Regulatory Cooperation,'' requires that, to the extent permitted by law and consistent with the principles and requirements of Executive Order 13563 and Executive Order 12866, each Federal agency shall:

(a) If required to submit a Regulatory Plan pursuant to Executive Order 12866, include in that plan a summary of its international regulatory cooperation activities that are reasonably anticipated to lead to significant regulations, with an explanation of how these activities advance the purposes of Executive Order 13563 and this order;

(b) Ensure that significant regulations that the agency identifies as having significant international impacts are designated as such in the Unified Agenda of Federal Regulatory and Deregulatory Actions, on RegInfo.gov, and on Regulations.gov;

(c) In selecting which regulations to include in its retrospective review plan, as required by Executive Order 13563, consider:

(i) Reforms to existing significant regulations that address unnecessary differences in regulatory requirements between the United States and its major trading partners, consistent with section 1 of this order, when stakeholders provide adequate information to the agency establishing that the differences are unnecessary; and

(ii) Such reforms in other circumstances as the agency deems appropriate; and

(d) For significant regulations that the agency identifies as having significant international impacts, consider, to the extent feasible, appropriate, and consistent with law, any regulatory approaches by a foreign government that the United States has agreed to consider under a regulatory cooperation council work plan.

DOE has reviewed this rule under the provisions of Executive Order 13609 and determined that the rule complies with all requirements set forth in the order.

L. Approval by the Office of the Secretary of Energy

The Office of the Secretary of Energy has approved issuance of this rule.

M. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule prior to 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).

List of Subjects in 2 CFR Part 910

Accounting, Administrative practice and procedure, Grant programs, Reporting and recordkeeping requirements.

Issued in Washington, DC, on: August 21, 2015.

Patrick M. Ferraro

Director, Office of Acquisition Management.

Joseph F. Waddell,

Director, Office of Acquisition Management, National Nuclear Security Administration.

For the reasons stated in the preamble, the Department of Energy is amending part 910 of chapter II, title 2 of the Code of Federal Regulations to read as follows:

PART 910—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

■ 1. The authority citation for part 910 continues to read as follows:

Authority: 42 U.S.C. 7101 *et seq.*; 31 U.S.C. 6301–6308; 50 U.S.C. 2401 *et seq.*; 2 CFR part 200.

■ 2. Revise § 910.360 to read as follows:

§ 910.360 Real property and equipment.

(a) *Prior approvals for acquisition with Federal funds.* Recipients may purchase real property or equipment with an acquisition cost per unit of $5,000 or more in whole or in part with Federal funds only with the prior written approval of the contracting officer or in accordance with express award terms.

(b) *Title.* Unless a statute specifically authorizes and the award specifies that title to property vests unconditionally in the recipient, title to real property or equipment vests in the recipient, subject to all terms and conditions of the award and that the recipient shall:

(1) Use the real property or equipment for the authorized purposes of the project until funding for the project ceases, or until the real property or equipment is no longer needed for the purposes of the project, as may be determined by the contracting officer;

(2) Not encumber or permit any encumbrance on the real property or equipment without the prior written approval of the contracting officer;

(3) Use and dispose of the real property or equipment in accordance with paragraphs (e), (f), and (g) of this section; and

(4) Properly record, and consent to the Department's ability to properly record if the recipient fails to do so, UCC financing statement(s) for all equipment purchased with Federal funds (Financial assistance awards made under the Small Business Innovation Research/Small Business Technology Transfer (SBIR/STTR) program are exempt from this requirement unless otherwise specified within the grant agreement); such a filing is required when the Federal share of the financial assistance agreement is more than $1,000,000, and the Contracting Officer may require it in his or her discretion when the Federal share is less than $1,000,000. These financing statement(s) must be approved in writing by the contracting officer prior to the recording, and they shall provide notice that the recipient's title to all equipment (not real property) purchased with Federal funds under the financial assistance agreement is conditional pursuant to the terms of this section, and that the Government retains an undivided reversionary interest in the equipment. The UCC financing statement(s) must be filed before the contracting officer may reimburse the recipient for the Federal share of the equipment unless otherwise provided for in the relevant financial assistance agreement. The recipient shall further make any amendments to the financing statements or additional recordings,

including appropriate continuation statements, as necessary or as the contracting officer may direct.

(c) *Remedies.* If the recipient fails at any time to comply with any of the conditions or requirements of paragraph (b) of this section, then the contracting officer may:

(1) Notify the recipient of noncompliance in accordance with 2 CFR 200.338, which may lead to suspension or termination of the award;

(2) Impose special award conditions pursuant to 2 CFR 200.205 and 200.207 as amended by 2 CFR 910.372;

(3) Issue instructions to the recipient for disposition of the property in accordance with paragraph (g) of this section;

(4) In the case of a failure to properly record UCC financing statement(s) in accordance with paragraph (b)(4) of this section, effect such a recording; and

(5) Apply other remedies that may be legally available.

(d) *Title to and Federal interest in real property or equipment offered as cost-share.* As provided in 2 CFR 200.306(h), depending upon the purpose of the Federal award, a recipient may offer the fair market value of real property or equipment that is purchased with recipient's funds or that is donated by a third party to meet a portion of any required cost sharing or matching. If a resulting award includes such property as a portion of the recipient's cost share, the recipient holds conditional title to the property and the Government has an undivided reversionary interest in the share of the property value equal to the Federal participation in the project. The property is treated as if it had been acquired in part with Federal funds, and is subject to the provisions of paragraph (b) of this section and to the provisions of 2 CFR 200.311 and 200.313.

(e) *Insurance.* Recipients must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired with Federal funds as provided to property owned by the recipient.

(f) *Additional uses during and after the project period.* Unless a statute and the award terms expressly provide for the vesting of unconditional title to real property or equipment with the recipient, the real property or equipment acquired wholly or in part with Federal funds is subject to the following:

(1) During the Project Period, the recipient must make real property and equipment available for use on other projects or programs, if such other use does not interfere with the work on the project or program for which the real property or equipment was originally acquired. Use of the real property or equipment on other projects is subject to the following order of priority:

(i) Activities sponsored by DOE grants, cooperative agreements, or other assistance awards;

(ii) Activities sponsored by other Federal agencies' grants, cooperative agreements, or other assistance awards;

(iii) Activities under Federal procurement contracts or activities not sponsored by any Federal agency. If so used, use charges must be assessed to those activities. For real property or equipment, the use charges must be at rates equivalent to those for which comparable real property or equipment may be leased.

(2) After Federal funding for the project ceases, or if, as may be determined by the contracting officer, the real property or equipment is no longer needed for the purposes of the project, or if the recipient suspends work on the project, the recipient may use the real property or equipment for other projects, if:

(i) There are Federally sponsored projects for which the real property or equipment may be used;

(ii) The recipient obtains written approval from the contracting officer to do so. The contracting officer must ensure that there is a formal change of accountability for the real property or equipment to a currently funded Federal award; and

(iii) The recipient's use of the real property or equipment for other projects is in the same order of priority as described in paragraph (e)(1) of this section.

(iv) If the only use for the real property or equipment is for projects that have no Federal sponsorship, the recipient must proceed with disposition of the real property or equipment in accordance with paragraph (g) of this section.

(g) *Disposition.* (1) If, as determined by the contracting officer, an item of real property or equipment is no longer needed for Federally sponsored projects, or if the recipient has suspended work on the project, the recipient has the following options:

(i) If the property is equipment with a current per unit fair market value of less than $5,000, it may be retained, sold, or otherwise disposed of with no further obligation to DOE.

(ii) If the property is equipment (rather than real property) and with the written approval of the contracting officer, the recipient may replace it with an item that is needed currently for the project by trading in or selling to offset the costs of the replacement equipment.

(iii) The recipient may elect to retain title, without further obligation to the Federal Government, by compensating the Federal Government for that percentage of the current fair market value of the real property or equipment that is attributable to the Federal participation in the project.

(iv) If the recipient does not elect to retain title to real property or equipment or does not request approval to use equipment as trade-in or offset for replacement equipment, the recipient must request disposition instructions from the responsible agency.

(2) If a recipient requests disposition instructions, the contracting officer must:

(i) For either real property or equipment, issue instructions to the recipient for disposition of the property no later than 120 calendar days after the recipient's request. The contracting officer's options for disposition are to direct the recipient to:

(A) Transfer title to the real property or equipment to the Federal Government or to a third party designated by the contracting officer provided that, in such cases, the recipient is entitled to compensation for its attributable percentage of the current fair market value of the real property or equipment, plus any reasonable shipping or interim storage costs incurred; or

(B) Sell the real property or equipment and pay the Federal Government for that percentage of the current fair market value of the property that is attributable to the Federal participation in the project (after deducting actual and reasonable selling and fix-up expenses, if any, from the sale proceeds). If the recipient is authorized or required to sell the real property or equipment, the recipient must use competitive procedures that result in the highest practicable return.

(3) If the contracting officer fails to issue disposition instructions within 120 calendar days of the recipient's request, the recipient must dispose of the real property or equipment through the option described in paragraph (g)(2)(i)(B) of this section.

■ 3. Add § 910.364 to subpart D to read as follows:

§ 910.364 Reporting on utilization of subject inventions.

(a) Unless otherwise instructed, a recipient that obtains title to an invention made under an award shall submit annual reports on the utilization or efforts to obtain utilization of the invention for at least 10 years from the date the invention was first disclosed to DOE (Utilization Reports). Utilization

Reports shall include at least the following information:

(1) Status of development;

(2) Date of first commercial sale or use;

(3) Gross royalties received by the recipient;

(4) The location of any manufacture of products embodying the subject invention; and

(5) Any such other data and information as DOE may reasonably specify.

(b) To the extent data or information supplied in a Utilization Report is considered by the recipient to be privileged and confidential and is so marked by the recipient, DOE agrees that, to the extent permitted by law, it shall not disclose such information to persons outside the Government.

■ 4. Add § 910.366 to subpart D to read as follows:

§ 910.366 Export Control and U.S. Manufacturing and Competitiveness.

(a) *Export Control.* Any recipient of any award for research, development and/or demonstration must comply with all applicable U.S. laws regarding export control.

(b) *U.S. Manufacturing and Competitiveness.* It is the policy of DOE to ensure that DOE-funded research, development, and/or demonstration projects foster domestic manufacturing. Funding opportunity announcements (FOAs), therefore, may require that applicants submit a ''U.S. Manufacturing Plan'' in their applications. Such FOAs may encourage U.S. Manufacturing Plans to include proposals by recipients and any sub-recipients to manufacture DOE-funded technologies in the United States; however, the FOAs will also state that these plans should not include requirements regarding the source of inputs used during the manufacturing process. Regardless of whether such plans will be part of the merit review criteria or a program policy factor, and to the extent legally permissible, all awards subject to this subpart, including subawards, for research, development, and/or demonstration, must include a provision that provides plans by the recipient and any subrecipients to support manufacturing in the United States of technology developed under the award. The recipient and any subrecipients must agree to make those plans binding on any assignee or licensee or any entity otherwise acquiring rights to any subject invention or developed technology covered under the award. A recipient, subrecipient, assignee, licensee, or any entity otherwise acquiring the rights to any subject invention or developed technology may request a waiver or modification of U.S. manufacturing plans from DOE. DOE will determine whether to approve such a waiver in light of equitable considerations, including, for example, whether the requester satisfactorily shows that the planned support is not economically feasible and whether there is a satisfactory alternative net benefit to the U.S. economy if the requested waiver or modification is approved.

■ 5. Add § 910.368 to subpart D to read as follows:

§ 910.368 Change of control.

(a) Change of control is defined as any of the following:

(1) Any event by which any individual or entity other than the recipient becomes the beneficial owner of more than 50% of the total voting power of the voting stock of the recipient;

(2) The recipient merges with or into any entity other than in a transaction in which the shares of the recipient's voting stock are converted into a majority of the voting stock of the surviving entity;

(3) The sale, lease or transfer of all or substantially all of the assets of the recipient to any individual or entity other than the recipient in one or a series of related transactions;

(4) The adoption of a plan relating to the liquidation or dissolution of the recipient; or

(5) Where the recipient is a wholly-owned subsidiary at the time of award or novation, and the recipient's parent entity undergoes a change of control as defined in this section.

(b) When the Federal share of the financial assistance agreement is more than $10,000,000 or DOE requests the information in writing, the recipient must provide the contracting officer with documentation identifying all parties who exercise control in the recipient at the time of award.

(c) When there is a change of control of a recipient, or the recipient has reason to know a change of control is likely, the recipient must notify the contracting officer within 30 days of its knowledge of such change of control. Such notification must include, at a minimum, copies of documents necessary to reflect the transaction that resulted or will result in the change of control, and identification of all entities, individuals or other parties to such transaction. Failure to notify the contracting officer of a change of control is grounds for suspension or termination of the award for failure to comply with the terms and conditions of the award.

(d) The contracting officer must authorize a change of control for the purposes of the award. Failure to receive the contracting officer's authorization for a change of control may lead to a suspension of the award, termination for failure to comply with the terms and conditions of the award, or imposition of special award conditions pursuant to 2 CFR 910.372. Special award conditions may include but are not limited to:

(1) Additional reporting requirements related to the change of control; and

(2) Suspension of payments due to the recipient.

■ 6. Add § 910.370 to subpart D to read as follows:

§ 910.370 Novation of financial assistance agreements.

(a) Financial assistance agreements are not assignable absent written consent from the contracting officer. At his or her sole discretion, the contracting officer may, through novation, recognize a third party as the successor in interest to a financial assistance agreement if such recognition is in the Government's interest, conforms with all applicable laws and the third party's interest in the agreement arises out of the transfer of:

(1) All of the recipient's assets; or

(2) The entire portion of the assets necessary to perform the project described in the agreement.

(b) When the contracting officer determines that it is not in the Government's interest to consent to the novation of a financial assistance agreement from the original recipient to a third party, the original recipient remains subject to the terms of the financial assistance agreement, and the Department may exercise all legally available remedies under 2 CFR 200.338 through 200.342, or that may be otherwise available, should the original recipient not perform.

(c) The contracting officer may require submission of any documentation in support of a request for novation, including but not limited to documents identified in 48 CFR Subpart 42.12. The contracting officer may use the format in 48 CFR 42.1204 as guidance for novation agreements identified in paragraph (a) of this section.

■ 7. Add § 910.372 to subpart D to read as follows:

§ 910.372 Special award conditions.

(a) In addition to the requirements of 2 CFR 200.205, the following actions may require the use of Specific Conditions as identified in 2 CFR 200.207:

(1) Has not conformed to the terms and conditions of a previous award;

(2) Has a change of control as defined in § 910.368;

(3) Fails to comply with real property and equipment requirements at § 910.360; or

(4) Is not otherwise responsible.

[FR Doc. 2015–21693 Filed 9–2–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 271, 273, 274, and 275

RIN 0584–AE48

Supplemental Nutrition Assistance Program (SNAP): Agricultural Act of 2014 Nondiscretionary Provisions

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Final rule.

SUMMARY: The Food and Nutrition Service (FNS) of the Department of Agriculture (USDA) is amending Supplemental Nutrition Assistance Program (SNAP or Program) regulations to codify certain nondiscretionary provisions of the Agricultural Act of 2014 (the ''2014 Farm Bill'').

This final rule excludes medical marijuana from being treated as an allowable medical expense for the purposes of determining the excess medical expense deduction under SNAP. This rule also amends multiple SNAP regulations pursuant to nondiscretionary changes under the 2014 Farm Bill related to Quality Control (QC). This rule updates the QC error tolerance threshold to no more than $37 for Fiscal Year (FY) 2014. For FY 2015 and thereafter, the QC tolerance level will be set annually based on an adjustment in the Thrifty Food Plan (TFP). In addition, this rule eliminates USDA's ability to waive any portion of a State's QC liability amount, except as provided in SNAP regulations that requires State agencies to use SNAP High Performance Bonus Payments only for SNAP administrative expenses including investments in technology, improvements in administration and distribution, and actions to prevent fraud, waste and abuse. Finally, this rule amends SNAP regulations pertaining to the use of SNAP benefits to pay for container deposit fees. The 2014 Farm Bill prohibits SNAP benefits from being used to pay for container deposit fees in excess of any State fee reimbursement required to purchase food in a returnable bottle or can.

DATES: This rule will become effective on November 2, 2015.

FOR FURTHER INFORMATION CONTACT: Vicky T. Robinson, FNS, 3101 Park Center Drive, Room #418, Alexandria, VA 22302, 703–305–2476.

SUPPLEMENTARY INFORMATION:

I. Background

General

On February 7, 2014, the President signed the 2014 Farm Bill. Amendments exclude medical marijuana from allowable medical expense deductions for SNAP purposes, update the QC error tolerance threshold for Fiscal Year (FY) 2014 and index this amount for FY 2015 and thereafter based on an adjustment in the Thrifty Food Plan (TFP), eliminate the Department's ability to waive any portion of a State's QC Liability amount except as provided in SNAP regulations at 7 CFR 275.23(f), ensure that State agencies may use High Performance Bonus Payments only for SNAP administrative expenses, and prohibit SNAP benefits from being used to pay for container deposit fees in excess of the State fee reimbursement.

Medical Marijuana

USDA is amending SNAP regulations at 7 CFR part 273 in accordance with Section 4005 of the 2014 Farm Bill. Under Section 4005, USDA is instructed to promulgate regulations to explicitly prohibit States from utilizing the excess medical deduction to deduct medical marijuana costs from a household's income for SNAP purposes.

Under the Controlled Substances Act, 21 U.S.C. 801 *et seq.,* marijuana is a Schedule I controlled substance that has no currently accepted medical use and cannot be prescribed for medicinal purposes. 21 U.S.C. 812(b)(1)(C). SNAP is a Federal program and must conform to Federal law regarding illegal substances. Therefore, marijuana and other Schedule I controlled substances are not allowable medical expenses under SNAP. USDA is incorporating this requirement into the regulations at new subsection 7 CFR 273.9(d)(3)(iii)(B).

Error Tolerance Threshold

Section 16 (c)(1)(A)(ii)(I) of the Food and Nutrition Act of 2008 was amended by Section 4019 of the 2014 Farm Bill to require that the Secretary set the tolerance level for excluding small errors for fiscal year 2014, at an amount not greater than $37. Until that point in time, the QC tolerance level was at $50, meaning only variances that exceed $50 were included in the calculation of the payment error rate. This threshold does not excuse a State from following correction or claims procedures for any over or under issuance that is under the tolerance level. Typically, changes that affect the QC review period are made effective the upcoming fiscal year so that State and Federal QC reviewers can prepare for the procedural and systematic changes required. However, since the QC review period for FY 2014 had already begun when the Act was signed, the Department was required to take immediate action at that point on announcement of a new threshold, and established the new $37 threshold through an implementing memorandum on March 21, 2014. This rule codifies what was put in place via that implementing memorandum.

Section 4019 of the 2014 Farm Bill also requires USDA to adjust FY 2014's threshold by the percentage by which the Thrifty Food Plan (TFP) is adjusted under Section 3(u)(4) of the Food and Nutrition Act of 2008. The Department uses three TFPs to establish benefit levels, one for the 48 contiguous States and District of Columbia, one for Alaska, and one for Hawaii. Although there are different TFPs used in SNAP benefit calculation, the Department is required to have one national performance measure for State payment error rates. For that reason, the Department has concluded that it has no discretion in using a single TFP-related adjustment mechanism for all States.

For FY 2015, the Department adjusted the threshold amount by using the TFP for the 48 contiguous States and District of Columbia as the TFP baseline for all 53 State agencies, resulting in a tolerance level of $38 for FY 2015. In this final rule, the Department is establishing that the threshold will be adjusted each year by using the TFP for the 48 contiguous States and District of Columbia. A policy memo will be issued to States notifying them of the adjustment to the threshold amount at the start of each QC review period.

Liability Amount Determinations

After each fiscal year, in accordance with regulatory requirements, a determination is made for each State agency as to whether or not that FY's QC Error Rate would lead to the State being assessed a liability amount. State agencies assessed liabilities are given the opportunity to pay their liabilities in full or designate 50 percent of the liability amount as at-risk for repayment if a liability amount for an excessive payment error rate is established for the following FY. State agencies must then designate the other 50 percent of the liability amount to be used for new investment in approved activities to

improve the administration of SNAP. In addition, States have the right to appeal their QC Liability amount in order to provide justification for why they were otherwise unable to effectively administer the program for that fiscal year.

Previously USDA had the authority to waive all or a portion of the liability, regardless of whether or not a State chose to appeal their QC Liability amount. While the Department has not utilized this authority with the current sanction system, the 2014 Farm Bill has provided that no portion of a State agency's liability amount is allowed to be waived by the Department, thereby negating existing regulatory provisions at § 275.23(f). Therefore, to comply with this change, the Department is removing the regulatory language which allowed USDA such authority at § 275.23(e)(1)(i) and moving the language at § 275.23(e)(1)(ii), § 275.23(e)(1)(iii), and § 275.23(e)(1)(iv) up to become § 275.23(e)(1)(i) and § 275.23(e)(1)(ii), and § 275.23(e)(1)(iii).

High Performance Bonuses

Previously, although the Department encouraged States to invest performance bonus money into program improvements and preventing fraud, there were no restrictions on how States could spend the bonus money they received. However, section 4021 of the Act now requires State awardees to spend their bonus money exclusively on SNAP administrative expenses. Congress' intent, written in the Act, is for States to use this bonus money to ''carry out the program established under this Act (the Food and Nutrition Act of 2008), including investments in technology, improvements in administration and distribution; and actions to prevent fraud, waste, and abuse.'' Therefore, USDA is adding regulatory language that prohibits the use of bonus payments for household benefits, including incentive payments, and requires States awarded SNAP High Performance Bonuses to inform the Department of their intended plans for said bonus payments prior to expenditure in order to verify they will be used in a manner with which they were intended.

Container Deposit Fees

In accordance with Section 4001 of the 2014 Farm Bill, SNAP benefits may not be used to pay for container deposit fees in excess of the amount of any fee reimbursement established under State law. SNAP benefits may only be used to pay the amount required by the State and only for containers that meet the criteria covered in the State law. If an entity other than the State, such as the manufacturer, imposes a deposit fee in excess that must be paid to purchase a food product, the fee cannot be paid with SNAP benefits. Instead, the fee must be paid separately in cash or other form of payment. The prohibition applies regardless of whether the fee is included in the shelf price posted for the item.

SNAP regulations already provide that clients who purchase, with SNAP benefits, products that have container deposits for the purpose of subsequently discarding the product and returning the container in exchange for a cash refund of the deposit may be disqualified from the Program for trafficking. This provision helps strengthen SNAP regulations to prevent fraud and abuse by limiting the ability of SNAP clients to use their benefits to pay for container deposit fees and, therefore, reducing the amount of the cash refund they would be able to obtain when returning the container.

Currently the following ten States have some type of State container deposit fee requirement: California, Connecticut, Hawaii, Iowa, Massachusetts, Maine, Michigan, New York, Oregon, and Vermont. State law establishes the deposit amount and the types and sizes of containers covered by the law. When purchasing a container with a State deposit requirement, the consumer pays the deposit to the retailer and receives a refund when an empty container is returned to a retailer or redemption center.

If a SNAP eligible product has a State deposit fee associated with it, the product remains eligible for purchase with SNAP benefits. In addition, the State deposit fee may be paid with SNAP benefits; however, any additional deposit fee amount in excess of the State deposit fee must be paid in cash or another form of payment other than SNAP benefits.

In order to codify this provision of the 2014 Farm Bill, the Department is modifying the definition of ''Eligible Foods'' at 7 CFR 271.2 to exclude any deposit fees in excess of the amount of the State deposit fee, regardless of whether the fee is included in the shelf price of the food or food product.

USDA is also amending SNAP regulations at 7 CFR 274.7, so that program benefits may not be used to pay for deposit fees in excess of the amount of the State fee reimbursement required to purchase any SNAP-eligible food item contained in a returnable bottle or can.

II. Procedural Matters

Issuance of a Final Rule

The Department has determined that this rule is appropriate for final rulemaking because we believe these amendments to be noncontroversial and because these provisions are nondiscretionary as they are required by the Act.

Regulatory Impact Analysis

This final rule has been designated as not significant by OMB.

Executive Order 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This final rule has been determined to be not significant and was not reviewed by the Office of Management and Budget (OMB) in conformance with Executive Order 12866.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires Agencies to analyze the impact of rulemaking on small entities and consider alternatives that would minimize any significant impacts on a substantial number of small entities. Pursuant to that review, it has been certified that this final rule would not have a significant impact on a substantial number of small entities.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and Tribal governments and the private sector. Under section 202 of the UMRA, the Department generally must prepare a written statement, including a cost benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local or Tribal governments, in the aggregate, or the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, Section 205 of the UMRA generally requires the Department to identify and consider a reasonable number of regulatory alternatives and adopt the most cost

effective or least burdensome alternative that achieves the objectives of the rule.

This final rule does not contain Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local and Tribal governments or the private sector of $100 million or more in any one year. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12372

The Supplemental Nutrition Assistance Program (SNAP) is listed in the Catalog of Federal Domestic Assistance Programs under 10.551. For the reasons set forth in the final rule in 7 CFR part 3015, subpart V, and related Notice (48 FR 29115, June 24, 1983), this program is excluded in the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

FNS has assessed the impact of this rule on Indian tribes and determined that this rule does not, to our knowledge, have tribal implications that require tribal consultation under EO 13175. On February 18, 2015, the agency held a webinar for tribal participation and comments. If a Tribe requests consultation, FNS will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress.

Executive Order 13132

Executive Order 13132 requires Federal agencies to consider the impact of their regulatory actions on State and local governments. Where such actions have federalism implications, agencies are directed to provide a statement for inclusion in the preamble to the regulations describing the agency's considerations in terms of the three categories called for under Section (6)(b)(2)(B) of Executive Order 13132. USDA has considered this rule's impact on State and local agencies and has determined that it does not have Federalism implications.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full and timely implementation. State agencies were required to apply the threshold changes in this rule to all cases as of the FY 2014 QC review period. All other changes in this rule were effective immediately upon enactment of the Act, except the medical marijuana and container deposit fees changes which are not intended to have retroactive effect unless so specified in the Effective Dates section. Prior to any judicial challenge to the provisions of the final rule, all applicable administrative procedures must be exhausted.

Civil Rights Impact Analysis

The Department has reviewed this rule in accordance with the Department Regulation 4300–4, ''Civil Rights Impact Analysis,'' to identify and address any major civil rights impacts the rule might have on minorities, women, and persons with disabilities. After a careful review of the rule's intent and provisions, the Department has determined that this rule will not in any way limit or reduce the ability of protected classes of individuals to participate in SNAP. USDA has no data pertaining to the medical marijuana change. The change to container deposit fees does not apply to the certification determinations made on the intended beneficiaries of the SNAP. Quality Control procedures are designed to evaluate the accuracy of the application of SNAP certification policy and therefore, the evaluation procedures do not impact protected classes or individuals.

Paperwork Reduction Act

Information collections associated with the changes to the Quality Control error tolerance threshold have been approved under following OMB control numbers: 0584–0074, Worksheet for SNAP Quality Control Reviews (expiration date May 31, 2016), and 0584–0299 Form FNS–380–1, Quality Control Review Schedule, Form FNS–380–1 (February 29, 2016). Other changes in this rule do not contain information collection requirements subject to approval by the Office of Management and Budget under the Paperwork Reduction Act of 1994.

E-Government Act Compliance

USDA is committed to complying with the E-Government Act, 2002, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

List of Subjects

7 CFR Part 271

Food stamps, Grant programs—social programs, Reporting and recordkeeping requirements.

7 CFR Part 273

Administrative practice and procedures, Aliens, Claims, Supplemental Nutrition Assistance Program, Fraud, Grant programs—social programs, Penalties, Reporting and recordkeeping requirements, Social Security, Students.

7 CFR Part 274

Food stamps, Grant programs—social programs, Reporting and recordkeeping requirements.

7 CFR Part 275

Administrative practice and procedure, Supplemental Nutrition Assistance Program, Reporting, and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR parts 271, 273, 274, and 275 are amended as follows:

PART 271—GENERAL INFORMATION AND DEFINITIONS

■ 1. The authority citation for part 271 continues to read as follows:

Authority: 7 U.S.C. 2011–2036.

§ 271.2 [Amended]

■ 2. In § 271.2, amend the definition of *Eligible foods* by adding, at the end of paragraph (1), the words ''and any deposit fee in excess of the amount of the State fee reimbursement (if any) required to purchase any food or food product contained in a returnable bottle, can, or other container, regardless of whether the fee is included in the shelf price posted for the food or food product'':

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

■ 3. The authority citation for part 273 continues to read as follows:

Authority: 7 U.S.C. 2011–2036.

■ 4. In § 273.9, revise paragraph (d)(3)(iii) to read as follows:

§ 273.9 Income and deductions.

* * * * *

(d) * * *

(3) * * *

(iii) Prescription drugs, when prescribed by a licensed practitioner authorized under State law, and other over-the-counter medication (including insulin), when approved by a licensed practitioner or other qualified health professional.

(A) *Medical supplies and equipment.* Costs of medical supplies, sick-room equipment (including rental) or other prescribed equipment are deductible;

(B) *Exclusions.* The cost of any Schedule I controlled substance under The Controlled Substances Act, 21 U.S.C. 801 *et seq.,* and any expenses associated with its use, are not deductible.

* * * * *

PART 274—ISSUANCE AND USE OF PROGRAM BENEFITS

■ 5. The authority citation for part 274 continues to read as follows:

Authority: 7 U.S.C. 2011–2036.

■ 6. In § 274.7, add paragraph (j) to read as follows:

§ 274.7 Benefits redemption by eligible households.

* * * * *

(j) *Container deposit fees.* Program benefits may not be used to pay for deposit fees in excess of the amount of the State fee reimbursement required to purchase any food or food product contained in a returnable bottle or can, regardless of whether the fee is included in the shelf price posted for item. The returnable container type and fee must be included in State law in order for the customer to be able to pay for the upfront deposit with SNAP benefits. If a SNAP eligible product has a State deposit fee associated with it, the product remains eligible for purchase with SNAP benefits, and the State deposit fee may be paid with SNAP as well; however, any fee in excess of the State deposit fee must be paid in cash or other form of payment other than with SNAP benefits.

PART 275—PERFORMANCE REPORTING SYSTEM

■ 7. The authority citation for part 275 continues to read as follows:

Authority: 7 U.S.C. 2011–2036.

■ 8. In § 275.12, revise paragraph (f)(2) to read as follows:

§ 275.12 Review of active cases.

* * * * *

(f) * * *

(2) *Basis of issuance of errors.* If the reviewer determines that SNAP allotments were either overissued or underissued to eligible households in the sample month, the State agency shall code and report any variances that directly contributed to the error determination that were discovered and verified during the course of the review. For fiscal year 2014, only variances that exceed $37.00 (the threshold) shall be included in the calculation of the underissuance error rate, overissuance error rate, and payment error. For fiscal years 2015 and thereafter, this QC tolerance level shall be adjusted annually by the percentage by which the Thrifty Food Plan (TFP) for the 48 contiguous States and the District of Columbia is adjusted. If the State agency has chosen to report information on all variances in elements of eligibility and basis of issuance, the reviewer shall code and report any other such variances that were discovered and verified during the course of the review.

* * * * *

■ 9. In § 275.23:

■ a. Revise paragraphs (e)(1)(i) through (iii).

■ b. Remove paragraph (e)(1)(iv).

The revisions read as follows:

§ 275.23 Determination of State agency program performance.

* * * * *

(e) * * *

(1) * * *

(i) Require the State agency to invest up to 50 percent of the liability in activities to improve program administration (new investment money shall not be matched by Federal funds) and

(ii) Designate up to 50 percent of the liability as ''at-risk'' for repayment if a liability is established based on the State agency's payment error rate for the subsequent fiscal year, or

(iii) Choose any combination of these options.

* * * * *

■ 10. In § 275.24, add paragraph (a)(8) to read as follows:

§ 275.24 High performance bonuses.

(a) * * *

(8) Bonus award money shall be used only on SNAP-related expenses including, but not limited to, investments in technology; improvements in administration and distribution; and actions to prevent fraud, waste and abuse.

(i) Bonus payments shall not be used for household benefits, including incentive payments.

(ii) State agency awardees shall submit their intended spending plans of bonus payments to FNS to verify appropriate use.

* * * * *

Dated: August 27, 2015.

Audrey Rowe,

Administrator, Food and Nutrition Service.

[FR Doc. 2015–21906 Filed 9–2–15; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1205

[Doc. # AMS–CN–14–0098]

Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports (2015 Amendments)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is amending the Cotton Board Rules and Regulations, decreasing the value assigned to imported cotton for the purposes of calculating supplemental assessments collected for use by the Cotton Research and Promotion Program. This amendment is required each year to ensure that assessments collected on imported cotton and the cotton content of imported products will be the same as those paid on domestically produced cotton.

DATES: This direct rule is effective November 2, 2015, without further action or notice, unless significant adverse comment is received by October 5, 2015. If significant adverse comment is received, AMS will publish a timely withdrawal of the amendment in the **Federal Register**.

ADDRESSES: Written comments may be submitted to the addresses specified below. All comments will be made available to the public. Please do not include personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publically disclosed. All comments may be posted on the Internet and can be retrieved by most Internet search engines. Comments may be submitted anonymously.

Comments, identified by AMS–CN–14–0098, may be submitted electronically through the *Federal*

eRulemaking Portal at http://www.regulations.gov. Please follow the instructions for submitting comments. In addition, comments may be submitted by *mail or hand delivery to* Cotton Research and Promotion Staff, Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406. Comments should be submitted in triplicate. All comments received will be made available for public inspection at Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406. A copy of this document may be found at: *www.regulations.gov* .

FOR FURTHER INFORMATION CONTACT: Shethir M. Riva, Chief, Research and Promotion Staff, Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406, telephone (540) 361–2726, facsimile (540) 361–1199, or email at *Shethir.Riva@ams.usda.gov*.

SUPPLEMENTARY INFORMATION:

A. Background

Amendments to the Cotton Research and Promotion Act (7 U.S.C. 2101–2118) (Act) were enacted by Congress under Subtitle G of Title XIX of the Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. 101–624, 104 stat. 3909, November 28, 1990). These amendments contained two provisions that authorize changes in the funding procedures for the Cotton Research and Promotion Program. These provisions provide for: (1) The assessment of imported cotton and cotton products; and (2) termination of refunds to cotton producers. (Prior to the 1990 amendments to the Act, producers could request assessment refunds.)

As amended, the Cotton Research and Promotion Order (7 CFR part 1205) (Order) was approved by producers and importers voting in a referendum held July 17–26, 1991, and the amended Order was published in the **Federal Register** on December 10, 1991, (56 FR 64470). A proposed rule implementing the amended Order was published in the **Federal Register** on December 17, 1991, (56 FR 65450). Implementing rules were published on July 1 and 2, 1992, (57 FR 29181) and (57 FR 29431), respectively.

This direct final rule would amend the value assigned to imported cotton in the Cotton Board Rules and Regulations (7 CFR 1205.510(b)(2)) that is used to determine the Cotton Research and Promotion assessment on imported cotton and cotton products. The total value of assessment levied on cotton imports is the sum of two parts. The first part of the assessment is based on the weight of cotton imported—levied at a rate of $1 per bale of cotton, which is equivalent to 500 pounds, or $1 per 226.8 kilograms of cotton. The second part of the import assessment (referred to as the supplemental assessment) is based on the value of imported cotton lint or the cotton contained in imported cotton products—levied at a rate of five-tenths of one percent of the value of domestically produced cotton.

Section 1205.510(b)(2) of the Cotton Research and Promotion Rules and Regulations provides for assigning the calendar year weighted average price received by U.S. farmers for Upland cotton to represent the value of imported cotton. This is so that the assessment on domestically produced cotton and the assessment on imported cotton and the cotton content of imported products is the same. The source for the average price statistic is *Agricultural Prices*, a publication of the National Agricultural Statistics Service (NASS) of the Department of Agriculture. Use of the weighted average price figure in the calculation of supplemental assessments on imported cotton and the cotton content of imported products will yield an assessment that is the same as assessments paid on domestically produced cotton.

The current value of imported cotton as published in 2014 in the **Federal Register** (79 FR 36183) for the purpose of calculating assessments on imported cotton is $0.012728 per kilogram. Using the Average Weighted Price received by U.S. farmers for Upland cotton for the calendar year 2014, this direct final rule would amend the new value of imported cotton to $0.012013 per kilogram to reflect the price paid by U.S. farmers for Upland cotton during 2014.

An example of the complete assessment formula and how the figures are obtained is as follows:

One bale is equal to 500 pounds.
One kilogram equals 2.2046 pounds.
One pound equals 0.453597 kilograms.

One Dollar per Bale Assessment Converted to Kilograms

A 500-pound bale equals 226.8 kg. (500 × 0.453597).

$1 per bale assessment equals $0.002000 per pound or $0.2000 cents per pound (1/500) or $0.004409 per kg or $0.4409 cents per kg. (1/226.8).

Supplemental Assessment of 5/10 of One Percent of the Value of the Cotton Converted to Kilograms.

The 2014 calendar year weighted average price received by producers for Upland cotton is $0.690 per pound or $1.521 per kg. (0.690 × 2.2046).

Five tenths of one percent of the average price equals $0.007604 per kg. (1.521 × 0.005).

Total Assessment

The total assessment per kilogram of raw cotton is obtained by adding the $1 per bale equivalent assessment of $0.004409 per kg. and the supplemental assessment $0.007604 per kg., which equals $0.012013 per kg.

The current assessment on imported cotton is $0.012728 per kilogram of imported cotton. The revised assessment in this direct final rule is $0.012013, a decrease of $0.000715 per kilogram. This decrease reflects the decrease in the average weighted price of Upland cotton received by U.S. farmers during the period January through December 2014.

Import Assessment Table in section 1205.510(b)(3) indicates the total assessment rate ($ per kilogram) due for each Harmonized Tariff Schedule (HTS) number that is subject to assessment. This table must be revised each year to reflect changes in supplemental assessment rates and any changes to the HTS numbers. In this direct final rule, AMS is amending the Import Assessment Table.

AMS believes that these amendments are necessary to ensure that assessments collected on imported cotton and the cotton content of imported products are the same as those paid on domestically produced cotton. Accordingly, changes reflected in this rule should be adopted and implemented as soon as possible since it is required by regulation.

B. Good Cause Finding That Proposed Rulemaking Is Unnecessary

Rulemaking under section 553 of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) ordinarily involves publication of a notice of proposed rulemaking in the **Federal Register** and the public is given an opportunity to comment on the proposed rule; however, an agency may issue a rule without prior notice and comment procedures if it determines for good cause that public notice and comment procedures are impracticable, unnecessary, or contrary to the public interest for such rule, and incorporates a statement of the finding with the underlying reasons in the final rule issued.

As described in this **Federal Register** document, the amendment to the value used to determine the Cotton Research and Promotion Program importer assessment will be updated to reflect the assessment already paid by U.S. farmers. For the reasons mentioned in section A of this preamble, AMS finds that publishing a proposed rule and

seeking public comment is unnecessary because the change is required annually by regulation in 7 CFR 1205.510.

Also, this direct-final rulemaking furthers the objectives of Executive Order 13563, which requires that the regulatory process ''promote predictability and reduce uncertainty'' and ''identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends.''

Notwithstanding the foregoing, in the ''Proposed Rules'' section of today's **Federal Register**, AMS is publishing a separate document that will serve as a notice of proposal to amend part 7 CFR part 1205 as described in this direct final rule. If AMS receives significant adverse comment during the comment period, it will publish, in a timely manner, a document in the **Federal Register** withdrawing this direct final rule. AMS will then address public comments in a subsequent final rule based on the proposed rule. AMS will not institute a second comment period on this rule. Any parties interested in commenting must do so during this comment period.

C. Regulatory Impact Analysis

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to access all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This action has been designated as a ''non-significant regulatory action'' under § 3(f) of Executive Order 12866, and therefore, review has been waived, and this action has not been reviewed by the Office of Management and Budget.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 12 of the Act, any person subject to an order may file with the Secretary of Agriculture (Secretary) a petition stating that the order, any provision of the plan, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. Such person is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the District Court of the United States in any district in which the person is an inhabitant, or has his principal place of business, has jurisdiction to review the Secretary's ruling, provided a complaint is filed within 20 days from the date of the entry of the Secretary's ruling.

Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has examined the economic impact of this rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such action so that small businesses will not be unduly or disproportionately burdened. The Small Business Administration defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than $750,000 and small agricultural service firms (importers) as having receipts of no more than $7,000,000. In 2014, an estimated 20,000 importers are subject to the rules and regulations issued pursuant to the Cotton Research and Promotion Order. Most are considered small entities as defined by the Small Business Administration.

This rule would only affect importers of cotton and cotton-containing products and would lower the assessments paid by the importers under the Cotton Research and Promotion Order. The current assessment on imported cotton is $0.012728 per kilogram of imported cotton. The proposed assessment is $0.012013, which was calculated based on the 12-month weighted average of price received by U.S. cotton farmers. Section 1205.510, ''Levy of assessments'', provides ''the rate of the supplemental assessment on imported cotton will be the same as that levied on cotton produced within the United States.'' In addition, section 1205.510 provides that the 12-month weighted average of prices received by U.S. farmers will be used as the value of imported cotton for the purpose of levying the supplemental assessment on imported cotton.

Under the Cotton Research and Promotion Program, assessments are used by the Cotton Board to finance research and promotion programs designed to increase consumer demand for Upland cotton in the United States and international markets. In 2013 (the last audited year), producer assessments totaled $36.9 million and importer assessments totaled $42.2 million. According to the Cotton Board, should the volume of cotton products imported into the U.S. remain at the same level in 2014, one could expect a decrease of assessments by approximately $2,442,758.

Importers with line-items appearing on U.S. Customs and Border Protection documentation with value of the cotton contained therein which results in an assessment of two dollars ($2.00) or less will not be subject to assessments. In addition, imported organic cotton and products may be exempt from assessment if eligible under section 1205.519 of the Order.

There are no Federal rules that duplicate, overlap, or conflict with this rule.

In compliance with Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act (PRA) (44 U.S.C. Chapter 35) the information collection requirements contained in the regulation to be amended have been previously approved by OMB and were assigned control number 0581–0093, National Research, Promotion, and Consumer Information Programs. This rule does not result in a change to the information collection and recordkeeping requirements previously approved.

A 30-day comment period is provided to comment on the changes to the Cotton Board Rules and Regulations proposed herein. This period is deemed appropriate because this rule would decrease the assessments paid by importers under the Cotton Research and Promotion Order. An amendment is required to adjust the assessments collected on imported cotton and the cotton content of imported products to be the same as those paid on domestically produced cotton. Accordingly, the change in this rule, if adopted, should be implemented as soon as possible.

List of Subjects in 7 CFR Part 1205

Advertising, Agricultural research, Cotton, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, AMS amends 7 CFR part 1205 as follows:

PART 1205—COTTON RESEARCH AND PROMOTION

■ 1. The authority citation for Part 1205 continues to read as follows:

Authority: 7 U.S.C. 2101–2118.

■ 2. In § 1205.510, paragraph (b)(2) and the table in paragraph (b)(3)(ii) are revised to read as follows:

§ 1205.510 Levy of assessments.

* * * * *

(b) * * *

(2) The 12-month average of monthly weighted average prices received by U.S. farmers will be calculated annually. Such weighted average will be used as the value of imported cotton for the purpose of levying the supplemental assessment on imported cotton and will be expressed in kilograms. The value of imported cotton for the purpose of levying this supplemental assessment is $1.2013 cents per kilogram.

(3) * * *

(ii) * * *

IMPORT ASSESSMENT TABLE

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
5007106010	0.2713	0.32591
5007106020	0.2713	0.32591
5007906010	0.2713	0.32591
5007906020	0.2713	0.32591
5112904000	0.1085	0.13034
5112905000	0.1085	0.13034
5112909010	0.1085	0.13034
5112909090	0.1085	0.13034
5201000500	0	1.2013
5201001200	0	1.2013
5201001400	0	1.2013
5201001800	0	1.2013
5201002200	0	1.2013
5201002400	0	1.2013
5201002800	0	1.2013
5201003400	0	1.2013
5201003800	0	1.2013
5204110000	1.0526	1.26449
5204190000	0.6316	0.75874
5204200000	1.0526	1.26449
5205111000	1	1.2013
5205112000	1	1.2013
5205121000	1	1.2013
5205122000	1	1.2013
5205131000	1	1.2013
5205132000	1	1.2013
5205141000	1	1.2013
5205142000	1	1.2013
5205151000	1	1.2013
5205152000	1	1.2013
5205210020	1.044	1.25416
5205210090	1.044	1.25416
5205220020	1.044	1.25416
5205220090	1.044	1.25416
5205230020	1.044	1.25416
5205230090	1.044	1.25416
5205240020	1.044	1.25416
5205240090	1.044	1.25416
5205260020	1.044	1.25416
5205260090	1.044	1.25416
5205270020	1.044	1.25416
5205270090	1.044	1.25416
5205280020	1.044	1.25416
5205280090	1.044	1.25416
5205310000	1	1.2013
5205320000	1	1.2013
5205330000	1	1.2013
5205340000	1	1.2013
5205350000	1	1.2013
5205410020	1.044	1.25416
5205410090	1.044	1.25416
5205420021	1.044	1.25416
5205420029	1.044	1.25416
5205420090	1.044	1.25416
5205430021	1.044	1.25416
5205430029	1.044	1.25416
5205430090	1.044	1.25416
5205440021	1.044	1.25416
5205440029	1.044	1.25416
5205440090	1.044	1.25416
5205460021	1.044	1.25416
5205460029	1.044	1.25416
5205460090	1.044	1.25416
5205470021	1.044	1.25416
5205470029	1.044	1.25416
5205470090	1.044	1.25416
5205480020	1.044	1.25416
5205480090	1.044	1.25416
5206110000	0.7368	0.88512
5206120000	0.7368	0.88512
5206130000	0.7368	0.88512
5206140000	0.7368	0.88512
5206150000	0.7368	0.88512
5206210000	0.7692	0.92404
5206220000	0.7692	0.92404
5206230000	0.7692	0.92404
5206240000	0.7692	0.92404
5206250000	0.7692	0.92404
5206310000	0.7368	0.88512
5206320000	0.7368	0.88512
5206330000	0.7368	0.88512
5206340000	0.7368	0.88512
5206350000	0.7368	0.88512
5206410000	0.7692	0.92404
5206420000	0.7692	0.92404
5206430000	0.7692	0.92404
5206440000	0.7692	0.92404
5206450000	0.7692	0.92404
5207100000	0.9474	1.13811
5207900000	0.6316	0.75874
5208112020	1.0852	1.30365
5208112040	1.0852	1.30365
5208112090	1.0852	1.30365
5208114020	1.0852	1.30365
5208114040	1.0852	1.30365
5208114060	1.0852	1.30365
5208114090	1.0852	1.30365
5208116000	1.0852	1.30365
5208118020	1.0852	1.30365
5208118090	1.0852	1.30365
5208124020	1.0852	1.30365
5208124040	1.0852	1.30365
5208124090	1.0852	1.30365
5208126020	1.0852	1.30365
5208126040	1.0852	1.30365
5208126060	1.0852	1.30365
5208126090	1.0852	1.30365
5208128020	1.0852	1.30365
5208128090	1.0852	1.30365
5208130000	1.0852	1.30365
5208192020	1.0852	1.30365
5208192090	1.0852	1.30365
5208194020	1.0852	1.30365
5208194090	1.0852	1.30365
5208196020	1.0852	1.30365
5208196090	1.0852	1.30365
5208198020	1.0852	1.30365
5208198090	1.0852	1.30365
5208212020	1.0852	1.30365
5208212040	1.0852	1.30365
5208212090	1.0852	1.30365
5208214020	1.0852	1.30365
5208214040	1.0852	1.30365
5208214060	1.0852	1.30365
5208214090	1.0852	1.30365
5208216020	1.0852	1.30365
5208216090	1.0852	1.30365
5208224020	1.0852	1.30365
5208224040	1.0852	1.30365
5208224090	1.0852	1.30365
5208226020	1.0852	1.30365
5208226040	1.0852	1.30365
5208226060	1.0852	1.30365
5208226090	1.0852	1.30365
5208228020	1.0852	1.30365
5208228090	1.0852	1.30365
5208230000	1.0852	1.30365
5208292020	1.0852	1.30365
5208292090	1.0852	1.30365
5208294020	1.0852	1.30365
5208294090	1.0852	1.30365
5208296020	1.0852	1.30365
5208296090	1.0852	1.30365
5208298020	1.0852	1.30365
5208298090	1.0852	1.30365
5208312000	1.0852	1.30365
5208314020	1.0852	1.30365
5208314040	1.0852	1.30365
5208314090	1.0852	1.30365
5208316020	1.0852	1.30365
5208316040	1.0852	1.30365
5208316060	1.0852	1.30365
5208316090	1.0852	1.30365
5208318020	1.0852	1.30365
5208318090	1.0852	1.30365
5208321000	1.0852	1.30365
5208323020	1.0852	1.30365
5208323040	1.0852	1.30365
5208323090	1.0852	1.30365
5208324020	1.0852	1.30365
5208324040	1.0852	1.30365
5208324060	1.0852	1.30365
5208324090	1.0852	1.30365
5208325020	1.0852	1.30365
5208325090	1.0852	1.30365
5208330000	1.0852	1.30365
5208392020	1.0852	1.30365
5208392090	1.0852	1.30365
5208394020	1.0852	1.30365
5208394090	1.0852	1.30365
5208396020	1.0852	1.30365
5208396090	1.0852	1.30365
5208398020	1.0852	1.30365

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
5208398090	1.0852	1.30365
5208412000	1.0852	1.30365
5208414000	1.0852	1.30365
5208416000	1.0852	1.30365
5208418000	1.0852	1.30365
5208421000	1.0852	1.30365
5208423000	1.0852	1.30365
5208424000	1.0852	1.30365
5208425000	1.0852	1.30365
5208430000	1.0852	1.30365
5208492000	1.0852	1.30365
5208494010	1.0852	1.30365
5208494020	1.0852	1.30365
5208494090	1.0852	1.30365
5208496010	1.0852	1.30365
5208496020	1.0852	1.30365
5208496030	1.0852	1.30365
5208496090	1.0852	1.30365
5208498020	1.0852	1.30365
5208498090	1.0852	1.30365
5208512000	1.0852	1.30365
5208514020	1.0852	1.30365
5208514040	1.0852	1.30365
5208514090	1.0852	1.30365
5208516020	1.0852	1.30365
5208516040	1.0852	1.30365
5208516060	1.0852	1.30365
5208516090	1.0852	1.30365
5208518020	1.0852	1.30365
5208518090	1.0852	1.30365
5208521000	1.0852	1.30365
5208523020	1.0852	1.30365
5208523035	1.0852	1.30365
5208523045	1.0852	1.30365
5208523090	1.0852	1.30365
5208524020	1.0852	1.30365
5208524035	1.0852	1.30365
5208524045	1.0852	1.30365
5208524055	1.0852	1.30365
5208524065	1.0852	1.30365
5208524090	1.0852	1.30365
5208525020	1.0852	1.30365
5208525090	1.0852	1.30365
5208591000	1.0852	1.30365
5208592015	1.0852	1.30365
5208592025	1.0852	1.30365
5208592085	1.0852	1.30365
5208592095	1.0852	1.30365
5208594020	1.0852	1.30365
5208594090	1.0852	1.30365
5208596020	1.0852	1.30365
5208596090	1.0852	1.30365
5208598020	1.0852	1.30365
5208598090	1.0852	1.30365
5209110020	1.0309	1.23842
5209110025	1.0309	1.23842
5209110035	1.0309	1.23842
5209110050	1.0309	1.23842
5209110090	1.0309	1.23842
5209120020	1.0309	1.23842
5209120040	1.0309	1.23842
5209190020	1.0309	1.23842
5209190040	1.0309	1.23842
5209190060	1.0309	1.23842
5209190090	1.0309	1.23842
5209210020	1.0309	1.23842
5209210025	1.0309	1.23842
5209210035	1.0309	1.23842
5209210050	1.0309	1.23842

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
5209210090	1.0309	1.23842
5209220020	1.0309	1.23842
5209220040	1.0309	1.23842
5209290020	1.0309	1.23842
5209290040	1.0309	1.23842
5209290060	1.0309	1.23842
5209290090	1.0309	1.23842
5209313000	1.0309	1.23842
5209316020	1.0309	1.23842
5209316025	1.0309	1.23842
5209316035	1.0309	1.23842
5209316050	1.0309	1.23842
5209316090	1.0309	1.23842
5209320020	1.0309	1.23842
5209320040	1.0309	1.23842
5209390020	1.0309	1.23842
5209390040	1.0309	1.23842
5209390060	1.0309	1.23842
5209390080	1.0309	1.23842
5209390090	1.0309	1.23842
5209413000	1.0309	1.23842
5209416020	1.0309	1.23842
5209416040	1.0309	1.23842
5209420020	0.9767	1.17331
5209420040	0.9767	1.17331
5209420060	0.9767	1.17331
5209420080	0.9767	1.17331
5209430030	1.0309	1.23842
5209430050	1.0309	1.23842
5209490020	1.0309	1.23842
5209490040	1.0309	1.23842
5209490090	1.0309	1.23842
5209513000	1.0309	1.23842
5209516015	1.0852	1.30365
5209516025	1.0852	1.30365
5209516032	1.0852	1.30365
5209516035	1.0852	1.30365
5209516050	1.0852	1.30365
5209516090	1.0852	1.30365
5209520020	1.0852	1.30365
5209520040	1.0852	1.30365
5209590015	1.0852	1.30365
5209590025	1.0852	1.30365
5209590040	1.0852	1.30365
5209590060	1.0852	1.30365
5209590090	1.0852	1.30365
5210114020	0.6511	0.78217
5210114040	0.6511	0.78217
5210114090	0.6511	0.78217
5210116020	0.6511	0.78217
5210116040	0.6511	0.78217
5210116060	0.6511	0.78217
5210116090	0.6511	0.78217
5210118020	0.6511	0.78217
5210118090	0.6511	0.78217
5210191000	0.6511	0.78217
5210192020	0.6511	0.78217
5210192090	0.6511	0.78217
5210194020	0.6511	0.78217
5210194090	0.6511	0.78217
5210196020	0.6511	0.78217
5210196090	0.6511	0.78217
5210198020	0.6511	0.78217
5210198090	0.6511	0.78217
5210214020	0.6511	0.78217
5210214040	0.6511	0.78217
5210214090	0.6511	0.78217
5210216020	0.6511	0.78217
5210216040	0.6511	0.78217

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
5210216060	0.6511	0.78217
5210216090	0.6511	0.78217
5210218020	0.6511	0.78217
5210218090	0.6511	0.78217
5210291000	0.6511	0.78217
5210292020	0.6511	0.78217
5210292090	0.6511	0.78217
5210294020	0.6511	0.78217
5210294090	0.6511	0.78217
5210296020	0.6511	0.78217
5210296090	0.6511	0.78217
5210298020	0.6511	0.78217
5210298090	0.6511	0.78217
5210314020	0.6511	0.78217
5210314040	0.6511	0.78217
5210314090	0.6511	0.78217
5210316020	0.6511	0.78217
5210316040	0.6511	0.78217
5210316060	0.6511	0.78217
5210316090	0.6511	0.78217
5210318020	0.6511	0.78217
5210318090	0.6511	0.78217
5210320000	0.6511	0.78217
5210392020	0.6511	0.78217
5210392090	0.6511	0.78217
5210394020	0.6511	0.78217
5210394090	0.6511	0.78217
5210396020	0.6511	0.78217
5210396090	0.6511	0.78217
5210398020	0.6511	0.78217
5210398090	0.6511	0.78217
5210414000	0.6511	0.78217
5210416000	0.6511	0.78217
5210418000	0.6511	0.78217
5210491000	0.6511	0.78217
5210492000	0.6511	0.78217
5210494010	0.6511	0.78217
5210494020	0.6511	0.78217
5210494090	0.6511	0.78217
5210496010	0.6511	0.78217
5210496020	0.6511	0.78217
5210496090	0.6511	0.78217
5210498020	0.6511	0.78217
5210498090	0.6511	0.78217
5210514020	0.6511	0.78217
5210514040	0.6511	0.78217
5210514090	0.6511	0.78217
5210516020	0.6511	0.78217
5210516040	0.6511	0.78217
5210516060	0.6511	0.78217
5210516090	0.6511	0.78217
5210518020	0.6511	0.78217
5210518090	0.6511	0.78217
5210591000	0.6511	0.78217
5210592020	0.6511	0.78217
5210592090	0.6511	0.78217
5210594020	0.6511	0.78217
5210594090	0.6511	0.78217
5210596020	0.6511	0.78217
5210596090	0.6511	0.78217
5210598020	0.6511	0.78217
5210598090	0.6511	0.78217
5211110020	0.6511	0.78217
5211110025	0.6511	0.78217
5211110035	0.6511	0.78217
5211110050	0.6511	0.78217
5211110090	0.6511	0.78217
5211120020	0.6511	0.78217
5211120040	0.6511	0.78217

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
5211190020	0.6511	0.78217
5211190040	0.6511	0.78217
5211190060	0.6511	0.78217
5211190090	0.6511	0.78217
5211202120	0.6511	0.78217
5211202125	0.6511	0.78217
5211202135	0.6511	0.78217
5211202150	0.6511	0.78217
5211202190	0.6511	0.78217
5211202220	0.6511	0.78217
5211202240	0.6511	0.78217
5211202920	0.6511	0.78217
5211202940	0.6511	0.78217
5211202960	0.6511	0.78217
5211202990	0.6511	0.78217
5211310020	0.6511	0.78217
5211310025	0.6511	0.78217
5211310035	0.6511	0.78217
5211310050	0.6511	0.78217
5211310090	0.6511	0.78217
5211320020	0.6511	0.78217
5211320040	0.6511	0.78217
5211390020	0.6511	0.78217
5211390040	0.6511	0.78217
5211390060	0.6511	0.78217
5211390090	0.6511	0.78217
5211410020	0.6511	0.78217
5211410040	0.6511	0.78217
5211420020	0.7054	0.8474
5211420040	0.7054	0.8474
5211420060	0.6511	0.78217
5211420080	0.6511	0.78217
5211430030	0.6511	0.78217
5211430050	0.6511	0.78217
5211490020	0.6511	0.78217
5211490090	0.6511	0.78217
5211510020	0.6511	0.78217
5211510030	0.6511	0.78217
5211510050	0.6511	0.78217
5211510090	0.6511	0.78217
5211520020	0.6511	0.78217
5211520040	0.6511	0.78217
5211590015	0.6511	0.78217
5211590025	0.6511	0.78217
5211590040	0.6511	0.78217
5211590060	0.6511	0.78217
5211590090	0.6511	0.78217
5212111010	0.5845	0.70216
5212111020	0.6231	0.74853
5212116010	0.8681	1.04285
5212116020	0.8681	1.04285
5212116030	0.8681	1.04285
5212116040	0.8681	1.04285
5212116050	0.8681	1.04285
5212116060	0.8681	1.04285
5212116070	0.8681	1.04285
5212116080	0.8681	1.04285
5212116090	0.8681	1.04285
5212121010	0.5845	0.70216
5212121020	0.6231	0.74853
5212126010	0.8681	1.04285
5212126020	0.8681	1.04285
5212126030	0.8681	1.04285
5212126040	0.8681	1.04285
5212126050	0.8681	1.04285
5212126060	0.8681	1.04285
5212126070	0.8681	1.04285
5212126080	0.8681	1.04285
5212126090	0.8681	1.04285

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
5212131010	0.5845	0.70216
5212131020	0.6231	0.74853
5212136010	0.8681	1.04285
5212136020	0.8681	1.04285
5212136030	0.8681	1.04285
5212136040	0.8681	1.04285
5212136050	0.8681	1.04285
5212136060	0.8681	1.04285
5212136070	0.8681	1.04285
5212136080	0.8681	1.04285
5212136090	0.8681	1.04285
5212141010	0.5845	0.70216
5212141020	0.6231	0.74853
5212146010	0.8681	1.04285
5212146020	0.8681	1.04285
5212146030	0.8681	1.04285
5212146090	0.8681	1.04285
5212151010	0.5845	0.70216
5212151020	0.6231	0.74853
5212156010	0.8681	1.04285
5212156020	0.8681	1.04285
5212156030	0.8681	1.04285
5212156040	0.8681	1.04285
5212156050	0.8681	1.04285
5212156060	0.8681	1.04285
5212156070	0.8681	1.04285
5212156080	0.8681	1.04285
5212156090	0.8681	1.04285
5212211010	0.5845	0.70216
5212211020	0.6231	0.74853
5212216010	0.8681	1.04285
5212216020	0.8681	1.04285
5212216030	0.8681	1.04285
5212216040	0.8681	1.04285
5212216050	0.8681	1.04285
5212216060	0.8681	1.04285
5212216090	0.8681	1.04285
5212221010	0.5845	0.70216
5212221020	0.6231	0.74853
5212226010	0.8681	1.04285
5212226020	0.8681	1.04285
5212226030	0.8681	1.04285
5212226040	0.8681	1.04285
5212226050	0.8681	1.04285
5212226060	0.8681	1.04285
5212226090	0.8681	1.04285
5212231010	0.5845	0.70216
5212231020	0.6231	0.74853
5212236010	0.8681	1.04285
5212236020	0.8681	1.04285
5212236030	0.8681	1.04285
5212236040	0.8681	1.04285
5212236050	0.8681	1.04285
5212236060	0.8681	1.04285
5212236090	0.8681	1.04285
5212241010	0.5845	0.70216
5212241020	0.6231	0.74853
5212246010	0.8681	1.04285
5212246020	0.7054	0.8474
5212246030	0.8681	1.04285
5212246040	0.8681	1.04285
5212246090	0.8681	1.04285
5212251010	0.5845	0.70216
5212251020	0.6231	0.74853
5212256010	0.8681	1.04285
5212256020	0.8681	1.04285
5212256030	0.8681	1.04285
5212256040	0.8681	1.04285
5212256050	0.8681	1.04285

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
5212256060	0.8681	1.04285
5212256090	0.8681	1.04285
5309213005	0.5426	0.65183
5309213010	0.5426	0.65183
5309213015	0.5426	0.65183
5309213020	0.5426	0.65183
5309214010	0.2713	0.32591
5309214090	0.2713	0.32591
5309293005	0.5426	0.65183
5309293010	0.5426	0.65183
5309293015	0.5426	0.65183
5309293020	0.5426	0.65183
5309294010	0.2713	0.32591
5309294090	0.2713	0.32591
5311003005	0.5426	0.65183
5311003010	0.5426	0.65183
5311003015	0.5426	0.65183
5311003020	0.5426	0.65183
5311004010	0.8681	1.04285
5311004020	0.8681	1.04285
5407810010	0.5426	0.65183
5407810020	0.5426	0.65183
5407810030	0.5426	0.65183
5407810040	0.5426	0.65183
5407810090	0.5426	0.65183
5407820010	0.5426	0.65183
5407820020	0.5426	0.65183
5407820030	0.5426	0.65183
5407820040	0.5426	0.65183
5407820090	0.5426	0.65183
5407830010	0.5426	0.65183
5407830020	0.5426	0.65183
5407830030	0.5426	0.65183
5407830040	0.5426	0.65183
5407830090	0.5426	0.65183
5407840010	0.5426	0.65183
5407840020	0.5426	0.65183
5407840030	0.5426	0.65183
5407840040	0.5426	0.65183
5407840090	0.5426	0.65183
5509210000	0.1053	0.1265
5509220010	0.1053	0.1265
5509220090	0.1053	0.1265
5509530030	0.3158	0.37937
5509530060	0.3158	0.37937
5509620000	0.5263	0.63224
5509920000	0.5263	0.63224
5510300000	0.3684	0.44256
5511200000	0.3158	0.37937
5512110010	0.1085	0.13034
5512110022	0.1085	0.13034
5512110027	0.1085	0.13034
5512110030	0.1085	0.13034
5512110040	0.1085	0.13034
5512110050	0.1085	0.13034
5512110060	0.1085	0.13034
5512110070	0.1085	0.13034
5512110090	0.1085	0.13034
5512190005	0.1085	0.13034
5512190010	0.1085	0.13034
5512190015	0.1085	0.13034
5512190022	0.1085	0.13034
5512190027	0.1085	0.13034
5512190030	0.1085	0.13034
5512190035	0.1085	0.13034
5512190040	0.1085	0.13034
5512190045	0.1085	0.13034
5512190050	0.1085	0.13034
5512190090	0.1085	0.13034

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
5512210010	0.0326	0.03916
5512210020	0.0326	0.03916
5512210030	0.0326	0.03916
5512210040	0.0326	0.03916
5512210060	0.0326	0.03916
5512210070	0.0326	0.03916
5512210090	0.0326	0.03916
5512290010	0.217	0.26068
5512910010	0.0543	0.06523
5512990005	0.0543	0.06523
5512990010	0.0543	0.06523
5512990015	0.0543	0.06523
5512990020	0.0543	0.06523
5512990025	0.0543	0.06523
5512990030	0.0543	0.06523
5512990035	0.0543	0.06523
5512990040	0.0543	0.06523
5512990045	0.0543	0.06523
5512990090	0.0543	0.06523
5513110020	0.3581	0.43019
5513110040	0.3581	0.43019
5513110060	0.3581	0.43019
5513110090	0.3581	0.43019
5513120000	0.3581	0.43019
5513130020	0.3581	0.43019
5513130040	0.3581	0.43019
5513130090	0.3581	0.43019
5513190010	0.3581	0.43019
5513190020	0.3581	0.43019
5513190030	0.3581	0.43019
5513190040	0.3581	0.43019
5513190050	0.3581	0.43019
5513190060	0.3581	0.43019
5513190090	0.3581	0.43019
5513210020	0.3581	0.43019
5513210040	0.3581	0.43019
5513210060	0.3581	0.43019
5513210090	0.3581	0.43019
5513230121	0.3581	0.43019
5513230141	0.3581	0.43019
5513230191	0.3581	0.43019
5513290010	0.3581	0.43019
5513290020	0.3581	0.43019
5513290030	0.3581	0.43019
5513290040	0.3581	0.43019
5513290050	0.3581	0.43019
5513290060	0.3581	0.43019
5513290090	0.3581	0.43019
5513310000	0.3581	0.43019
5513390111	0.3581	0.43019
5513390115	0.3581	0.43019
5513390191	0.3581	0.43019
5513410020	0.3581	0.43019
5513410040	0.3581	0.43019
5513410060	0.3581	0.43019
5513410090	0.3581	0.43019
5513491000	0.3581	0.43019
5513492020	0.3581	0.43019
5513492040	0.3581	0.43019
5513492090	0.3581	0.43019
5513499010	0.3581	0.43019
5513499020	0.3581	0.43019
5513499030	0.3581	0.43019
5513499040	0.3581	0.43019
5513499050	0.3581	0.43019
5513499060	0.3581	0.43019
5513499090	0.3581	0.43019
5514110020	0.4341	0.52148
5514110030	0.4341	0.52148

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
5514110050	0.4341	0.52148
5514110090	0.4341	0.52148
5514120020	0.4341	0.52148
5514120040	0.4341	0.52148
5514191020	0.4341	0.52148
5514191040	0.4341	0.52148
5514191090	0.4341	0.52148
5514199010	0.4341	0.52148
5514199020	0.4341	0.52148
5514199030	0.4341	0.52148
5514199040	0.4341	0.52148
5514199090	0.4341	0.52148
5514210020	0.4341	0.52148
5514210030	0.4341	0.52148
5514210050	0.4341	0.52148
5514210090	0.4341	0.52148
5514220020	0.4341	0.52148
5514220040	0.4341	0.52148
5514230020	0.4341	0.52148
5514230040	0.4341	0.52148
5514230090	0.4341	0.52148
5514290010	0.4341	0.52148
5514290020	0.4341	0.52148
5514290030	0.4341	0.52148
5514290040	0.4341	0.52148
5514290090	0.4341	0.52148
5514303100	0.4341	0.52148
5514303210	0.4341	0.52148
5514303215	0.4341	0.52148
5514303280	0.4341	0.52148
5514303310	0.4341	0.52148
5514303390	0.4341	0.52148
5514303910	0.4341	0.52148
5514303920	0.4341	0.52148
5514303990	0.4341	0.52148
5514410020	0.4341	0.52148
5514410030	0.4341	0.52148
5514410050	0.4341	0.52148
5514410090	0.4341	0.52148
5514420020	0.4341	0.52148
5514420040	0.4341	0.52148
5514430020	0.4341	0.52148
5514430040	0.4341	0.52148
5514430090	0.4341	0.52148
5514490010	0.4341	0.52148
5514490020	0.4341	0.52148
5514490030	0.4341	0.52148
5514490040	0.4341	0.52148
5514490090	0.4341	0.52148
5515110005	0.1085	0.13034
5515110010	0.1085	0.13034
5515110015	0.1085	0.13034
5515110020	0.1085	0.13034
5515110025	0.1085	0.13034
5515110030	0.1085	0.13034
5515110035	0.1085	0.13034
5515110040	0.1085	0.13034
5515110045	0.1085	0.13034
5515110090	0.1085	0.13034
5515120010	0.1085	0.13034
5515120022	0.1085	0.13034
5515120027	0.1085	0.13034
5515120030	0.1085	0.13034
5515120040	0.1085	0.13034
5515120090	0.1085	0.13034
5515190005	0.1085	0.13034
5515190010	0.1085	0.13034
5515190015	0.1085	0.13034
5515190020	0.1085	0.13034

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
5515190025	0.1085	0.13034
5515190030	0.1085	0.13034
5515190035	0.1085	0.13034
5515190040	0.1085	0.13034
5515190045	0.1085	0.13034
5515190090	0.1085	0.13034
5515290005	0.1085	0.13034
5515290010	0.1085	0.13034
5515290015	0.1085	0.13034
5515290020	0.1085	0.13034
5515290025	0.1085	0.13034
5515290030	0.1085	0.13034
5515290035	0.1085	0.13034
5515290040	0.1085	0.13034
5515290045	0.1085	0.13034
5515290090	0.1085	0.13034
5515999005	0.1085	0.13034
5515999010	0.1085	0.13034
5515999015	0.1085	0.13034
5515999020	0.1085	0.13034
5515999025	0.1085	0.13034
5515999030	0.1085	0.13034
5515999035	0.1085	0.13034
5515999040	0.1085	0.13034
5515999045	0.1085	0.13034
5515999090	0.1085	0.13034
5516210010	0.1085	0.13034
5516210020	0.1085	0.13034
5516210030	0.1085	0.13034
5516210040	0.1085	0.13034
5516210090	0.1085	0.13034
5516220010	0.1085	0.13034
5516220020	0.1085	0.13034
5516220030	0.1085	0.13034
5516220040	0.1085	0.13034
5516220090	0.1085	0.13034
5516230010	0.1085	0.13034
5516230020	0.1085	0.13034
5516230030	0.1085	0.13034
5516230040	0.1085	0.13034
5516230090	0.1085	0.13034
5516240010	0.1085	0.13034
5516240020	0.1085	0.13034
5516240030	0.1085	0.13034
5516240040	0.1085	0.13034
5516240085	0.1085	0.13034
5516240095	0.1085	0.13034
5516410010	0.3798	0.45625
5516410022	0.3798	0.45625
5516410027	0.3798	0.45625
5516410030	0.3798	0.45625
5516410040	0.3798	0.45625
5516410050	0.3798	0.45625
5516410060	0.3798	0.45625
5516410070	0.3798	0.45625
5516410090	0.3798	0.45625
5516420010	0.3798	0.45625
5516420022	0.3798	0.45625
5516420027	0.3798	0.45625
5516420030	0.3798	0.45625
5516420040	0.3798	0.45625
5516420050	0.3798	0.45625
5516420060	0.3798	0.45625
5516420070	0.3798	0.45625
5516420090	0.3798	0.45625
5516430010	0.217	0.26068
5516430015	0.3798	0.45625
5516430020	0.3798	0.45625
5516430035	0.3798	0.45625

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
5516430080	0.3798	0.45625
5516440010	0.3798	0.45625
5516440022	0.3798	0.45625
5516440027	0.3798	0.45625
5516440030	0.3798	0.45625
5516440040	0.3798	0.45625
5516440050	0.3798	0.45625
5516440060	0.3798	0.45625
5516440070	0.3798	0.45625
5516440090	0.3798	0.45625
5516910010	0.0543	0.06523
5516910020	0.0543	0.06523
5516910030	0.0543	0.06523
5516910040	0.0543	0.06523
5516910050	0.0543	0.06523
5516910060	0.0543	0.06523
5516910070	0.0543	0.06523
5516910090	0.0543	0.06523
5516920010	0.0543	0.06523
5516920020	0.0543	0.06523
5516920030	0.0543	0.06523
5516920040	0.0543	0.06523
5516920050	0.0543	0.06523
5516920060	0.0543	0.06523
5516920070	0.0543	0.06523
5516920090	0.0543	0.06523
5516930010	0.0543	0.06523
5516930020	0.0543	0.06523
5516930090	0.0543	0.06523
5516940010	0.0543	0.06523
5516940020	0.0543	0.06523
5516940030	0.0543	0.06523
5516940040	0.0543	0.06523
5516940050	0.0543	0.06523
5516940060	0.0543	0.06523
5516940070	0.0543	0.06523
5516940090	0.0543	0.06523
5601210010	0.9767	1.17331
5601210090	0.9767	1.17331
5601220010	0.9767	1.17331
5601220090	0.9767	1.17331
5601300000	0.3256	0.39114
5602101000	0.0543	0.06523
5602109090	0.4341	0.52148
5602290000	0.4341	0.52148
5602909000	0.3256	0.39114
5603143000	0.2713	0.32591
5603910010	0.0217	0.02607
5603910090	0.0651	0.0782
5603920010	0.0217	0.02607
5603920090	0.0651	0.0782
5603930010	0.0217	0.02607
5603930090	0.0651	0.0782
5603941090	0.3256	0.39114
5603943000	0.1628	0.19557
5603949010	0.0326	0.03916
5604100000	0.2632	0.31618
5604909000	0.2105	0.25287
5605009000	0.1579	0.18969
5606000010	0.1263	0.15172
5606000090	0.1263	0.15172
5607502500	0.1684	0.2023
5607909000	0.8421	1.01161
5608902300	0.6316	0.75874
5608902700	0.6316	0.75874
5608903000	0.3158	0.37937
5609001000	0.8421	1.01161
5609004000	0.2105	0.25287
5701101300	0.0526	0.06319

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
5701101600	0.0526	0.06319
5701104000	0.0526	0.06319
5701109000	0.0526	0.06319
5701901010	1	1.2013
5701901020	1	1.2013
5701901030	0.0526	0.06319
5701901090	0.0526	0.06319
5701902010	0.9474	1.13811
5701902020	0.9474	1.13811
5701902030	0.0526	0.06319
5701902090	0.0526	0.06319
5702101000	0.0447	0.0537
5702109010	0.0447	0.0537
5702109020	0.85	1.02111
5702109030	0.0447	0.0537
5702109090	0.0447	0.0537
5702201000	0.0447	0.0537
5702311000	0.0447	0.0537
5702312000	0.0895	0.10752
5702322000	0.0895	0.10752
5702391000	0.0895	0.10752
5702392010	0.8053	0.96741
5702392090	0.0447	0.0537
5702411000	0.0447	0.0537
5702412000	0.0447	0.0537
5702421000	0.0895	0.10752
5702422020	0.0895	0.10752
5702422080	0.0895	0.10752
5702491020	0.8947	1.0748
5702491080	0.8947	1.0748
5702492000	0.0895	0.10752
5702502000	0.0895	0.10752
5702504000	0.0447	0.0537
5702505200	0.0895	0.10752
5702505600	0.85	1.02111
5702912000	0.0447	0.0537
5702913000	0.0447	0.0537
5702914000	0.0447	0.0537
5702921000	0.0447	0.0537
5702929000	0.0447	0.0537
5702990500	0.8947	1.0748
5702991500	0.8947	1.0748
5703201000	0.0452	0.0543
5703202010	0.0452	0.0543
5703302000	0.0452	0.0543
5703900000	0.3615	0.43427
5705001000	0.0452	0.0543
5705002005	0.0452	0.0543
5705002015	0.0452	0.0543
5705002020	0.7682	0.92284
5705002030	0.0452	0.0543
5705002090	0.1808	0.2172
5801210000	0.9767	1.17331
5801221000	0.9767	1.17331
5801229000	0.9767	1.17331
5801230000	0.9767	1.17331
5801260010	0.7596	0.91251
5801260020	0.7596	0.91251
5801271000	0.9767	1.17331
5801275010	1.0852	1.30365
5801275020	0.9767	1.17331
5801310000	0.217	0.26068
5801320000	0.217	0.26068
5801330000	0.217	0.26068
5801360010	0.217	0.26068
5801360020	0.217	0.26068
5802110000	1.0309	1.23842
5802190000	1.0309	1.23842
5802200020	0.1085	0.13034

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
5802200090	0.3256	0.39114
5802300030	0.4341	0.52148
5802300090	0.1085	0.13034
5803001000	1.0852	1.30365
5803002000	0.8681	1.04285
5803003000	0.8681	1.04285
5803005000	0.3256	0.39114
5804101000	0.4341	0.52148
5804109090	0.2193	0.26345
5804291000	0.8772	1.05378
5804300020	0.3256	0.39114
5805001000	0.1085	0.13034
5805003000	1.0852	1.30365
5806101000	0.8681	1.04285
5806103090	0.217	0.26068
5806200010	0.2577	0.30958
5806200090	0.2577	0.30958
5806310000	0.8681	1.04285
5806393080	0.217	0.26068
5806400000	0.0814	0.09779
5807100510	0.8681	1.04285
5807102010	0.8681	1.04285
5807900510	0.8681	1.04285
5807902010	0.8681	1.04285
5808104000	0.217	0.26068
5808107000	0.217	0.26068
5808900010	0.4341	0.52148
5810100000	0.3256	0.39114
5810910010	0.7596	0.91251
5810910020	0.7596	0.91251
5810921000	0.217	0.26068
5810929030	0.217	0.26068
5810929050	0.217	0.26068
5810929080	0.217	0.26068
5811002000	0.8681	1.04285
5901102000	0.5643	0.67789
5901904000	0.8139	0.97774
5903101000	0.4341	0.52148
5903103000	0.1085	0.13034
5903201000	0.4341	0.52148
5903203090	0.1085	0.13034
5903901000	0.4341	0.52148
5903903090	0.1085	0.13034
5904901000	0.0326	0.03916
5905001000	0.1085	0.13034
5905009000	0.1085	0.13034
5906100000	0.4341	0.52148
5906911000	0.4341	0.52148
5906913000	0.1085	0.13034
5906991000	0.4341	0.52148
5906993000	0.1085	0.13034
5907002500	0.3798	0.45625
5907003500	0.3798	0.45625
5907008090	0.3798	0.45625
5908000000	0.7813	0.93858
5909001000	0.6837	0.82133
5909002000	0.4883	0.58659
5910001010	0.3798	0.45625
5910001020	0.3798	0.45625
5910001030	0.3798	0.45625
5910001060	0.3798	0.45625
5910001070	0.3798	0.45625
5910001090	0.6837	0.82133
5910009000	0.5697	0.68438
5911101000	0.1736	0.20855
5911102000	0.0434	0.05214
5911201000	0.4341	0.52148
5911310010	0.4341	0.52148
5911310020	0.4341	0.52148

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
5911310030	0.4341	0.52148
5911310080	0.4341	0.52148
5911320010	0.4341	0.52148
5911320020	0.4341	0.52148
5911320030	0.4341	0.52148
5911320080	0.4341	0.52148
5911400000	0.5426	0.65183
5911900040	0.3158	0.37937
5911900080	0.2105	0.25287
6001106000	0.1096	0.13166
6001210000	0.9868	1.18544
6001220000	0.1096	0.13166
6001290000	0.1096	0.13166
6001910010	0.8772	1.05378
6001910020	0.8772	1.05378
6001920010	0.0548	0.06583
6001920020	0.0548	0.06583
6001920030	0.0548	0.06583
6001920040	0.0548	0.06583
6001999000	0.1096	0.13166
6002404000	0.7401	0.88908
6002408020	0.1974	0.23714
6002408080	0.1974	0.23714
6002904000	0.7895	0.94843
6002908020	0.1974	0.23714
6002908080	0.1974	0.23714
6003201000	0.8772	1.05378
6003203000	0.8772	1.05378
6003301000	0.1096	0.13166
6003306000	0.1096	0.13166
6003401000	0.1096	0.13166
6003406000	0.1096	0.13166
6003901000	0.1096	0.13166
6003909000	0.1096	0.13166
6004100010	0.2961	0.3557
6004100025	0.2961	0.3557
6004100085	0.2961	0.3557
6004902010	0.2961	0.3557
6004902025	0.2961	0.3557
6004902085	0.2961	0.3557
6004909000	0.2961	0.3557
6005210000	0.7127	0.85617
6005220000	0.7127	0.85617
6005230000	0.7127	0.85617
6005240000	0.7127	0.85617
6005310010	0.1096	0.13166
6005310080	0.1096	0.13166
6005320010	0.1096	0.13166
6005320080	0.1096	0.13166
6005330010	0.1096	0.13166
6005330080	0.1096	0.13166
6005340010	0.1096	0.13166
6005340080	0.1096	0.13166
6005410010	0.1096	0.13166
6005410080	0.1096	0.13166
6005420010	0.1096	0.13166
6005420080	0.1096	0.13166
6005430010	0.1096	0.13166
6005430080	0.1096	0.13166
6005440010	0.1096	0.13166
6005440080	0.1096	0.13166
6005909000	0.1096	0.13166
6006211000	1.0965	1.31723
6006219020	0.7675	0.922
6006219080	0.7675	0.922
6006221000	1.0965	1.31723
6006229020	0.7675	0.922
6006229080	0.7675	0.922
6006231000	1.0965	1.31723
6006239020	0.7675	0.922
6006239080	0.7675	0.922
6006241000	1.0965	1.31723
6006249020	0.7675	0.922
6006249080	0.7675	0.922
6006310020	0.3289	0.39511
6006310040	0.3289	0.39511
6006310060	0.3289	0.39511
6006310080	0.3289	0.39511
6006320020	0.3289	0.39511
6006320040	0.3289	0.39511
6006320060	0.3289	0.39511
6006320080	0.3289	0.39511
6006330020	0.3289	0.39511
6006330040	0.3289	0.39511
6006330060	0.3289	0.39511
6006330080	0.3289	0.39511
6006340020	0.3289	0.39511
6006340040	0.3289	0.39511
6006340060	0.3289	0.39511
6006340080	0.3289	0.39511
6006410025	0.3289	0.39511
6006410085	0.3289	0.39511
6006420025	0.3289	0.39511
6006420085	0.3289	0.39511
6006430025	0.3289	0.39511
6006430085	0.3289	0.39511
6006440025	0.3289	0.39511
6006440085	0.3289	0.39511
6006909000	0.1096	0.13166
6101200010	1.02	1.22533
6101200020	1.02	1.22533
6101301000	0.2072	0.24891
6101900500	0.1912	0.22969
6101909010	0.5737	0.68919
6101909030	0.51	0.61266
6101909060	0.255	0.30633
6102100000	0.255	0.30633
6102200010	0.9562	1.14868
6102200020	0.9562	1.14868
6102300500	0.1785	0.21443
6102909005	0.5737	0.68919
6102909015	0.4462	0.53602
6102909030	0.255	0.30633
6103101000	0.0637	0.07652
6103104000	0.1218	0.14632
6103105000	0.1218	0.14632
6103106010	0.8528	1.02447
6103106015	0.8528	1.02447
6103106030	0.8528	1.02447
6103109010	0.5482	0.65855
6103109020	0.5482	0.65855
6103109030	0.5482	0.65855
6103109040	0.1218	0.14632
6103109050	0.1218	0.14632
6103109080	0.1827	0.21948
6103320000	0.8722	1.04777
6103398010	0.7476	0.89809
6103398030	0.3738	0.44905
6103398060	0.2492	0.29936
6103411010	0.3576	0.42958
6103411020	0.3576	0.42958
6103412000	0.3576	0.42958
6103421020	0.8343	1.00224
6103421035	0.8343	1.00224
6103421040	0.8343	1.00224
6103421050	0.8343	1.00224
6103421065	0.8343	1.00224
6103421070	0.8343	1.00224
6103422010	0.8343	1.00224
6103422015	0.8343	1.00224
6103422025	0.8343	1.00224
6103431520	0.2384	0.28639
6103431535	0.2384	0.28639
6103431540	0.2384	0.28639
6103431550	0.2384	0.28639
6103431565	0.2384	0.28639
6103431570	0.2384	0.28639
6103432020	0.2384	0.28639
6103432025	0.2384	0.28639
6103491020	0.2437	0.29276
6103491060	0.2437	0.29276
6103492000	0.2437	0.29276
6103498010	0.5482	0.65855
6103498014	0.3655	0.43908
6103498024	0.2437	0.29276
6103498026	0.2437	0.29276
6103498034	0.5482	0.65855
6103498038	0.3655	0.43908
6103498060	0.2437	0.29276
6104196010	0.8722	1.04777
6104196020	0.8722	1.04777
6104196030	0.8722	1.04777
6104196040	0.8722	1.04777
6104198010	0.5607	0.67357
6104198020	0.5607	0.67357
6104198030	0.5607	0.67357
6104198040	0.5607	0.67357
6104198060	0.3738	0.44905
6104198090	0.2492	0.29936
6104320000	0.8722	1.04777
6104392010	0.5607	0.67357
6104392030	0.3738	0.44905
6104392090	0.2492	0.29936
6104420010	0.8528	1.02447
6104420020	0.8528	1.02447
6104499010	0.5482	0.65855
6104499030	0.3655	0.43908
6104499060	0.2437	0.29276
6104520010	0.8822	1.05979
6104520020	0.8822	1.05979
6104598010	0.5672	0.68138
6104598030	0.3781	0.45421
6104598090	0.2521	0.30285
6104610010	0.2384	0.28639
6104610020	0.2384	0.28639
6104610030	0.2384	0.28639
6104621010	0.7509	0.90206
6104621020	0.8343	1.00224
6104621030	0.8343	1.00224
6104622006	0.7151	0.85905
6104622011	0.8343	1.00224
6104622016	0.7151	0.85905
6104622021	0.8343	1.00224
6104622026	0.7151	0.85905
6104622028	0.8343	1.00224
6104622030	0.8343	1.00224
6104622050	0.8343	1.00224
6104622060	0.8343	1.00224
6104631020	0.2384	0.28639
6104631030	0.2384	0.28639
6104632006	0.8343	1.00224
6104632011	0.8343	1.00224
6104632016	0.7151	0.85905
6104632021	0.8343	1.00224
6104632026	0.3576	0.42958
6104632028	0.3576	0.42958
6104632030	0.3576	0.42958

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
6104632050	0.7151	0.85905
6104632060	0.3576	0.42958
6104691000	0.3655	0.43908
6104692030	0.3655	0.43908
6104692060	0.3655	0.43908
6104698010	0.5482	0.65855
6104698014	0.3655	0.43908
6104698020	0.2437	0.29276
6104698022	0.5482	0.65855
6104698026	0.3655	0.43908
6104698038	0.2437	0.29276
6104698040	0.2437	0.29276
6105100010	0.9332	1.12105
6105100020	0.9332	1.12105
6105100030	0.9332	1.12105
6105202010	0.2916	0.3503
6105202020	0.2916	0.3503
6105202030	0.2916	0.3503
6105908010	0.5249	0.63056
6105908030	0.3499	0.42033
6105908060	0.2333	0.28026
6106100010	0.9332	1.12105
6106100020	0.9332	1.12105
6106100030	0.9332	1.12105
6106202010	0.2916	0.3503
6106202020	0.4666	0.56053
6106202030	0.2916	0.3503
6106901500	0.0583	0.07004
6106902510	0.5249	0.63056
6106902530	0.3499	0.42033
6106902550	0.2916	0.3503
6106903010	0.5249	0.63056
6106903030	0.3499	0.42033
6106903040	0.2916	0.3503
6107110010	1.0727	1.28863
6107110020	1.0727	1.28863
6107120010	0.4767	0.57266
6107120020	0.4767	0.57266
6107191000	0.1192	0.14319
6107210010	0.8343	1.00224
6107210020	0.7151	0.85905
6107220010	0.3576	0.42958
6107220015	0.1192	0.14319
6107220025	0.2384	0.28639
6107299000	0.1788	0.21479
6107910030	1.1918	1.43171
6107910040	1.1918	1.43171
6107910090	0.9535	1.14544
6107991030	0.3576	0.42958
6107991040	0.3576	0.42958
6107991090	0.3576	0.42958
6107999000	0.1192	0.14319
6108199010	1.0611	1.2747
6108199030	0.2358	0.28327
6108210010	1.179	1.41633
6108210020	1.179	1.41633
6108299000	0.3537	0.4249
6108310010	1.0611	1.2747
6108310020	1.0611	1.2747
6108320010	0.2358	0.28327
6108320015	0.2358	0.28327
6108320025	0.2358	0.28327
6108398000	0.3537	0.4249
6108910005	1.179	1.41633
6108910015	1.179	1.41633
6108910025	1.179	1.41633
6108910030	1.179	1.41633
6108910040	1.179	1.41633
6108920005	0.2358	0.28327

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
6108920015	0.2358	0.28327
6108920025	0.2358	0.28327
6108920030	0.2358	0.28327
6108920040	0.2358	0.28327
6108999000	0.3537	0.4249
6109100004	1.0022	1.20394
6109100007	1.0022	1.20394
6109100011	1.0022	1.20394
6109100012	1.0022	1.20394
6109100014	1.0022	1.20394
6109100018	1.0022	1.20394
6109100023	1.0022	1.20394
6109100027	1.0022	1.20394
6109100037	1.0022	1.20394
6109100040	1.0022	1.20394
6109100045	1.0022	1.20394
6109100060	1.0022	1.20394
6109100065	1.0022	1.20394
6109100070	1.0022	1.20394
6109901007	0.2948	0.35414
6109901009	0.2948	0.35414
6109901013	0.2948	0.35414
6109901025	0.2948	0.35414
6109901047	0.2948	0.35414
6109901049	0.2948	0.35414
6109901050	0.2948	0.35414
6109901060	0.2948	0.35414
6109901065	0.2948	0.35414
6109901070	0.2948	0.35414
6109901075	0.2948	0.35414
6109901090	0.2948	0.35414
6109908010	0.3499	0.42033
6109908030	0.2333	0.28026
6110201010	0.7476	0.89809
6110201020	0.7476	0.89809
6110201022	0.7476	0.89809
6110201024	0.7476	0.89809
6110201026	0.7476	0.89809
6110201029	0.7476	0.89809
6110201031	0.7476	0.89809
6110201033	0.7476	0.89809
6110202005	1.1214	1.34714
6110202010	1.1214	1.34714
6110202015	1.1214	1.34714
6110202020	1.1214	1.34714
6110202025	1.1214	1.34714
6110202030	1.1214	1.34714
6110202035	1.1214	1.34714
6110202040	1.0965	1.31723
6110202045	1.0965	1.31723
6110202067	1.0965	1.31723
6110202069	1.0965	1.31723
6110202077	1.0965	1.31723
6110202079	1.0965	1.31723
6110909010	0.5607	0.67357
6110909012	0.1246	0.14968
6110909014	0.3738	0.44905
6110909015	0.2492	0.29936
6110909023	0.2492	0.29936
6110909026	0.5607	0.67357
6110909028	0.1869	0.22452
6110909030	0.3738	0.44905
6110909034	0.2492	0.29936
6110909041	0.2492	0.29936
6110909044	0.5607	0.67357
6110909046	0.5607	0.67357
6110909052	0.3738	0.44905
6110909054	0.3738	0.44905
6110909064	0.2492	0.29936

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
6110909066	0.2492	0.29936
6110909067	0.5607	0.67357
6110909069	0.5607	0.67357
6110909071	0.5607	0.67357
6110909073	0.5607	0.67357
6110909079	0.3738	0.44905
6110909080	0.3738	0.44905
6110909081	0.3738	0.44905
6110909082	0.3738	0.44905
6110909088	0.2492	0.29936
6110909090	0.2492	0.29936
6111201000	1.1918	1.43171
6111202000	1.1918	1.43171
6111203000	0.9535	1.14544
6111204000	0.9535	1.14544
6111205000	0.9535	1.14544
6111206010	0.9535	1.14544
6111206020	0.9535	1.14544
6111206030	0.9535	1.14544
6111206050	0.9535	1.14544
6111206070	0.9535	1.14544
6111301000	0.2384	0.28639
6111302000	0.2384	0.28639
6111303000	0.2384	0.28639
6111304000	0.2384	0.28639
6111305010	0.2384	0.28639
6111305015	0.2384	0.28639
6111305020	0.2384	0.28639
6111305030	0.2384	0.28639
6111305050	0.2384	0.28639
6111305070	0.2384	0.28639
6111901000	0.2384	0.28639
6111902000	0.2384	0.28639
6111903000	0.2384	0.28639
6111904000	0.2384	0.28639
6111905010	0.2384	0.28639
6111905020	0.2384	0.28639
6111905030	0.2384	0.28639
6111905050	0.2384	0.28639
6111905070	0.2384	0.28639
6112110010	0.9535	1.14544
6112110020	0.9535	1.14544
6112110030	0.9535	1.14544
6112110040	0.9535	1.14544
6112110050	0.9535	1.14544
6112110060	0.9535	1.14544
6112120010	0.2384	0.28639
6112120020	0.2384	0.28639
6112120030	0.2384	0.28639
6112120040	0.2384	0.28639
6112120050	0.2384	0.28639
6112120060	0.2384	0.28639
6112191010	0.2492	0.29936
6112191020	0.2492	0.29936
6112191030	0.2492	0.29936
6112191040	0.2492	0.29936
6112191050	0.2492	0.29936
6112191060	0.2492	0.29936
6112201060	0.2492	0.29936
6112201070	0.2492	0.29936
6112201080	0.2492	0.29936
6112201090	0.2492	0.29936
6112202010	0.8722	1.04777
6112202020	0.3738	0.44905
6112202030	0.2492	0.29936
6112310010	0.1192	0.14319
6112310020	0.1192	0.14319
6112390010	1.0727	1.28863
6112410010	0.1192	0.14319

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
6112410020	0.1192	0.14319
6112410030	0.1192	0.14319
6112410040	0.1192	0.14319
6112490010	0.8939	1.07384
6113001005	0.1246	0.14968
6113001010	0.1246	0.14968
6113001012	0.1246	0.14968
6113009015	0.3489	0.41913
6113009020	0.3489	0.41913
6113009038	0.3489	0.41913
6113009042	0.3489	0.41913
6113009055	0.3489	0.41913
6113009060	0.3489	0.41913
6113009074	0.3489	0.41913
6113009082	0.3489	0.41913
6114200005	0.9747	1.17091
6114200010	0.9747	1.17091
6114200015	0.8528	1.02447
6114200020	0.8528	1.02447
6114200035	0.8528	1.02447
6114200040	0.8528	1.02447
6114200042	0.3655	0.43908
6114200044	0.8528	1.02447
6114200046	0.8528	1.02447
6114200048	0.8528	1.02447
6114200052	0.8528	1.02447
6114200055	0.8528	1.02447
6114200060	0.8528	1.02447
6114301010	0.2437	0.29276
6114301020	0.2437	0.29276
6114302060	0.1218	0.14632
6114303014	0.2437	0.29276
6114303020	0.2437	0.29276
6114303030	0.2437	0.29276
6114303042	0.2437	0.29276
6114303044	0.2437	0.29276
6114303052	0.2437	0.29276
6114303054	0.2437	0.29276
6114303060	0.2437	0.29276
6114303070	0.2437	0.29276
6114909045	0.5482	0.65855
6114909055	0.3655	0.43908
6114909070	0.3655	0.43908
6115100500	0.4386	0.52689
6115101510	1.0965	1.31723
6115103000	0.9868	1.18544
6115106000	0.1096	0.13166
6115298010	1.0965	1.31723
6115309030	0.7675	0.922
6115956000	0.9868	1.18544
6115959000	0.9868	1.18544
6115966020	0.2193	0.26345
6115991420	0.2193	0.26345
6115991920	0.2193	0.26345
6115999000	0.1096	0.13166
6116101300	0.3463	0.41601
6116101720	0.8079	0.97053
6116104810	0.4444	0.53386
6116105510	0.6464	0.77652
6116107510	0.6464	0.77652
6116109500	0.1616	0.19413
6116920500	0.8079	0.97053
6116920800	0.8079	0.97053
6116926410	1.0388	1.24791
6116926420	1.0388	1.24791
6116926430	1.1542	1.38654
6116926440	1.0388	1.24791
6116927450	1.0388	1.24791
6116927460	1.1542	1.38654
6116927470	1.0388	1.24791
6116928800	1.0388	1.24791
6116929400	1.0388	1.24791
6116938800	0.1154	0.13863
6116939400	0.1154	0.13863
6116994800	0.1154	0.13863
6116995400	0.1154	0.13863
6116999510	0.4617	0.55464
6116999530	0.3463	0.41601
6117106010	0.9234	1.10928
6117106020	0.2308	0.27726
6117808500	0.9234	1.10928
6117808710	1.1542	1.38654
6117808770	0.1731	0.20795
6117809510	0.9234	1.10928
6117809540	0.3463	0.41601
6117809570	0.1731	0.20795
6117909003	1.1542	1.38654
6117909015	0.2308	0.27726
6117909020	1.1542	1.38654
6117909040	1.1542	1.38654
6117909060	1.1542	1.38654
6117909080	1.1542	1.38654
6201121000	0.8981	1.07889
6201122010	0.8482	1.01894
6201122020	0.8482	1.01894
6201122025	0.9979	1.19878
6201122035	0.9979	1.19878
6201122050	0.6486	0.77916
6201122060	0.6486	0.77916
6201134015	0.1996	0.23978
6201134020	0.1996	0.23978
6201134030	0.2495	0.29972
6201134040	0.2495	0.29972
6201199010	0.5613	0.67429
6201199030	0.3742	0.44953
6201199060	0.3742	0.44953
6201921000	0.8779	1.05462
6201921500	1.0974	1.31831
6201922005	0.9754	1.17175
6201922010	0.9754	1.17175
6201922021	1.2193	1.46475
6201922031	1.2193	1.46475
6201922041	1.2193	1.46475
6201922051	0.9754	1.17175
6201922061	0.9754	1.17175
6201931000	0.2926	0.3515
6201932010	0.2439	0.293
6201932020	0.2439	0.293
6201933511	0.2439	0.293
6201933521	0.2439	0.293
6201999010	0.5487	0.65915
6201999030	0.3658	0.43944
6201999060	0.2439	0.293
6202121000	0.8879	1.06663
6202122010	1.0482	1.2592
6202122020	1.0482	1.2592
6202122025	1.2332	1.48144
6202122035	1.2332	1.48144
6202122050	0.8016	0.96296
6202122060	0.8016	0.96296
6202134005	0.2524	0.30321
6202134010	0.2524	0.30321
6202134020	0.3155	0.37901
6202134030	0.3155	0.37901
6202199010	0.5678	0.6821
6202199030	0.3786	0.45481
6202199060	0.2524	0.30321
6202921000	0.9865	1.18508
6202921500	0.9865	1.18508
6202922010	0.9865	1.18508
6202922020	0.9865	1.18508
6202922026	1.2332	1.48144
6202922031	1.2332	1.48144
6202922061	0.9865	1.18508
6202922071	0.9865	1.18508
6202931000	0.296	0.35558
6202932010	0.2466	0.29624
6202932020	0.2466	0.29624
6202935011	0.2466	0.29624
6202935021	0.2466	0.29624
6202999011	0.5549	0.6666
6202999031	0.37	0.44448
6202999061	0.2466	0.29624
6203122010	0.1233	0.14812
6203122020	0.1233	0.14812
6203191010	0.9865	1.18508
6203191020	0.9865	1.18508
6203191030	0.9865	1.18508
6203199010	0.5549	0.6666
6203199020	0.5549	0.6666
6203199030	0.5549	0.6666
6203199050	0.37	0.44448
6203199080	0.2466	0.29624
6203221000	1.2332	1.48144
6203321000	0.6782	0.81472
6203322010	1.1715	1.40732
6203322020	1.1715	1.40732
6203322030	1.1715	1.40732
6203322040	1.1715	1.40732
6203322050	1.1715	1.40732
6203332010	0.1233	0.14812
6203332020	0.1233	0.14812
6203392010	0.1233	0.14812
6203392020	0.1233	0.14812
6203399010	0.5549	0.6666
6203399030	0.37	0.44448
6203399060	0.2466	0.29624
6203421000	1.0616	1.2753
6203422005	0.7077	0.85016
6203422010	0.9436	1.13355
6203422025	0.9436	1.13355
6203422050	0.9436	1.13355
6203422090	0.9436	1.13355
6203424003	1.0616	1.2753
6203424006	1.1796	1.41705
6203424011	1.1796	1.41705
6203424016	0.9436	1.13355
6203424021	1.1796	1.41705
6203424026	1.1796	1.41705
6203424031	1.1796	1.41705
6203424036	1.1796	1.41705
6203424041	0.9436	1.13355
6203424046	0.9436	1.13355
6203424051	0.8752	1.05138
6203424056	0.8752	1.05138
6203424061	0.8752	1.05138
6203431000	0.1887	0.22669
6203431500	0.118	0.14175
6203432005	0.118	0.14175
6203432010	0.2359	0.28339
6203432025	0.2359	0.28339
6203432050	0.2359	0.28339
6203432090	0.2359	0.28339
6203432500	0.4128	0.4959
6203433510	0.059	0.07088
6203433590	0.059	0.07088
6203434010	0.1167	0.14019

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
6203434015	0.1167	0.14019
6203434020	0.1167	0.14019
6203434030	0.1167	0.14019
6203434035	0.1167	0.14019
6203434040	0.1167	0.14019
6203491005	0.118	0.14175
6203491010	0.2359	0.28339
6203491025	0.2359	0.28339
6203491050	0.2359	0.28339
6203491090	0.2359	0.28339
6203491500	0.4128	0.4959
6203492015	0.2359	0.28339
6203492020	0.2359	0.28339
6203492030	0.118	0.14175
6203492045	0.118	0.14175
6203492050	0.118	0.14175
6203492060	0.118	0.14175
6203498020	0.5308	0.63765
6203498030	0.3539	0.42514
6203498045	0.2359	0.28339
6204110000	0.0617	0.07412
6204120010	0.9865	1.18508
6204120020	0.9865	1.18508
6204120030	0.9865	1.18508
6204120040	0.9865	1.18508
6204132010	0.1233	0.14812
6204132020	0.1233	0.14812
6204192000	0.1233	0.14812
6204198010	0.5549	0.6666
6204198020	0.5549	0.6666
6204198030	0.5549	0.6666
6204198040	0.5549	0.6666
6204198060	0.3083	0.37036
6204198090	0.2466	0.29624
6204221000	1.2332	1.48144
6204321000	0.6782	0.81472
6204322010	1.1715	1.40732
6204322020	1.1715	1.40732
6204322030	0.9865	1.18508
6204322040	0.9865	1.18508
6204398010	0.5549	0.6666
6204398030	0.3083	0.37036
6204412010	0.0603	0.07244
6204412020	0.0603	0.07244
6204421000	1.2058	1.44853
6204422000	0.6632	0.7967
6204423010	1.2058	1.44853
6204423020	1.2058	1.44853
6204423030	0.9043	1.08634
6204423040	0.9043	1.08634
6204423050	0.9043	1.08634
6204423060	0.9043	1.08634
6204431000	0.4823	0.57939
6204432000	0.0603	0.07244
6204442000	0.4316	0.51848
6204495010	0.5549	0.6666
6204495030	0.2466	0.29624
6204510010	0.0631	0.0758
6204510020	0.0631	0.0758
6204521000	1.2618	1.5158
6204522010	1.1988	1.44012
6204522020	1.1988	1.44012
6204522030	1.1988	1.44012
6204522040	1.1988	1.44012
6204522070	1.0095	1.21271
6204522080	1.0095	1.21271
6204531000	0.4416	0.53049
6204532010	0.0631	0.0758
6204532020	0.0631	0.0758

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
6204533010	0.2524	0.30321
6204533020	0.2524	0.30321
6204591000	0.4416	0.53049
6204594010	0.5678	0.6821
6204594030	0.2524	0.30321
6204594060	0.2524	0.30321
6204611010	0.059	0.07088
6204611020	0.059	0.07088
6204619010	0.059	0.07088
6204619020	0.059	0.07088
6204619030	0.059	0.07088
6204619040	0.118	0.14175
6204621000	0.8681	1.04285
6204622005	0.7077	0.85016
6204622010	0.9436	1.13355
6204622025	0.9436	1.13355
6204622050	0.9436	1.13355
6204623000	1.1796	1.41705
6204624003	1.0616	1.2753
6204624006	1.1796	1.41705
6204624011	1.1796	1.41705
6204624021	0.9436	1.13355
6204624026	1.1796	1.41705
6204624031	1.1796	1.41705
6204624036	1.1796	1.41705
6204624041	1.1796	1.41705
6204624046	0.9436	1.13355
6204624051	0.9436	1.13355
6204624056	0.9335	1.12141
6204624061	0.9335	1.12141
6204624066	0.9335	1.12141
6204631000	0.2019	0.24254
6204631200	0.118	0.14175
6204631505	0.118	0.14175
6204631510	0.2359	0.28339
6204631525	0.2359	0.28339
6204631550	0.2359	0.28339
6204632000	0.4718	0.56677
6204632510	0.059	0.07088
6204632520	0.059	0.07088
6204633010	0.0603	0.07244
6204633090	0.0603	0.07244
6204633510	0.2412	0.28975
6204633525	0.2412	0.28975
6204633530	0.2412	0.28975
6204633532	0.2309	0.27738
6204633535	0.2309	0.27738
6204633540	0.2309	0.27738
6204691005	0.118	0.14175
6204691010	0.2359	0.28339
6204691025	0.2359	0.28339
6204691050	0.2359	0.28339
6204692010	0.059	0.07088
6204692020	0.059	0.07088
6204692030	0.059	0.07088
6204692510	0.2359	0.28339
6204692520	0.2359	0.28339
6204692530	0.2359	0.28339
6204692540	0.2309	0.27738
6204692550	0.2309	0.27738
6204692560	0.2309	0.27738
6204696010	0.5308	0.63765
6204696030	0.2359	0.28339
6204696070	0.3539	0.42514
6204699010	0.5308	0.63765
6204699030	0.2359	0.28339
6204699044	0.2359	0.28339
6204699046	0.2359	0.28339
6204699050	0.3539	0.42514

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
6205201000	1.1796	1.41705
6205202003	0.9436	1.13355
6205202016	0.9436	1.13355
6205202021	0.9436	1.13355
6205202026	0.9436	1.13355
6205202031	0.9436	1.13355
6205202036	1.0616	1.2753
6205202041	1.0616	1.2753
6205202044	1.0616	1.2753
6205202047	0.9436	1.13355
6205202051	0.9436	1.13355
6205202056	0.9436	1.13355
6205202061	0.9436	1.13355
6205202066	0.9436	1.13355
6205202071	0.9436	1.13355
6205202076	0.9436	1.13355
6205301000	0.4128	0.4959
6205302010	0.2949	0.35426
6205302020	0.2949	0.35426
6205302030	0.2949	0.35426
6205302040	0.2949	0.35426
6205302050	0.2949	0.35426
6205302055	0.2949	0.35426
6205302060	0.2949	0.35426
6205302070	0.2949	0.35426
6205302075	0.2949	0.35426
6205302080	0.2949	0.35426
6205900710	0.118	0.14175
6205900720	0.118	0.14175
6205901000	0.2359	0.28339
6205903010	0.5308	0.63765
6205903030	0.2359	0.28339
6205903050	0.1769	0.21251
6205904010	0.5308	0.63765
6205904030	0.2359	0.28339
6205904040	0.2359	0.28339
6206100010	0.5308	0.63765
6206100030	0.2359	0.28339
6206100040	0.118	0.14175
6206100050	0.2359	0.28339
6206203010	0.059	0.07088
6206203020	0.059	0.07088
6206301000	1.1796	1.41705
6206302000	0.6488	0.7794
6206303003	0.9436	1.13355
6206303011	0.9436	1.13355
6206303021	0.9436	1.13355
6206303031	0.9436	1.13355
6206303041	0.9436	1.13355
6206303051	0.9436	1.13355
6206303061	0.9436	1.13355
6206401000	0.4128	0.4959
6206403010	0.2949	0.35426
6206403020	0.2949	0.35426
6206403025	0.2949	0.35426
6206403030	0.2949	0.35426
6206403040	0.2949	0.35426
6206403050	0.2949	0.35426
6206900010	0.5308	0.63765
6206900030	0.2359	0.28339
6206900040	0.1769	0.21251
6207110000	1.0281	1.23506
6207199010	0.3427	0.41169
6207199030	0.4569	0.54887
6207210010	1.0502	1.26161
6207210020	1.0502	1.26161
6207210030	1.0502	1.26161
6207210040	1.0502	1.26161
6207220000	0.3501	0.42058

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
6207291000	0.1167	0.14019
6207299030	0.1167	0.14019
6207911000	1.0852	1.30365
6207913010	1.0852	1.30365
6207913020	1.0852	1.30365
6207997520	0.2412	0.28975
6207998510	0.2412	0.28975
6207998520	0.2412	0.28975
6208110000	0.2412	0.28975
6208192000	1.0852	1.30365
6208195000	0.1206	0.14488
6208199000	0.2412	0.28975
6208210010	1.0026	1.20442
6208210020	1.0026	1.20442
6208210030	1.0026	1.20442
6208220000	0.118	0.14175
6208299030	0.2359	0.28339
6208911010	1.0852	1.30365
6208911020	1.0852	1.30365
6208913010	1.0852	1.30365
6208913020	1.0852	1.30365
6208920010	0.1206	0.14488
6208920020	0.1206	0.14488
6208920030	0.1206	0.14488
6208920040	0.1206	0.14488
6208992010	0.0603	0.07244
6208992020	0.0603	0.07244
6208995010	0.2412	0.28975
6208995020	0.2412	0.28975
6208998010	0.2412	0.28975
6208998020	0.2412	0.28975
6209201000	1.0967	1.31747
6209202000	1.039	1.24815
6209203000	0.9236	1.10952
6209205030	0.9236	1.10952
6209205035	0.9236	1.10952
6209205045	0.9236	1.10952
6209205050	0.9236	1.10952
6209301000	0.2917	0.35042
6209302000	0.2917	0.35042
6209303010	0.2334	0.28038
6209303020	0.2334	0.28038
6209303030	0.2334	0.28038
6209303040	0.2334	0.28038
6209900500	0.1154	0.13863
6209901000	0.2917	0.35042
6209902000	0.2917	0.35042
6209903010	0.2917	0.35042
6209903015	0.2917	0.35042
6209903020	0.2917	0.35042
6209903030	0.2917	0.35042
6209903040	0.2917	0.35042
6210109010	0.217	0.26068
6210109040	0.217	0.26068
6210203000	0.0362	0.04349
6210205000	0.0844	0.10139
6210207000	0.1809	0.21732
6210303000	0.0362	0.04349
6210305000	0.0844	0.10139
6210307000	0.0362	0.04349
6210309020	0.422	0.50695
6210403000	0.037	0.04445
6210405020	0.4316	0.51848
6210405031	0.0863	0.10367
6210405039	0.0863	0.10367
6210405040	0.4316	0.51848
6210405050	0.4316	0.51848
6210407000	0.111	0.13334
6210409025	0.111	0.13334
6210409033	0.111	0.13334
6210409045	0.111	0.13334
6210409060	0.111	0.13334
6210503000	0.037	0.04445
6210505020	0.0863	0.10367
6210505031	0.0863	0.10367
6210505039	0.0863	0.10367
6210505040	0.0863	0.10367
6210505055	0.0863	0.10367
6210507000	0.4316	0.51848
6210509050	0.148	0.17779
6210509060	0.148	0.17779
6210509070	0.148	0.17779
6210509090	0.148	0.17779
6211111010	0.1206	0.14488
6211111020	0.1206	0.14488
6211118010	1.0852	1.30365
6211118020	1.0852	1.30365
6211118040	0.2412	0.28975
6211121010	0.0603	0.07244
6211121020	0.0603	0.07244
6211128010	1.0852	1.30365
6211128020	1.0852	1.30365
6211128030	0.6029	0.72426
6211200410	0.7717	0.92704
6211200420	0.0965	0.11593
6211200430	0.7717	0.92704
6211200440	0.0965	0.11593
6211200810	0.3858	0.46346
6211200820	0.3858	0.46346
6211201510	0.7615	0.91479
6211201515	0.2343	0.28146
6211201520	0.6443	0.774
6211201525	0.2929	0.35186
6211201530	0.7615	0.91479
6211201535	0.3515	0.42226
6211201540	0.7615	0.91479
6211201545	0.2929	0.35186
6211201550	0.7615	0.91479
6211201555	0.41	0.49253
6211201560	0.7615	0.91479
6211201565	0.2343	0.28146
6211202400	0.1233	0.14812
6211202810	0.8016	0.96296
6211202820	0.2466	0.29624
6211202830	0.3083	0.37036
6211203400	0.1233	0.14812
6211203810	0.8016	0.96296
6211203820	0.2466	0.29624
6211203830	0.3083	0.37036
6211204400	0.1233	0.14812
6211204815	0.8016	0.96296
6211204835	0.2466	0.29624
6211204860	0.3083	0.37036
6211205400	0.1233	0.14812
6211205810	0.8016	0.96296
6211205820	0.2466	0.29624
6211205830	0.3083	0.37036
6211206400	0.1233	0.14812
6211206810	0.8016	0.96296
6211206820	0.2466	0.29624
6211206830	0.3083	0.37036
6211207400	0.1233	0.14812
6211207810	0.9249	1.11108
6211207820	0.2466	0.29624
6211207830	0.3083	0.37036
6211320003	0.6412	0.77027
6211320007	0.8016	0.96296
6211320010	0.9865	1.18508
6211320015	0.9865	1.18508
6211320025	0.9865	1.18508
6211320030	0.9249	1.11108
6211320040	0.9249	1.11108
6211320050	0.9249	1.11108
6211320060	0.9249	1.11108
6211320070	0.9249	1.11108
6211320075	0.9249	1.11108
6211320081	0.9249	1.11108
6211330003	0.0987	0.11857
6211330007	0.1233	0.14812
6211330010	0.3083	0.37036
6211330015	0.3083	0.37036
6211330017	0.3083	0.37036
6211330025	0.37	0.44448
6211330030	0.37	0.44448
6211330035	0.37	0.44448
6211330040	0.37	0.44448
6211330054	0.37	0.44448
6211330058	0.37	0.44448
6211330061	0.37	0.44448
6211390510	0.1233	0.14812
6211390520	0.1233	0.14812
6211390530	0.1233	0.14812
6211390540	0.1233	0.14812
6211390545	0.1233	0.14812
6211390551	0.1233	0.14812
6211399010	0.2466	0.29624
6211399020	0.2466	0.29624
6211399030	0.2466	0.29624
6211399040	0.2466	0.29624
6211399050	0.2466	0.29624
6211399060	0.2466	0.29624
6211399070	0.2466	0.29624
6211399090	0.2466	0.29624
6211420003	0.6412	0.77027
6211420007	0.8016	0.96296
6211420010	0.9865	1.18508
6211420020	0.9865	1.18508
6211420025	1.1099	1.33332
6211420030	0.8632	1.03696
6211420040	0.9865	1.18508
6211420054	1.1099	1.33332
6211420056	1.1099	1.33332
6211420060	0.9865	1.18508
6211420070	1.1099	1.33332
6211420075	1.1099	1.33332
6211420081	1.1099	1.33332
6211430003	0.0987	0.11857
6211430007	0.1233	0.14812
6211430010	0.2466	0.29624
6211430020	0.2466	0.29624
6211430030	0.2466	0.29624
6211430040	0.2466	0.29624
6211430050	0.2466	0.29624
6211430060	0.2466	0.29624
6211430064	0.3083	0.37036
6211430066	0.2466	0.29624
6211430074	0.3083	0.37036
6211430076	0.37	0.44448
6211430078	0.37	0.44448
6211430091	0.2466	0.29624
6211499010	0.2466	0.29624
6211499020	0.2466	0.29624
6211499030	0.2466	0.29624
6211499040	0.2466	0.29624
6211499050	0.2466	0.29624
6211499060	0.2466	0.29624
6211499070	0.2466	0.29624

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
6211499080	0.2466	0.29624
6211499090	0.2466	0.29624
6212105010	0.9138	1.09775
6212105020	0.2285	0.2745
6212105030	0.2285	0.2745
6212109010	0.9138	1.09775
6212109020	0.2285	0.2745
6212109040	0.2285	0.2745
6212200010	0.6854	0.82337
6212200020	0.2856	0.34309
6212200030	0.1142	0.13719
6212300010	0.6854	0.82337
6212300020	0.2856	0.34309
6212300030	0.1142	0.13719
6212900010	0.1828	0.2196
6212900020	0.1828	0.2196
6212900030	0.1828	0.2196
6212900050	0.0914	0.1098
6212900090	0.4112	0.49397
6213201000	1.1187	1.34389
6213202000	1.0069	1.20959
6213900700	0.4475	0.53758
6213901000	0.4475	0.53758
6213902000	0.3356	0.40316
6214300000	0.1142	0.13719
6214400000	0.1142	0.13719
6214900010	0.8567	1.02915
6214900090	0.2285	0.2745
6215100025	0.1142	0.13719
6215200000	0.1142	0.13719
6215900015	1.0281	1.23506
6216000800	0.0685	0.08229
6216001300	0.3427	0.41169
6216001720	0.6397	0.76847
6216001730	0.1599	0.19209
6216001900	0.3427	0.41169
6216002110	0.578	0.69435
6216002120	0.2477	0.29756
6216002410	0.6605	0.79346
6216002425	0.1651	0.19833
6216002600	0.1651	0.19833
6216002910	0.6605	0.79346
6216002925	0.1651	0.19833
6216003100	0.1651	0.19833
6216003300	0.5898	0.70853
6216003500	0.5898	0.70853
6216003800	1.1796	1.41705
6216004100	1.1796	1.41705
6217109510	0.9646	1.15877
6217109520	0.1809	0.21732
6217109530	0.2412	0.28975
6217909003	0.9646	1.15877
6217909005	0.1809	0.21732
6217909010	0.2412	0.28975
6217909025	0.9646	1.15877
6217909030	0.1809	0.21732
6217909035	0.2412	0.28975
6217909050	0.9646	1.15877
6217909055	0.1809	0.21732
6217909060	0.2412	0.28975
6217909075	0.9646	1.15877
6217909080	0.1809	0.21732
6217909085	0.2412	0.28975
6301300010	0.8305	0.99768
6301300020	0.8305	0.99768
6301900030	0.2215	0.26609
6302100005	1.1073	1.3302
6302100008	1.1073	1.3302
6302100015	1.1073	1.3302

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
6302213010	1.1073	1.3302
6302213020	1.1073	1.3302
6302213030	1.1073	1.3302
6302213040	1.1073	1.3302
6302213050	1.1073	1.3302
6302215010	0.7751	0.93113
6302215020	0.7751	0.93113
6302215030	0.7751	0.93113
6302215040	0.7751	0.93113
6302215050	0.7751	0.93113
6302217010	1.1073	1.3302
6302217020	1.1073	1.3302
6302217030	1.1073	1.3302
6302217040	1.1073	1.3302
6302217050	1.1073	1.3302
6302219010	0.7751	0.93113
6302219020	0.7751	0.93113
6302219030	0.7751	0.93113
6302219040	0.7751	0.93113
6302219050	0.7751	0.93113
6302221010	0.5537	0.66516
6302221020	0.3876	0.46562
6302221030	0.5537	0.66516
6302221040	0.3876	0.46562
6302221050	0.3876	0.46562
6302221060	0.3876	0.46562
6302222010	0.3876	0.46562
6302222020	0.3876	0.46562
6302222030	0.3876	0.46562
6302290020	0.2215	0.26609
6302313010	1.1073	1.3302
6302313020	1.1073	1.3302
6302313030	1.1073	1.3302
6302313040	1.1073	1.3302
6302313050	1.1073	1.3302
6302315010	0.7751	0.93113
6302315020	0.7751	0.93113
6302315030	0.7751	0.93113
6302315040	0.7751	0.93113
6302315050	0.7751	0.93113
6302317010	1.1073	1.3302
6302317020	1.1073	1.3302
6302317030	1.1073	1.3302
6302317040	1.1073	1.3302
6302317050	1.1073	1.3302
6302319010	0.7751	0.93113
6302319020	0.7751	0.93113
6302319030	0.7751	0.93113
6302319040	0.7751	0.93113
6302319050	0.7751	0.93113
6302321010	0.5537	0.66516
6302321020	0.3876	0.46562
6302321030	0.5537	0.66516
6302321040	0.3876	0.46562
6302321050	0.3876	0.46562
6302321060	0.3876	0.46562
6302322010	0.5537	0.66516
6302322020	0.3876	0.46562
6302322030	0.5537	0.66516
6302322040	0.3876	0.46562
6302322050	0.3876	0.46562
6302322060	0.3876	0.46562
6302390030	0.2215	0.26609
6302402010	0.9412	1.13066
6302511000	0.5537	0.66516
6302512000	0.8305	0.99768
6302513000	0.5537	0.66516
6302514000	0.7751	0.93113
6302593020	0.5537	0.66516

IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS No.	CONV. FACTOR.	Cents/kg.
6302600010	1.1073	1.3302
6302600020	0.9966	1.19722
6302600030	0.9966	1.19722
6302910005	0.9966	1.19722
6302910015	1.1073	1.3302
6302910025	0.9966	1.19722
6302910035	0.9966	1.19722
6302910045	0.9966	1.19722
6302910050	0.9966	1.19722
6302910060	0.9966	1.19722
6302931000	0.4429	0.53206
6302932000	0.4429	0.53206
6302992000	0.2215	0.26609
6303191100	0.8859	1.06423
6303910010	0.609	0.73159
6303910020	0.609	0.73159
6303921000	0.2768	0.33252
6303922010	0.2768	0.33252
6303922030	0.2768	0.33252
6303922050	0.2768	0.33252
6303990010	0.2768	0.33252
6304111000	0.9966	1.19722
6304113000	0.1107	0.13298
6304190500	0.9966	1.19722
6304191000	1.1073	1.3302
6304191500	0.3876	0.46562
6304192000	0.3876	0.46562
6304193060	0.2215	0.26609
6304910020	0.8859	1.06423
6304910070	0.2215	0.26609
6304920000	0.8859	1.06423
6304996040	0.2215	0.26609
6505001515	1.1189	1.34413
6505001525	0.5594	0.67201
6505001540	1.1189	1.34413
6505002030	0.9412	1.13066
6505002060	0.9412	1.13066
6505002545	0.5537	0.66516
6507000000	0.3986	0.47884
9404901000	0.2104	0.25275
9404908020	0.9966	1.19722
9404908040	0.9966	1.19722
9404908505	0.6644	0.79814
9404908536	0.0997	0.11977
9404909505	0.6644	0.79814
9404909570	0.2658	0.31931
9619002100	0.8681	1.04285
9619002500	0.1085	0.13034
9619003100	0.9535	1.14544
9619003300	1.1545	1.3869
9619004100	0.2384	0.28639
9619004300	0.2384	0.28639
9619006100	0.8528	1.02447
9619006400	0.2437	0.29276
9619006800	0.3655	0.43908
9619007100	1.1099	1.33332
9619007400	0.2466	0.29624
9619007800	0.2466	0.29624
9619007900	0.2466	0.29624

* * * * *

Authority: 7 U.S.C. 2101–2118.

Dated: August 28, 2015.

Rex A. Barnes,

Associate Administrator.

[FR Doc. 2015–21782 Filed 9–2–15; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1218

[Document Number AMS–FV–14–0089]

Blueberry Promotion, Research and Information Order; Expanding the Membership of the U.S. Highbush Blueberry Council and Other Changes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule expands the membership of the U.S. Highbush Blueberry Council (Council) under the Blueberry Promotion, Research and Information Order (Order). The Council administers the Order with oversight by the U.S. Department of Agriculture (USDA). This rule increases the number of Council members from 16 to 20, adding two producers, one importer, and one exporter. This will help ensure that the Council reflects the geographical distribution of domestic blueberry production and imports into the United States. This rule also adds eligibility requirements for the public member, clarifies the Council's nomination procedures and its ability to serve the diversity of the industry, and increases the number of members needed for a quorum. This rule also prescribes late payment and interest charges for past due assessments. These changes will help facilitate program administration. All of these actions were unanimously recommended by the Council.

DATES: *Effective Date* January 1, 2016.

FOR FURTHER INFORMATION CONTACT: Maureen T. Pello, Marketing Specialist, Promotion and Economics Division, Fruit and Vegetable Program, AMS, USDA, P.O. Box 831, Beavercreek, Oregon 97004; telephone: (503) 632–8848; facsimile (202) 205–2800; or electronic mail: *Maureen.Pello@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under the Order (7 CFR part 1218). The Order is authorized under the Commodity Promotion, Research, and Information Act of 1996 (1996 Act) (7 U.S.C. 7411–7425).

Executive Order 12866 and Executive Order 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules and promoting flexibility. This action has been designated as a ''non-significant regulatory action'' under section 3(f) of Executive Order 12866. Accordingly, the Office of Management and Budget (OMB) has waived the review process.

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation will not have substantial and direct effects on Tribal governments and will not have significant Tribal implications.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. Section 524 of the 1996 Act (7 U.S.C. 7423) provides that it shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the 1996 Act (7 U.S.C. 7418), a person subject to an order may file a written petition with USDA stating that an order, any provision of an order, or any obligation imposed in connection with an order, is not established in accordance with the law, and request a modification of an order or an exemption from an order. Any petition filed challenging an order, any provision of an order, or any obligation imposed in connection with an order, shall be filed within two years after the effective date of an order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, USDA will issue a ruling on the petition. The 1996 Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of USDA's final ruling.

Background

This rule expands the membership of the Council under the Order. The Council administers the Order with oversight by USDA. Under the program, assessments are collected from domestic producers and importers and used for research and promotion projects designed to increase the demand for highbush blueberries. This rule increases the number of Council members from 16 to 20, adding two producers, one importer, and one exporter. This will help ensure that the Council reflects the geographical distribution of domestic blueberry production and imports into the United States. This rule also adds eligibility requirements for the public member, clarifies the Council's nomination procedures and its ability to serve the diversity of the industry, and increases the number of members needed for a quorum. This rule also prescribes late payment and interest charges on past due assessments. These changes will help facilitate program administration. All of these actions were unanimously recommended by the Council at its meeting on October 3, 2014.

Expanding the Council's Membership

Section 1218.40(a) of the Order currently specifies that the Council be composed of no more than 16 members and alternates appointed by the Secretary of Agriculture (Secretary). Ten of the 16 members and alternates are producers. One producer member and alternate are from each of the following regions within the United States: Region #1 Western Region; Region #2 Midwest Region; Region #3 Northeast Region; and Region #4 Southern Region. One producer member and alternate are from each of the top six blueberry producing states, based upon the average of the total tons produced over the previous three years. Currently, these states include Michigan, Oregon, Washington, Georgia, New Jersey, and California. Average tonnage is based upon production and assessment figures generated by the Council.

Of the remaining six Council members and alternates, three members and alternates are importers. One member and alternate must be an exporter, defined in § 1218.40 as a blueberry producer currently shipping blueberries into the United States from the largest foreign blueberry production area, based on a three-year average (currently Chile). One member and alternate must be a first handler, defined in § 1218.40 as a United States based independent or cooperative organization which is a producer/shipper of domestic blueberries. Finally, one member and alternate must represent the public.

Section 1218.40(b) of the Order specifies that, at least once every five years, the Council will review the geographical distribution of the production of blueberries in the United

States and the quantity of imports. The review is conducted through an audit of state crop production figures and Council assessment records. If warranted, the Council will recommend to the Secretary that its membership be altered to reflect changes in the geographical distribution of domestic blueberry production and the quantity of imports. If the level of imports increases, importer members and alternates may be added to the Council.

Council Recommendation

Adding Two State Producer Positions

The Council met on October 3, 2014, and reviewed domestic production and assessment data for the pasts three years (2011–2013). This data for the top blueberry producing states is summarized in Table 1 below.

TABLE 1—PRODUCTION [1] AND ASSESSMENT [2] FIGURES FROM 2011–2013

State	2011		2012		2013		3-year average	
	Tons	Assessments paid	Tons	Assessments paid	Tons	Assessments paid	Tons	Assessments paid
Michigan	36,000	$434,775	43,500	$528,782	57,500	$668,678	45,500	$544,075
Oregon	32,750	363,726	36,000	433,326	44,750	517,579	37,833	438,210
Washington	30,500	319,635	35,000	334,242	40,800	361,595	35,433	338,491
Georgia	32,500	343,694	38,500	347,666	34,000	359,681	35,000	350,347
New Jersey	31,000	321,123	27,000	285,502	25,080	288,578	27,693	298,401
California	21,050	286,696	20,450	301,212	25,700	366,494	22,400	318,134
North Carolina	18,500	189,061	20,250	198,090	21,200	190,904	19,983	192,685
Florida	11,700	131,538	9,050	88,246	10,750	124,576	10,500	114,787
Mississippi	5,250	27,096	4,500	28,610	3,650	17,566	4,467	24,424
Indiana	800	3,007	750	3,160	1,600	7,751	1,050	4,639

As shown in Table 1, Michigan, Oregon, Washington, Georgia, New Jersey, California, North Carolina, and Florida, respectively, were the top eight highbush blueberry producing states based on the 3-year average of both production and assessments paid from 2011–2013. Mississippi and Indiana, respectively, were the ninth and tenth highest blueberry producing states from 2011–2013. Blueberry production in Florida, the smallest producer of the top eight producing states, was more than double that of Mississippi.

Since the Council's inception in 2001 and continuing until 2006, there were five state positions on the Council; producers from Michigan, Oregon, Georgia, New Jersey, and North Carolina held those five positions. In 2006, a sixth state position was added to the Council, with the State of Washington earning a seat (71 FR 44553; August 7, 2006). Production shifted in the coming years, and by 2014, California became the sixth top blueberry producing state and earned a position on the Council, with its 3-year average production surpassing that of North Carolina.

After reviewing state production data, the Council recommended revising its membership so that one producer member and alternate from each of the top eight producing blueberry states have seats on the Council, based upon the average of the total tons produced over the previous 3 years. Thus, the number of state positions on the Council will be increased from six to eight. Based upon recent production figures, this will allow North Carolina and Florida to each have a state member and alternate seat on the Council. Section 1218.40(a)(2) is revised accordingly.

Adding One Importer and One Exporter Position

The Council also reviewed import data and compared it to domestic data. Table 2 below shows the domestic (U.S.) production figures and quantity of imports from 2011–2013 as well as assessments paid for domestic and imported blueberries for those years. The table also shows the 3-year average of domestic production, imports and assessments paid for 2011–2013.

TABLE 2—U.S.[3] AND IMPORT [4] QUANTITIES AND ASSESSMENT [5] DATA FROM 2011–2013

Year	Domestic (U.S.) assessments	Import assessments	U.S. crop (tons)	Imports (tons)
2011	$2,151,682	$1,525,936	221,600	124,549
2012	2,434,646	1,601,966	236,700	132,133
2013	2,577,953	1,795,164	265,600	151,005
3-Year Average	2,387,177	1,641,022	241,303	135,896
Percent of Total	59%	41%	64%	36%

As shown in Table 2, the quantity of imported blueberries as well as assessments paid by importers has increased from 2011–2013. Based upon a 3-year average of total assessments paid under the program, domestic blueberries account for 59 percent of assessments paid and imports account for 41 percent of assessments paid. Additionally, based on a 3-year average of the total tonnage covered under the program, domestic production accounts for 64 percent of the tonnage and imports account for 36 percent of the tonnage.

[1] Noncitrus Fruits and Nuts 2013 Summary, July 2014, USDA, National Agricultural Statistics Service, p. 34.

[2] Council assessment records 2011–2013.

[3] Noncitrus Fruits and Nuts, p. 9.

[4] U.S. Customs and Border Protection data 2011–2013.

[5] Council financial audit records 2011–2013.

The Council also reviewed import data by country. Table 3 below shows the quantity of imports by country from 2011–2013 as well as the 3-year average.

TABLE 3—QUANTITY OF BLUEBERRIES FROM FOREIGN PRODUCTION AREAS 2011–2013 [6]

Foreign blueberry production areas shipping into the United States	Quantity (tons)			
	2011	2012	2013	3-year average
Chile	76,889	69,754	84,673	77,105
Canada	30,374	70,767	48,149	49,763
Argentina	9,001	14,830	13,813	12,548

As shown in Table 3, Chile and Canada, respectively, were the top two foreign production areas shipping blueberries into the United States from 2011–2013. Argentina has been the third top foreign production area shipping blueberries into the United States, although the quantity of Argentinian imports is much lower than the quantity of blueberries from Chile and Canada.

Regarding membership on the Council, representatives from Canada were the exporter member and alternate from the time of the Council's inception and continuing through 2009. Since 2010, representatives from Chile have been the exporter member and alternate on the Council.

Upon reviewing import data, the Council recommended adding one importer member and one alternate to its membership. This will increase the number of importer positions from three to four. The Council also recommended adding one exporter member and one alternate to its membership to represent foreign producers currently shipping blueberries into the United States from the second largest foreign blueberry production area, based on a 3-year average. This will increase the number of exporter positions from one to two, allowing exporters from both Chile and Canada to be represented on the Council. Section 1218.40(a) of the Order is amended accordingly.

Thus, the number of Council members will increase from 16 to 20. Of the 20 members, 12 will be domestic producers, 4 will be importers, 2 will be exporters, and 1 each will be a handler and public member. Of the 18 Council members representing domestic producers, importers and exporters, 66.7 percent will represent the domestic industry and 33.3 percent of the Council will represent imports or foreign production. This will realign the Council's membership to better reflect the geographic distribution of domestic and imported blueberries.

Other Changes

Public Member Eligibility

The Council reviewed other Order provisions regarding its membership and operations. The Council recommended revising paragraph (a)(6) of § 1218.40 to clarify eligibility requirements for the public member and alternate member positions. Specifically, the Council recommended that the public member and alternate not be a blueberry producer, handler, importer, exporter or have a financial interest in the production, sales, marketing or distribution of blueberries.

Diversity

The Council also recommended adding language to the Order to clarify its ability to serve the diversity of the industry. The Council recommended adding a new paragraph (c) to § 1218.40 to specify that, when the industry makes recommendations for nominees to serve on the Council, it should take into account the diversity of the population served and the knowledge, skills, and abilities of the members to serve a diverse population, size of the operations, methods of production and distribution, and other distinguishing factors to ensure that the recommendations of the Council take into account the diverse interest of persons responsible for paying assessments, and others in the marketing chain, if appropriate.

Nominations and Appointments

The Council recommended minor revisions to § 1218.41 of the Order regarding nominations and appointments. The procedures to nominate state and regional producers, as well as importers, exporters, first handlers, and public members will not change. The section is merely revised to add clarity regarding the process for nominating members in states with and without a state blueberry commission or marketing order.

The Council also recommended adding language to § 1218.41 to expand the number of nominees submitted to the Secretary for consideration. Paragraph (a) of § 1218.41 currently provides that, when a state has a blueberry commission or marketing order in place, the state commission or committee will nominate members to serve on the Council. At least two nominees must be recommended to the Secretary for each member and each alternate position. The Council recommended that other qualified persons who are interested in serving in the respective state positions but are not nominated by their State marketing order or commission be designated by the State organization and/or Council as additional nominees for consideration by the Secretary. Section 1218.41(a) is revised accordingly.

Likewise, paragraph (d) of § 1218.41 currently provides that nominations for the importer, exporter, first handler, and public member positions be made by the Council. Two nominees for each member and each alternate position are submitted to the Secretary for consideration. The Council recommended that other qualified persons who are interested in serving in these positions but are not recommended by the Council be designated by the Council as additional nominees for consideration by the Secretary. The current paragraph (d) in § 1218.41 is modified accordingly and becomes paragraph (c).

The Council also recommended adding a new paragraph (d) to § 1218.41 to specify that producer, handler and importer nominees must be in compliance with the Order's provisions regarding the payment of assessments and filing of reports. This will help ensure that only persons in compliance with the Order's obligations serve on the Council. Further, this section will clarify that producer and importer nominees must produce or import, respectively, 2,000 pounds or more of highbush blueberries annually. This

[6] Customs data 2011–2013.

will bring the Order in line with how the program has been administered since its inception. Section 1218.41 is revised accordingly.

Council Procedures

The Council recommended revisions to § 1218.45 regarding procedures. First, the Council recommended increasing the number of members needed for a quorum. Paragraph (a) of § 1218.45 currently specifies that nine members are needed for a quorum, which is a majority of the current 16-member Council. Increasing the number of Council members to 20 warrants increasing the number members needed for a quorum to 11, which will be a majority of the 20-member Council.

The Council also recommended adding flexibility to its procedures so that members participating in Council meetings may cast votes on issues either in person or by electronic or other means as deemed appropriate. Specifically, a new paragraph (f) is added to § 1218.45 to specify that all votes at meetings of the Council and committees may be cast in person or by electronic voting or other means as the Council and Secretary deem appropriate to allow members participating by telephone or other electronic means to cast votes.

Past Due Assessments

The Order specifies that the funds to cover the Council's expenses shall be paid from assessments on producers and importers, donations from persons not subject to assessments and from other funds available to the Council. First handlers are responsible for collecting and submitting reports and producer assessments to the Council. Handlers must also maintain records necessary to verify their reports. Importers are responsible for paying assessments to the Council on highbush blueberries imported into the United States through the U.S. Customs and Border Protection (Customs). The Order also provides for two exemptions. Producers and importers who produce or import less than 2,000 pounds of blueberries annually, and producers and importers of organic blueberries are exempt from the payment of assessments.

Section 1218.52(e) of the Order specifies that all assessment payments and reports must be submitted to the office of the Council. Assessments on imported blueberries are collected by Customs prior to entry into the United States. Assessments on domestic blueberries for a crop year must be received by the Council no later than November 30 of that year. A late payment charge shall be imposed on any handler who fails to remit to the Council, the total amount for which any such handler is liable on or before the due date established by the Council. In addition to the late payment charge, an interest charge shall be imposed on the outstanding amount for which the handler is liable. The rate of interest must be prescribed in regulations issued by the Secretary.

Assessment funds are used for research and promotion activities that are intended to benefit all industry members. Thus, it is important that all assessed entities pay their assessments in a timely manner. Entities who fail to pay their assessments on time may reap the benefits of Council programs at the expense of others. In addition, they may utilize funds for their own use that should otherwise be paid to the Council to finance Council programs.

The Council recommended prescribing rates of late payment and interest charges for past due assessments in the Order's regulations. A late payment charge will be imposed upon handlers who fail to pay their assessments to the Council within 30 calendar days of the date when assessments are due. This one-time late payment charge will be 5 percent of the assessments due before interest charges have accrued.

Additionally, interest at a rate of 1 percent per month on the outstanding balance, including any late payment and accrued interest, will be added to any accounts for which payment has not been received within 30 calendar days of the date when assessments are due. Interest will continue to accrue monthly until the outstanding balance is paid to the Council.

This action is expected to help facilitate program administration by providing an incentive for entities to remit their assessments in a timely manner, with the intent of creating a fair and equitable process among all assessed entities. Accordingly, a new Subpart C is added to the Order for provisions implementing the blueberry Order, and a new § 1218.520 is added to Subpart C. Late payment charges and interest on past due assessments are not applicable for assessments on imported blueberries because the assessments are collected by Customs at the time of entry.

Final Regulatory Flexibility Act Analysis

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS is required to examine the impact of this final rule on small entities. Accordingly, AMS has considered the economic impact of this action on such entities.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. The Small Business Administration defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than $750,000 and small agricultural service firms (first handlers and importers) as those having annual receipts of no more than $7.0 million.

There are approximately 2,000 domestic producers, 80 first handlers and 200 importers of highbush blueberries covered under the program. Dividing the highbush blueberry crop value for 2013, $715,958,000,[7] by the number of producers (2,000) yields an average annual producer revenue estimate of $357,979. It is estimated that in 2013, about 60 percent of the first handlers shipped under $7.0 million worth of highbush blueberries. Based on 2013 Customs data, it is estimated that almost 90 percent of the importers shipped under $7.0 million worth of highbush blueberries. Based on the foregoing, the majority of producers, first handlers and importers may be classified as small entities. We do not have information concerning the number of exporters and their size.

Regarding value of the commodity, as mentioned above, based on 2013 NASS data, the value of the domestic highbush blueberry crop was about $716 million. According to Customs data, the value of 2013 imports was about $563 million.

This rule amends §§ 1218.40, 1218.41 and 1218.45 of the Order regarding Council membership, nominations, and procedures, respectively. The Council administers the Order with oversight by USDA. Under the program, assessments are collected from domestic producers and importers and used for research and promotion projects designed to increase the demand for highbush blueberries. This rule increases the number of Council members from 16 to 20, adding two producers, one importer, and one exporter. This will help ensure that the Council reflects the geographical distribution of domestic blueberry production and imports into the United States. Authority for this action is provided in § 1218.40(b) of the Order and section 515(b) of the 1996 Act.

This rule also prescribes charges for past due assessments under the Order. A new § 1218.520 will be added to the

[7] Noncitrus Fruits and Nuts 2014 Summary, July 2014, USDA, National Agricultural Statistics Service (NASS), p. 10.

Order specifying a one-time late payment charge of 5 percent of the assessments due and interest at a rate of 1 percent per month on the outstanding balance, including any late payment and accrued interest. This section will be included in a new Subpart C—Provisions for Implementing the Blueberry Promotion, Research and Information Order. Authority for this action is provided in § 1218.52(e) of the Order and section 517(e) of the 1996 Act.

Regarding the economic impact of the rule on affected entities, expanding the Council membership and other changes to the Order's membership provisions impose no additional costs on industry members. Eligible producers, importers and exporters interested in serving on the Council would have to complete a background questionnaire. Those requirements are addressed later in this rule in the section titled *Reporting and Recordkeeping Requirements.*

Prescribing charges for past due assessments imposes no additional costs on handlers who pay their assessments on time. It merely provides an incentive for entities to remit their assessments in compliance with the Order. For all entities who are delinquent in paying assessments, both large and small, the charges will be applied the same. As for the impact on the industry as a whole, this action helps facilitate program administration by providing an incentive for entities to remit their assessments in a timely manner, with the intent of creating a fair and equitable process among all assessed entities.

Additionally, as previously mentioned, the Order also provides for two exemptions. Producers and importers who produce or import less than 2,000 pounds of blueberries annually, and producers and importers of organic blueberries are exempt from the payment of assessments. Of the 2,000 producers, it is estimated that 1,860 producers and 180 importers produce or import over the 2,000-pound threshold and pay assessments under the program.

Regarding alternatives, the Council has been reviewing its membership and contemplating adding new members to reflect changes in the geographic distribution of blueberries for the past few years. As previously mentioned, in 2014, California became the sixth top blueberry producing state, which earned that state a member and alternate seat on the Council, while North Carolina lost its member and alternate seat. The Council formed a subcommittee that considered various options. One option was to eliminate the four regional producer positions and allocate nine seats to producers representing the nine top producing blueberry states and one seat to a producer representing all other producing states (producer at-large). Another option considered was to increase the number of state producer positions from six to seven so that North Carolina would have a seat. The Council also considered maintaining the status quo. Ultimately the Council recommended revising the Order so that the top eight producing blueberry states would be represented on the Council.

The Council also considered adding two importers rather than one importer and one exporter to its membership. However, upon reviewing the import statistics, the Council concluded that it was important to have foreign producer representation from the top two countries shipping blueberries into the United States represented on the Council. Thus, the Council recommended adding one importer and one exporter member and alternates to the Council.

Regarding requirements for late assessments, the Council considered not prescribing rates for late charges and interest. However, the Council concluded that the rates should be codified along with the applicable date when charges would be applied so that the Order is clear on what is required. Additionally, the 1996 Act requires that the rates be prescribed by the Secretary.

Reporting and Recordkeeping Requirements

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements that are imposed by the Order have been approved previously under OMB control number 0581–0093. Eligible producers, importers, exporters, handlers, and public members interested in serving on the Council must complete a background questionnaire (Form AD–755) to verify their eligibility. This rule results in no changes to the information collection and recordkeeping requirements previously approved and imposes no additional reporting and recordkeeping burden on blueberry producers, importers, exporters, handlers or public members.

As with all Federal promotion programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. Finally, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities or citizen access to Government information and services, and for other purposes.

Regarding outreach efforts, this action was discussed by the Council at meetings in October 2012, in 2013, and at executive and subcommittee meetings held in 2014. The Council met in October 2014 and unanimously made its recommendations. All of the Council's meetings are open to the public and interested persons are invited to participate and express their views.

A proposed rule concerning this action was published in the **Federal Register** on May 8, 2015 (80 FR 26469). The Council mailed copies of the rule to all known highbush blueberry producers and importers of record. The Council also included notifications about the proposed rule in its newsletters and posted the proposal on its Web site. Finally, the proposal was made available through the Internet by USDA and the Office of the Federal Register. A 60-day comment period ending July 7, 2015 was provided to allow interested persons to submit comments.

One comment was received during the comment period. The commenter supported the proposed changes regarding the Council's membership, but recommended changes to the proposed interest and late payment charges for delinquent assessments. The commenter expressed concern with imposing a fixed interest rate on late assessments and opined that a fixed rate could become unreasonable if future interest rates fluctuated. The commenter also recommended that the late payment charge be capped at 3 percent of the assessments due rather than the proposed rate of 5 percent.

USDA has concluded that the proposed 1 percent fixed interest rate per month on outstanding balances due the Council and the proposed 5 percent charge on late assessments, are both reasonable fees. Under the blueberry program, assessments on domestic blueberries are due once per year to the Council (by November 30). Thus, handlers have all year to make their one payment to the Council. Handlers will also have a 30-day grace period before interest or late payment charges are applied. Additionally, the rates are comparable to those specified in other research and promotion programs. Finally, if the Council determined different rates were warranted, it could make that recommendation to USDA and the rates could be revised through

rulemaking. Thus, no changes have been made to the proposed rule based on this comment.

After consideration of all relevant matters presented, including the information and recommendation submitted by the Council and other available information, it is hereby found that this rule, as hereinafter set forth, is consistent with and will effectuate the purposes of the 1996 Act.

List of Subjects in 7 CFR Part 1218

Administrative practice and procedure, Advertising, Blueberry promotion, Consumer information, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 1218 is amended as follows:

PART 1218—BLUEBERRY PROMOTION, RESEARCH, AND INFORMATION ORDER

■ 1. The authority citation for 7 CFR part 1218 continues to read as follows:

Authority: 7 U.S.C. 7411–7425; 7 U.S.C. 7401.

■ 2. In § 1218.40, revise the introductory text of paragraph (a), revise paragraphs (a)(2), (3), (4), and (6) and add a new paragraph (c) to read as follows:

§ 1218.40 Establishment and membership.

(a) *Establishment of the U.S. Highbush Blueberry Council.* There is hereby established a U.S. Highbush Blueberry Council, hereinafter called the Council, composed of no more than 20 members and alternates, appointed by the Secretary from nominations as follows:

* * * * *

(2) One producer member and alternate from each of the top eight blueberry producing states, based on the average of the total tons produced over the previous three years. Average tonnage will be based upon production and assessment figures generated by the Council.

(3) Four importers and alternates.

(4) Two exporters and alternates will be filled by foreign blueberry producers currently shipping blueberries into the United States from the two largest foreign blueberry production areas, respectively, based on a three-year average.

* * * * *

(6) One public member and alternate. The public member and alternate public member may not be a blueberry producer, handler, importer, exporter, or have a financial interest in the production, sales, marketing or distribution of blueberries.

* * * * *

(c) *Council's ability to serve the diversity of the industry.* When making recommendations for appointments, the industry should take into account the diversity of the population served and the knowledge, skills, and abilities of the members to serve a diverse population, size of the operations, methods of production and distribution, and other distinguishing factors to ensure that the recommendations of the Council take into account the diverse interest of persons responsible for paying assessments, and others in the marketing chain, if appropriate.

■ 3. Section 1218.41 is revised to read as follows:

§ 1218.41 Nominations and appointments.

(a) *State representatives.* (1) When a state has a state blueberry commission or marketing order in place, the state commission or committee will nominate members to serve on the Council. At least two nominees shall be recommended to the Secretary for each member and each alternate position. Other eligible persons interested in serving in the respective state positions but not nominated by their State marketing order or commission will be designated by the State organization and/or Council as additional nominees for consideration by the Secretary.

(2) Nomination and election of state representatives where no commission or order is in place will be handled by the Council staff. The Council staff will seek nominations for members and alternates from the specific states. Nominations will be returned to the Council office and placed on a ballot which will then be sent to producers in the state for a vote. The final nominee for member will have received the highest number of votes cast. The person with the second highest number of votes cast will be the final nominee for alternate. The persons with the third and fourth highest number of votes cast will be designated as additional nominees for consideration by the Secretary.

(b) *Regional representatives.* Nomination and election of regional representatives will be handled by the Council staff. The Council staff will seek nominations for members and alternates from the specific regions. Nominations will be returned to the Council office and placed on a ballot which will then be sent to producers in the region for a vote. The final nominee for member will have received the highest number of votes cast. The person with the second highest number of votes cast will be the final nominee for alternate. The persons with the third and fourth highest number of votes cast will be designated by the Council as additional nominees for consideration by the Secretary.

(c) Nominations for the importer, exporter, first handler, and public member positions will be made by the Council. Two nominees for each member and each alternate position will be recommended to the Secretary for consideration. Other qualified persons interested in serving in these positions but not recommended by the Council will be designated by the Council as additional nominees for consideration by the Secretary.

(d) Producer, handler and importer nominees must be in compliance with the Order's provisions regarding payment of assessments and filing of reports. Further, producers and importers must produce or import, respectively, 2,000 pounds or more of highbush blueberries annually.

(e) From the nominations, the Secretary shall select the members and alternate members of the Council.

■ 4. In § 1218.45, revise paragraph (a), redesignate paragraphs (f), (g), (h), and (i) as paragraphs (g), (h), (i) and (j), and add a new paragraph (f) to read as follows:

§ 1218.45 Procedure.

(a) At a Council meeting, it will be considered a quorum when a minimum of 11 members, or their alternates serving in their absence, are present.

* * * * *

(f) All votes at meetings of the Council and committees may be cast in person or by electronic voting or other means as the Council and Secretary deem appropriate to allow members participating by telephone or other electronic means to cast votes.

* * * * *

■ 5. Add Subpart C, consisting of § 1218.520, to read as follows:

Subpart C—Provisions for Implementing the Blueberry Promotion, Research and Information Order

§ 1218.520 Late payment and interest charges for past due assessments.

(a) A late payment charge will be imposed on any handler who fails to make timely remittance to the Council of the total assessments for which they are liable. The late payment will be imposed on any assessments not received within 30 calendar days of the date when assessments are due. This one-time late payment charge will be 5 percent of the assessments due before interest charges have accrued.

(b) In addition to the late payment charge, 1 percent per month interest on the outstanding balance, including any late payment and accrued interest, will be added to any accounts for which payment has not been received within 30 calendar days of the date when assessments are due. Interest will continue to accrue monthly until the outstanding balance is paid to the Council.

Dated: August 28, 2015.

Rex A. Barnes,

Associate Administrator.

[FR Doc. 2015–21880 Filed 9–2–15; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–0492]

Safety Zone; Portland Dragon Boat Races, Portland, Oregon

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Portland Dragon Boat Races Safety Zone from 8 a.m. until 6 p.m. on September 12, 2015 and 8 a.m. until 6 p.m. on September 13, 2015. This action is necessary to ensure the safety of maritime traffic, including the public vessels present, on the Willamette River during the Portland Dragon Boat Races. During the enforcement period, no person or vessel may enter or remain in the safety zone without permission from the Sector Columbia River Captain of the Port.

DATES: The regulations in 33 CFR 165.1341 will be enforced from 8 a.m. until 6 p.m. on September 12, 2015 and 8 a.m. until 6 p.m. on September 13, 2015.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Mr. Ken Lawrenson, Waterways Management Division, MSU Portland, Oregon, Coast Guard; telephone 503–240–9319, email *MSUPDXWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

The Coast Guard will enforce the safety zone regulation for the Portland Dragon Boat Races detailed in 33 CFR 165.1341 during the dates and times listed in **DATES**.

Under the provisions of 33 CFR 165.1341 and 33 CFR 165 Subpart D, no person or vessel may enter or remain in the safety zone without permission from the Sector Columbia River Captain of the Port. Persons or vessels wishing to enter the safety zone may request permission to do so from the on scene Captain of the Port representative via VHF Channel 16 or 13. The Coast Guard may be assisted by other Federal, State, or local enforcement agencies in enforcing this regulation.

This document is issued under authority of 33 CFR 100.1302 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 the Local Notice to Mariners.

Dated: August 12, 2015.

D.J. Travers,

Captain, U.S. Coast Guard, Captain of the Port, Sector Columbia River.

[FR Doc. 2015–21947 Filed 9–2–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 141107936–5399–02]

RIN 0648–XE004

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2015 Commercial Accountability Measure and Closure for South Atlantic Gray Triggerfish; July Through December Season

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures for commercial gray triggerfish in the exclusive economic zone (EEZ) of the South Atlantic. NMFS projects commercial landings for gray triggerfish, will reach the commercial annual catch limit (ACL) for the period July through December by September 8, 2015. Therefore, NMFS is closing the commercial sector for gray triggerfish in the South Atlantic EEZ on September 8, 2015. This closure is necessary to protect the gray triggerfish resource.

DATES: This rule is effective 12:01 a.m., local time, September 8, 2015, until January 1, 2016.

FOR FURTHER INFORMATION CONTACT: Catherine Hayslip, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *catherine.hayslip@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes gray triggerfish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The final rule implementing FMP Amendment 29 recently divided the commercial ACL (equal to the commercial quota) for gray triggerfish in the South Atlantic into two 6-month fishing seasons and allocated 50 percent of the total commercial ACL (quota) of 312,324 lb (141,668 kg), round weight, to each fishing season, January 1 through June 30, and July 1 through December 31 (80 FR 30947, June 1, 2015), as specified in 50 CFR 622.190(a)(8). However, because the final rule implementing FMP Amendment 29 occurred halfway through the 2015 fishing year and commercial landings of gray triggerfish accumulated, only 63,918 lb (28,992 kg) out of 156,162 lb (70,834 kg), round weight, remained for the 2015 commercial ACL (quota) for the July 1 through December 31 fishing season. This quota amount was calculated as the difference between the total commercial ACL (312,324 lb (141,667 kg), round weight) and the amount of commercial landings that had occurred by July 1, 2015 (248,406 lb (112,675 kg), round weight).

Under 50 CFR 622.193(q)(1)(i), NMFS is required to close the commercial sector for gray triggerfish when the commercial quota specified in § 622.190(a)(8)(i) or (ii) is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register. NMFS has determined that the commercial quota for South Atlantic gray triggerfish will be reached by September 8, 2015. Accordingly, the commercial sector for South Atlantic gray triggerfish is closed effective 12:01 a.m., local time, September 8, 2015, until the start of the next fishing season on January 1, 2016.

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper having gray triggerfish on board must have landed and bartered, traded, or sold such gray triggerfish prior to 12:01 a.m., local

time, September 8, 2015. During the closure, the bag limit specified in 50 CFR 622.187(b)(8), and the possession limits specified in 50 CFR 622.187(c), apply to all harvest or possession of gray triggerfish in or from the South Atlantic EEZ. Also, during the closure, the sale or purchase of gray triggerfish taken from the South Atlantic EEZ is prohibited. The prohibition on the sale or purchase does not apply to gray triggerfish that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, September 8, 2015, and were held in cold storage by a dealer or processor.

For a person on board a vessel for which a Federal commercial or charter vessel/headboat permit for the South Atlantic snapper-grouper fishery has been issued, the bag and possession limits and sale and purchase provisions of the commercial closure for gray triggerfish apply regardless of whether the fish are harvested in state or Federal waters, as specified in 50 CFR 622.193(q)(1)(i).

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of gray triggerfish and the South Atlantic snapper-grouper fishery and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(q)(1)(i) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this action to close the commercial sector for gray triggerfish constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing FMP Amendment 29, which established the split commercial season for gray triggerfish, and the rule that established the closure provisions have already been subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest because of the need to immediately implement this action to protect gray triggerfish since the capacity of the fishing fleet allows for rapid harvest of the commercial ACL. Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established commercial ACL.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 31, 2015.

Alan D. Risenhoover

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2015–21910 Filed 9–2–15; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 171
Thursday, September 3, 2015

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1205

[Doc. # AMS–CN–15–0013]

Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports (2015 Amendments)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: AMS proposes to amend the Cotton Board Rules and Regulations by decreasing the value assigned to imported cotton for calculating supplemental assessments collected for use by the Cotton Research and Promotion Program. The amendment is required each year to ensure that assessments collected on imported cotton and the cotton content of imported products will be the same as those paid on domestically produced cotton.

AMS is publishing this amendment as a direct final rule without prior proposal because the action is contemplated by statute and required by regulation and the agency anticipates no significant adverse comment. AMS has explained its reasons in the preamble of the direct final rule. If AMS receives no significant adverse comment during the comment period, no further action on this proposed rule will be taken. If, however, AMS receives significant adverse comment, AMS will withdraw the direct final rule and it will not take effect. In that case, AMS will address all public comments in a subsequent final rule based on this proposed rule. AMS will not institute a second comment period on this rule. Any parties interested in commenting must do so during this comment period. This proposed rule is a companion document to the Agricultural Marketing Service's (AMS) direct final rule (published today in the ''Rules and Regulations'' section of the **Federal Register**).

DATES: Comments must be received on or before October 5, 2015.

ADDRESSES: Written comments may be submitted to the addresses specified below. All comments will be made available to the public. Please do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publically disclosed. All comments may be posted on the Internet and can be retrieved by most Internet search engines. Comments may be submitted anonymously.

Comments, identified by AMS–CN–15–0013, may be submitted electronically through the *Federal eRulemaking Portal* at *http://www.regulations.gov.* Please follow the instructions for submitting comments. In addition, comments may be submitted by *mail or hand delivery to* Cotton Research and Promotion Staff, Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406. Comments should be submitted in triplicate. All comments received will be made available for public inspection at Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406. A copy of this document may be found at: *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Shethir M. Riva, Chief, Research and Promotion Staff, Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406, telephone (540) 361–2726, facsimile (540) 361–1199, or email at *Shethir.Riva@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: As noted above, in the ''Rules and Regulations'' section of today's **Federal Register**, the direct final rule being published would amend the value assigned to imported cotton in the Cotton Board Rules and Regulations (7 CFR 1205.510(b)(2)) that is used to determine the Cotton Research and Promotion assessment on imported cotton and cotton products. The total value of assessment levied on cotton imports is the sum of two parts. The first part of the assessment is based on the weight of cotton imported—levied at a rate of $1 per bale of cotton, which is equivalent to 500 pounds, or $1 per 226.8 kilograms of cotton. The second part of the import assessment (referred to as the supplemental assessment) is based on the value of imported cotton lint or the cotton contained in imported cotton products—levied at a rate of five-tenths of one percent of the value of domestically produced cotton.

Section 1205.510(b)(2) of the Cotton Research and Promotion Rules and Regulations provides for assigning the calendar year weighted average price received by U.S. farmers for Upland cotton to represent the value of imported cotton. This is so that the assessment on domestically produced cotton and the assessment on imported cotton and the cotton content of imported products is the same. The source for the average price statistic is *Agricultural Prices,* a publication of the National Agricultural Statistics Service (NASS) of the Department of Agriculture. Use of the weighted average price figure in the calculation of supplemental assessments on imported cotton and the cotton content of imported products will yield an assessment that is the same as assessments paid on domestically produced cotton.

The current value of imported cotton as published in 2014 in the **Federal Register** (79 FR 36183) for the purpose of calculating assessments on imported cotton is $0.012728 per kilogram. Using the Average Weighted Price received by U.S. farmers for Upland cotton for the calendar year 2014, the direct final rule would amend the new value of imported cotton to $0.012013 per kilogram to reflect the price paid by U.S. farmers for Upland cotton during 2014.

An example of the complete assessment formula and how the figures are obtained is as follows:

One bale is equal to 500 pounds.

One kilogram equals 2.2046 pounds.

One pound equals 0.453597 kilograms.

One Dollar per Bale Assessment Converted to Kilograms

A 500-pound bale equals 226.8 kg. (500×0.453597).

$1 per bale assessment equals $0.002000 per pound or $0.2000 cents per pound (1/500) or $0.004409 per kg or $0.4409 cents per kg. (1/226.8).

Supplemental Assessment of 5/10 of One Percent of the Value of the Cotton Converted to Kilograms

The 2014 calendar year weighted average price received by producers for

Upland cotton is $0.690 per pound or $1.521 per kg. ($0.690 × 2.2046).

Five tenths of one percent of the average price equals $0.007604 per kg. (1.521 × 0.005).

Total Assessment

The total assessment per kilogram of raw cotton is obtained by adding the $1 per bale equivalent assessment of $0.004409 per kg. and the supplemental assessment $0.007604 per kg., which equals $0.012013 per kg.

The current assessment on imported cotton is $0.012728 per kilogram of imported cotton. The revised assessment in this direct final rule is $0.012013, a decrease of $0.000715 per kilogram. This decrease reflects the decrease in the average weighted price of Upland cotton received by U.S. Farmers during the period January through December 2014.

Import Assessment Table in section 1205.510(b)(3) indicates the total assessment rate ($ per kilogram) due for each Harmonized Tariff Schedule number that is subject to assessment. This table must be revised each year to reflect changes in supplemental assessment rates and any changes to the HTS numbers. In this direct final rule, AMS is amending the Import Assessment Table.

AMS believes that these amendments are necessary to ensure that assessments collected on imported cotton and the cotton content of imported products are the same as those paid on domestically produced cotton. Accordingly, changes reflected in this rule should be adopted and implemented as soon as possible since it is required by regulation.

The amendment proposed by this document is the same as the amendment contained in the direct final rule. Please refer to the preamble and regulatory text of the direct final rule for further information and the actual text of the amendment. Statutory review and Executive Orders for this proposed rule can be found in the **SUPPLEMENTARY INFORMATION** section of the direct final rule.

A 30-day comment period is provided to comment on the changes to the Cotton Board Rules and Regulations proposed herein. This period is deemed appropriate because this rule would decrease the assessments paid by importers under the Cotton Research and Promotion Order. An amendment is required to adjust the assessments collected on imported cotton and the cotton content of imported products to be the same as those paid on domestically produced cotton. Accordingly, the change in this rule, if adopted, should be implemented as soon as possible.

Authority: 7 U.S.C. 2101–2118.

Dated: August 28, 2015.

Rex A. Barnes,

Associate Administrator.

[FR Doc. 2015–21865 Filed 9–2–15; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

[Docket Nos. PRM–51–29; NRC–2012–0215]

Rescinding Spent Fuel Pool Exclusion Regulations

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; denial.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM), PRM–51–29, submitted by the Commonwealth of Massachusetts (the Commonwealth or the petitioner). The petitioner requested that, in light of information gained from the Fukushima Dai-ichi accident, the NRC rescind its regulations that make a generic determination that spent fuel pool storage does not have a significant environmental impact for nuclear power plant license renewal actions. The NRC is denying the petition because the NRC finds no basis to consider a rulemaking to revise such regulations.

DATES: The docket for the petition for rulemaking, PRM–51–29, is closed on September 3, 2015.

ADDRESSES: Please refer to Docket ID NRC–2012–0215 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–2012–0215. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section. For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in Section IV, 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.

FOR FURTHER INFORMATION CONTACT: Jenny Tobin, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2328; email: *Jennifer.Tobin@nrc.gov.*

SUPPLEMENTARY INFORMATION:

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I. The Petition

On June 2, 2011, before the NRC's Atomic Safety and Licensing Board (ASLB), the Commonwealth of Massachusetts, Office of the Attorney General, Environmental Protection Division, requested a waiver of the NRC's generic determination regarding spent fuel pool (SFP) storage impacts in the Pilgrim nuclear power plant (NPP) license renewal proceeding. The petitioner also requested that, if the ASLB rejected the Commonwealth's waiver, then the NRC should consider the waiver request to be a PRM. Specifically, the petitioner requested that the NRC's regulations in § 51.71(d) [1] of Title 10 of the *Code of Federal Regulations* (10 CFR) and table B–1 [2] in appendix B to subpart A of 10 CFR part 51 be revised because these regulations, according to the petitioner, incorrectly

[1] 10 CFR 51.71 is entitled, ''Draft environmental impact statement- contents''; § 51.71(d) describes the analysis required to be included in the draft EIS. For license renewal, the draft supplemental EIS (1) relies on supporting information in NUREG–1437, ''Generic Environmental Impact Statement [GEIS] for License Renewal of Nuclear Plants,'' for generic issues and (2) provides an analysis for the site-specific issues.

[2] Table B–1 is entitled, ''Summary of Findings on NEPA Issues for License Renewal of Nuclear Power Plants,'' and is the codification of the GEIS. In table B–1, generic issues are designated as ''Category 1'' issues and site-specific issues are designated as ''Category 2'' issues.

''generically classify the environmental impacts of high-density pool storage of spent fuel as insignificant and thereby permit their exclusion from consideration in environmental impact statements (EISs) for renewal of nuclear power plant operating licenses.''

The petitioner asserted that the Fukushima Dai-ichi accident provides ''new and significant'' information that would affect the NRC's impact analysis for SFPs in license renewal. The petitioner contends that this event provides the justification for its request that the NRC revise 10 CFR 51.71(d) and table B–1 in appendix B to subpart A of 10 CFR part 51. The petitioner made the following three claims:

1. The impacts from the onsite storage of spent fuel are understated in NUREG–1437, ''Generic Environmental Impact Statement [GEIS] for License Renewal of Nuclear Plants,'' because the Fukushima Dai-ichi event indicates that the probability-weighted consequences of a spent fuel pool accident are greater than what was considered in the GEIS.

2. The impacts from the onsite storage of spent fuel are understated in the license renewal GEIS analysis because the mitigation measures implemented at NPPs after the September 11, 2001 (9/11), terrorist attacks will not effectively mitigate the impacts of SFP accidents, given the new information gained from the Fukushima accident along with the NRC's policy of imposing secrecy on the mitigation measures, and the mitigation measures were improperly relied upon in the denial of PRM–51–10.[3]

3. The license renewal GEIS impact analysis must address spent fuel storage impacts on a site-specific, rather than generic basis.

On December 13, 2011, the ASLB denied the Commonwealth's waiver petition (LBP–11–35). On March 8, 2012, in Memorandum and Order CLI–12–06, the Commission affirmed the ASLB's denial of the waiver request and granted the Commonwealth's alternative request that its waiver request be treated as a PRM; the petition was referred to the NRC staff. The NRC assigned the petition Docket No. PRM–51–29. The NRC published a notice of receipt of the petition in the **Federal Register** (FR) on December 19, 2012 (77 FR 75065), and supplemented the notice on December 31, 2012 (77 FR 76952). The NRC did not request public comment on the petition because sufficient information was available for the NRC staff to form a technical opinion regarding the merits of the petition, which is similar to the Commonwealth's previous petition (PRM–51–10).

For the purposes of this review, the issues that the petitioner raised about the Pilgrim NPP licensing proceeding were considered generically, to the extent practicable. Other statements concerning the Pilgrim NPP license renewal proceeding, including those concerns related to the risk of severe reactor accidents, are beyond the scope of this PRM.

II. Reasons for Denial

The NRC complies with Section 102(2) of the National Environmental Policy Act of 1969 (NEPA) in its consideration of NPP license renewal applications through the implementation of its environmental protection regulations in 10 CFR part 51. In accordance with 10 CFR 51.95(c), the NRC relies upon its environmental impact statement, NUREG–1437, ''Generic Environmental Impact Statement [GEIS] for License Renewal of Nuclear Plants,'' as the basis for environmental reviews of NPP license renewal actions. The NRC published the GEIS in May 1996 (1996 GEIS) and then revised and updated it in June 2013 (2013 GEIS).[4] The GEIS reflects lessons learned and knowledge gained during previous license renewal environmental reviews and describes the potential environmental impacts of renewing the operating license of a NPP for up to an additional 20 years. The findings of the GEIS have been codified into table B–1, ''Summary of Findings on NEPA Issues for License Renewal of Nuclear Power Plants,'' in appendix B to subpart A of 10 CFR part 51.[5]

The NRC classifies the license renewal issues described in the GEIS as either generic or site-specific. Generic issues (*i.e.,* environmental impacts common to all nuclear power plants) are addressed in the GEIS. Site-specific issues are addressed initially by the license renewal applicant (*i.e.,* a nuclear power plant licensee seeking a renewal of its operating license under the NRC's license renewal regulations in 10 CFR part 54) in its environmental report, which is required by 10 CFR 51.45, and then by the NRC in a supplemental environmental impact statement (SEIS) prepared for each license renewal application. The plant-specific SEIS and the GEIS, together, constitute the NRC's NEPA analysis for any given NPP license renewal action. In table B–1, the ''Onsite storage of spent nuclear fuel'' issue has been classified as a Category 1, or generic, issue with an impact level finding of ''small.'' The ''Onsite storage of spent nuclear fuel'' finding states ''[t]he expected increase in the volume of spent fuel from an additional 20 years of operation can be safely accommodated onsite during the license renewal term with small environmental effects through dry or pool storage at all plants.'' The designation of an issue as a Category 1 (generic resolution) issue in the GEIS does not mean that potential impacts cannot be considered in a license renewal SEIS. If there are changes in plant operating parameters or new and significant information pertinent to an evaluation of impacts, these are considered during preparation of plant-specific supplements to the NRC's license renewal GEIS.

Under 10 CFR part 51, neither the applicant's environmental report nor the NRC's SEIS is required to address issues previously resolved generically, as set forth in the GEIS and table B–1, absent new and significant information. Section 51.92(a)(2) requires a supplement to an EIS if there is new and significant information relevant to environmental concerns and bearing on the license renewal or its impacts. The NRC standard for the evaluation of ''new and significant'' information is that the information must present ''a seriously different picture of the environmental impact of the proposed project from what was previously envisioned.'' [6] Therefore, to be

[3] The request presented in the petition is essentially identical to the request presented in another PRM submitted by the Commonwealth on August 25, 2006, PRM–51–10 (ADAMS Accession No. ML081890124) (although the basis for the request in each case is unique). The State of California also submitted a petition, PRM–51–12, in 2007 that was nearly identical to PRM–51–10. The NRC denied PRM–51–10 and PRM–51–12 on August 8, 2008 (73 FR 46204). The NRC's denials of these two petitions were upheld. *New York* v. *U.S. Nuclear Regulatory Commission,* 589 F.3d 551 (2nd Cir. 2009). The arguments presented in support of PRM–51–10 are similar to those presented in support of this petition.

[4] The NRC's regulations in 10 CFR 51.95(c) require, for the consideration of potential environmental impacts of renewing a NPP's operating license under 10 CFR part 54, that the NRC prepare an environmental impact statement, which is a supplement to the 2013 GEIS. At the time the petition was filed in 2011, 10 CFR 51.95(c) referred to the initial 1996 GEIS. The NRC published a notice of issuance for the updated 2013 GEIS on June 20, 2013 (78 FR 37325).

[5] *See Baltimore Gas and Elec. Co.* v. *NRDC,* 462 U.S. 87, 100–01, 103 S. Ct. 2246 (1983) (upholds use of generic environmental analyses) and *Massachusetts* v. *NRC,* 708 F.3d 63, 68 (1st Cir. 2013) (''the Supreme Court has held that the NRC is permitted to make generic determinations to meet its NEPA obligations'').

[6] *Union Electric Company d/b/a Ameren Missouri (Callaway Plant, Unit 2), et al,* CLI–11–05, 74 NRC 141, 167–68 (2011) *quoting Hydro Resources, Inc.,* CLI–99–22, 50 NRC 3, 14 (1999) (alteration in the original) (supporting citations omitted) (''To merit this additional review, information must be both 'new' and 'significant,' and it must bear on the proposed action or its impacts. As we have explained, '[t]he new information must present a seriously different picture of the environmental impact of the proposed project from what was

Continued

''significant,'' any information must lead to a conclusion seriously different than that currently set forth in the GEIS.[7]

The petitioner claimed that the Fukushima nuclear accident, including possible damage to the SFP, provides new and significant information that requires the NRC to reconsider its impact findings in the license renewal GEIS. With respect to the March 2011 Fukushima accident, a Japanese government report, issued in June 2011, found that the Fukushima Dai-ichi, Unit 4 spent fuel pool, the one believed to have sustained the most serious damage, actually remained ''nearly undamaged.'' [8] The report noted that visual inspections found no water leaks or serious damage to the Unit 4 spent fuel pool. Additionally, on April 25, 2014, the NRC issued a report entitled, ''NRC Overview of the Structural Integrity of the Spent Fuel Pool at Fukushima Dai-ichi, Unit 4.'' The results indicated that the structural integrity of the Unit 4 spent fuel pool was sound.

With respect to the Fukushima event, the Commission has taken action to mitigate beyond design basis external events, including imposing new requirements to develop mitigating strategies for beyond design basis external events, to install hardened severe accident capable vents for boiling water reactors with Mark I and II containments, to install reliable SFP water level instrumentation, to re-evaluate seismic and flooding hazards, and to enhance emergency preparedness capabilities.[9]

The accident at the Fukushima Dai-ichi NPP in Japan led to additional questions about the safe storage of spent fuel and whether the NRC should require the expedited transfer of spent fuel from spent fuel pools to dry cask storage at nuclear power plants in the United States. This issue was identified by the NRC staff subsequent to the ''Near-Term Task Force [NTTF] Review of Insights from the Fukushima Dai-ichi Accident'' report. At the time this issue was identified, the NRC staff recognized that further study was needed to determine if regulatory action was warranted. On October 9, 2013, the NRC released a report, NUREG–2161, ''Consequence Study of a Beyond-Design-Basis Earthquake Affecting the Spent Fuel Pool for a U.S. Mark I Boiling Water Reactor'' (the ''Spent Fuel Pool Study''). Additionally, the NRC conducted a regulatory analysis in COMSECY–13–0030, ''Staff Evaluation and Recommendation for Japan Lessons Learned Tier 3 Issue on Expedited Transfer of Spent Fuel,'' dated November 12, 2013. This study and the regulatory analysis concluded that SFPs are very robust structures with large safety margins, and that regulatory actions to reduce the amount of fuel in the spent fuel pool were not warranted. The Commission subsequently concluded in SRM–COMSECY–13–0030, issued on May 23, 2014, that further regulatory action need not be pursued in light of the low risk of accident for SFP storage.

As will be discussed in more detail in response to Issues 1 and 2, the event at Fukushima Dai-ichi does not provide any new and significant information that would have materially altered the conclusions in the GEIS, or in its underlying assumptions.[10]

In the petition, the Commonwealth raises three principal arguments; each is summarized and evaluated in the subsequent discussion.

Issue 1: The Petitioner Asserts That the Impacts From the Onsite Storage of Spent Fuel Are Understated in the License Renewal GEIS Analysis Because the Fukushima Dai-Ichi Event Indicates That the Probability-Weighted Consequences of a Spent Fuel Pool Accident Are Greater Than What Was Considered in the GEIS

The petitioner argued that the Fukushima event provided new and significant information challenging the generic conclusions in the license renewal GEIS. Specifically, the petitioner claimed that ''the Fukushima accident shows . . . there is a substantial conditional probability of a pool fire during or following a reactor accident'' and that ''[t]his relationship between a pool fire and a core melt accident is not addressed in the License Renewal GEIS'' or the denial of PRM 51–10 (73 FR 46204; August 8, 2008).[11] Further, the petitioner referenced a report by Dr. Gordon Thompson, ''New and Significant Information from the Fukushima Dai-ichi Accident in the Context of Future Operation of the Pilgrim Nuclear Power Plant'' (the ''Thompson Report''), to support its argument that the GEIS understates the probability and impacts of an SFP accident.

NRC Response to Issue 1

The evaluation of the environmental impacts of the onsite storage of spent nuclear fuel during the license renewal term, including potential spent fuel pool accidents, was documented in the 1996 GEIS and reaffirmed in the 2013 GEIS. Based on this evaluation, the ''Onsite storage of spent nuclear fuel'' NEPA issue in table B–1 has been classified as a Category 1 issue, or as a generic issue, with a probability-weighted impact level finding of ''small.'' [12]

First, the petitioners' assertion that the Fukushima event revealed a previously unconsidered aspect of spent fuel storage is incorrect. In response to PRM–51–10, the Commission rejected a similar argument regarding the probability ''that a severe accident at the

previously envisioned'.''); *see also Sierra Club* v. *Froehlke,* 816 F.2d 205, 210 (5th Cir. 1987) (alteration added) (supporting citations omitted) (''In making its determination whether to supplement an existing EIS because of new information, the [United States Army, Corps of Engineers] should consider 'the extent to which the new information presents a picture of the likely environmental consequences associated with the proposed action not envisioned by the original EIS'.''); *Wisconsin* v. *Weinberger,* 745 F.2d 412, 418 (7th Cir.1984) (supplementation required where new information ''provides a seriously different picture of the environmental landscape.'').

[7] *See* Regulatory Guide 4.2, Supplement 1, Preparation of Supplemental Environmental Reports for Applications to Renew Nuclear Power Plant Operating Licenses, Chapter 5 (September 2000), and Revision 1 published June 20, 2013 (78 FR 37324).

[8] See ''Report of Japanese Government to the IAEA Ministerial Conference on Nuclear Safety-The Accident at TEPCO's Fukushima Nuclear Power Stations,'' IV–91. English version available at *http://www.kantei.go.jp/foreign/kan/topics/201106/iaea_houkokusho_e.html,* last visited on July 15, 2015.

[9] Order EA–12–051, ''NRC Order on Spent Fuel Pool Instrumentation,'' dated March 12, 2012; Order EA–12–049, ''NRC Order on Mitigating Strategies,'' dated March 12, 2012; Order EA–13–109, ''NRC Order on Severe Accident Capable Hardened Vents,'' dated June 6, 2013; 10 CFR 50.54(f) letters were issued on March 12, 2012, to NPP licensees for seismic/flooding re-evaluations and assessing emergency response capabilities.

[10] While the ASLB and Commission were principally concerned with the petitioner's claims regarding reactor accidents, not SFP accidents (both were held to be out of scope of the Pilgrim NPP license renewal process), the condition of the SFP at Fukushima Dai-ichi, Unit 4, did not support the petitioner's position that impacts from the earthquake constituted new and significant information. In LBP–11–35, the ASLB observed that the event at Fukushima did not demonstrate new and significant information in the Pilgrim NPP license renewal proceeding.

[11] PRM at 27.

[12] For most table B–1 NEPA issues, the NRC determined whether the impacts of license renewal would have a small, moderate, or large environmental impact. The statements of consideration for the June 20, 2013, rulemaking note that ''[a] small impact means that the environmental effects are not detectable, or are so minor that they would neither destabilize nor noticeably alter any important attribute of the resource. A moderate impact means that the environmental effects are sufficient to alter noticeably, but not destabilize, important attributes of the resource. A large impact means that the environmental effects would be clearly noticeable and would be sufficient to destabilize important attributes of the resource'' (78 FR 37285).

adjacent reactor would result in a SFP zirconium fire.'' [13] The Commission noted that a series of unlikely events must occur for a severe reactor accident to lead to a spent fuel pool fire, including the accident itself, ''[c]ontainment failure or bypass,'' ''[l]oss of SFP cooling,'' ''[e]xtreme radiation levels precluding personnel access,'' ''[i]nability to restart cooling or makeup systems due to extreme radiation doses,'' ''[l]oss of most or all pool water through evaporation,'' and ''[i]nitiation of a zirconium fire in the SFP.'' [14] As a result, the Commission concluded that ''the probability of a SFP zirconium fire due to a severe reactor accident and subsequent containment failure would be well below the Petitioners' 2E–5 per year estimate.'' [15] The agency cited the denial of the PRM in the 2013 update to the GEIS.[16] Therefore, the Commission has previously considered the probability of a severe reactor accident causing a spent fuel pool fire and found it to be low. Petitioners have not demonstrated how information regarding the Fukushima accident provides a seriously different picture of this issue.

Moreover, the NRC has completed several studies of SFP safety, including NUREG–1353, ''Regulatory Analysis for the Resolution of Generic Issue 82, 'Beyond Design Basis Accidents in Spent Fuel Pools';'' NUREG–1738, ''Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants;'' and NUREG–2161, ''Consequence Study of a Beyond-Design-Basis Earthquake Affecting the Spent Fuel Pool for a U.S. Mark I Boiling-Water Reactor.'' These studies have all concluded that SFPs continue to provide adequate protection of public health and safety and are consistent with the findings in the 2013 GEIS that onsite storage of spent fuel during the license renewal term would have a small impact on the environment.

On September 19, 2014, the Commission published the ''continued storage'' final rule (formerly known as the ''waste confidence rule,'' 79 FR 56238) and its associated generic environmental impact statement (NUREG–2157, ''Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel''), amending 10 CFR 51.23 to revise the generic determination on the environmental impacts of continued storage of spent nuclear fuel beyond the licensed life for operation of a reactor. The final rule also makes conforming changes to the ''Onsite storage of spent nuclear fuel'' issue finding under the ''Waste Management'' section in table B–1 in appendix B to subpart A of 10 CFR part 51. The final rule revises the finding to address both the impacts of onsite storage during the license renewal term and adds generic determinations of the environmental impacts of continued storage of spent nuclear fuel beyond a reactor's licensed life (*i.e.,* those impacts that could occur as a result of the storage of spent nuclear fuel at at-reactor or away-from-reactor sites after a reactor has permanently shut down and until a permanent repository becomes available). The continued storage final rule affirms that the environmental impacts from the onsite storage of spent nuclear fuel, including potential spent fuel pool accidents, are small during the short-term storage timeframe (*i.e.,* 60 years of continued storage after permanent shut down, after which the continued storage rule assumes that spent fuel will be moved to dry storage). This finding is consistent with the finding of the license renewal GEIS. Further, the Commission stated in the final rule that the direct and indirect environmental impacts of continued storage can be analyzed generically and that the impact determinations are not expected to differ from those that would result from individual site-specific reviews for the continued storage period. In reaching this result, the agency responded to a comment that suggested that the underlying analyses did not appropriately account for the possibility of a severe reactor accident leading to a spent fuel pool accident.[17] The NRC disagreed with this comment, in part, based on the conservative aspects of the agency's previous studies of SFP accidents.[18]

As previously discussed, a report issued by the Japanese government in June 2011 found that the SFP at Fukushima Dai-ichi, Unit 4, the SFP which presented the highest safety concern among the SFPs, remained nearly undamaged. This report notes that from the analysis of nuclides in the water extracted from the spent fuel pool, it appears that no extensive damage occurred to the fuel rods. No serious damage to the pool, including water leaks, was found from visual inspections of the pool's condition. Additionally, on April 25, 2014, the NRC issued a report entitled, ''NRC Overview of the Structural Integrity of the Spent Fuel Pool at Fukushima Dai-ichi, Unit 4.'' The results indicated that the structural integrity of the Unit 4 spent fuel pool was sound. Consequently, the petitioners have not shown that the Fukushima event constitutes new and significant information regarding the probability of a SFP fire. For the reasons discussed previously, the PRM does not provide a seriously different picture of the agency's previous analyses of a spent fuel pool accident, which have all concluded that despite the potential for large consequences of a severe spent fuel pool accident, the probability-weighted consequences are small due to the low probability of such an event.

Issue 2: The Petitioner Asserts That the Impacts From the Onsite Storage of Spent Fuel Are Understated in the License Renewal GEIS Analysis Because the Mitigation Measures Implemented After the September 11, 2001 (9/11), Terrorist Attacks Will Not Effectively Mitigate the Impacts of SFP Accidents, Given the New Information Gained From the Fukushima Accident Along With the NRC's Policy of Imposing Secrecy on the Mitigation Measures, and the Mitigation Measures Were Improperly Relied Upon in the Denial of PRM–51–10 (73 FR 46204)

The petitioner claimed that information about the Fukushima accident undermines the following two conclusions from the Commission's denial of PRM–51–10 (73 FR 46204; August 8, 2008): (1) Post-9/11 mitigation measures relied upon by the NRC would permit recovery of lost water from spent fuel pools, and (2) the NRC's policy of imposing secrecy on these mitigation measures would not impair their effectiveness. With regard to the first claim, the petitioner argued that lessons learned from the Fukushima Dai-ichi event undermine the Commission's reliance on post-9/11 mitigation measures that enable recovery of lost water from SFPs to prevent the onset of fire or other accidents, and that therefore, the Commission's denial of PRM–51–10 must be reconsidered. With regard to the second claim, the petitioner referenced statements in a declaration provided by Dr. Gordon Thompson that the ''NRC's excessive secrecy degrades the licensee's capability to mitigate an accident.'' The petitioner asserted that by keeping the post-9/11 mitigation measures secret, ''the NRC also raises the risk that first-responders from the surrounding community, who may be called upon to assist in the implementation of [the mitigation measures], will not have sufficient understanding of them to implement them effectively.''

[13] 73 FR at 46210.

[14] *Id.*

[15] *Id.*

[16] 2013 GEIS at E–38.

[17] NUREG–2161 at D–438 to D–440.

[18] *Id.*

The petitioner's 2006 petition (PRM–51–10) requested changes to the Commission's generic findings regarding the environmental impacts from onsite spent fuel pool storage during the license renewal period of an operating NPP. In its denial (73 FR 46204; August 8, 2008), the NRC noted that spent fuel pools are ''massive, extremely-robust structures designed to safely contain the spent fuel discharged from a nuclear reactor under a variety of normal, off-normal, and hypothetical accident conditions (*e.g.,* loss of electrical power, floods, earthquakes, or tornadoes).''

The petitioner asserted that the Fukushima accident demonstrates that the conclusions in the denial of PRM–51–10 were incorrect, and that in light of the new information about the Fukushima event, the NRC should reevaluate its impact analysis in the license renewal GEIS because the new information undermines the staff's position that the post-9/11 mitigation measures would prevent the onset of a spent fuel pool fire following an attack or other severe accident by permitting recovery of lost water.

NRC Response to Issue 2

The petitioner's fundamental claim is that new and significant information from the Fukushima accident undermines the conclusions the Commission reached in denying PRM–51–10. As previously discussed, a report issued by the Japanese government in June 2011 found that the SFP at Fukushima Dai-ichi, Unit 4, which presented the most safety concern, remained nearly undamaged. This report notes that no extensive damage in the fuel rods appears to have occurred, based on an analysis of SFP water. No serious damage to the pool, including water leaks, was found from visual inspections of the pool's condition. Additionally, on April 25, 2014, the NRC issued a report entitled, ''NRC Overview of the Structural Integrity of the Spent Fuel Pool at Fukushima Dai-ichi, Unit 4.'' The results indicated that the structural integrity of the Unit 4 spent fuel pool was sound.

As the Commission noted in its 2008 denial of PRM–51–10, and as demonstrated by NUREG–1738 and subsequent SFP studies: (1) Spent fuel pools are robust structures capable of withstanding numerous hazards, (2) additional mitigation strategies are available to maintain cooling in the event of an incident that results in a loss of cooling water, and (3) the risk of SFP accidents is very low. Indeed, subsequent studies, such as NUREG–2161, conclude that spent fuel risks at the reference plant are very low. The Spent Fuel Pool Study also found that for the specific reference plant and earthquake analyzed, SFPs are likely to withstand severe earthquakes without leaking.

The NRC's regulatory approach for maintaining the safety and security of power reactors, and therefore SFPs, is based upon robust designs that are coupled with a strategic triad of preventive/protective systems, mitigative systems, and emergency-preparedness and response. Licensees develop protective strategies in order to meet the NRC design-basis threat. As noted in the Commission's denial of PRM–51–10 and PRM–51–12 (73 FR 46204), studies conducted by Sandia National Laboratories also confirmed the effectiveness of additional mitigation strategies to maintain spent fuel cooling in the event the pool is drained and its initial water inventory is reduced or lost entirely. Based on this more recent information, and the implementation of additional strategies following September 11, 2001, the probability, and accordingly, the risk, of a SFP zirconium fire initiation is expected to be less than reported in NUREG–1738 and previous studies. Taken as a whole, these systems, personnel, and procedures provide reasonable assurance that public health and safety, the environment, and the common defense and security will be adequately protected.

In addition, following the Fukushima Dai-ichi event, the NRC issued Order EA–12–049, which requires, in part, that licensees establish plans and procedures associated with restoring and maintaining SFP cooling capability following a beyond-design-basis external event. These enhancements will provide additional capability for mitigating events that result in SFP draining, beyond those already required. Therefore, as discussed previously, the NRC does not simply rely on the post September 11, 2001, mitigating strategies to conclude the probability of an SFP accident is small. Rather, the NRC relies on the robust nature of the SFPs, the low probability of a SFP fire, and other mitigating measures, as well. Moreover, petitioners concede that measures to add water were ultimately successful at Fukushima, and observations to date have not revealed any cladding damage.[19] Consequently, the petitioner's information in PRM–51–29 regarding the effectiveness of measures does not present a seriously different picture of this issue.

The petitioner also asserted that treating the mitigation measures as sensitive information impacts their effectiveness. Certain aspects of the enhancements are security-related and not publicly available, but in general include the following: (1) Significant reinforcement of the defense capabilities for nuclear facilities; (2) better control of sensitive information; (3) enhancements in emergency preparedness to further strengthen the NRC's nuclear facility security program; and (4) implementation of mitigating strategies to deal with postulated events potentially causing loss of large areas of the plant due to explosions or fires, including those that an aircraft impact might create. These measures are outlined in greater detail in a memorandum to the Commission entitled, ''Documentation of Evolution of Security Requirements at Commercial Nuclear Power Plants with Respect to Mitigation Measures for Large Fires and Explosions,'' dated February 4, 2010.

Plant-specific mitigation strategies are designated as security related information in accordance with the Commission's guidance in SECY–04–0191, ''Withholding Sensitive Unclassified Information Concerning Nuclear Power Reactors from Public Disclosure.'' However, there is publicly-available, industry-developed guidance on implementing these requirements. Specifically, the NRC endorsed NEI 06–12, ''B.5.b Phase 2 & 3 Submittal Guideline,'' in a letter from the NRC to NEI dated December 22, 2006. The NRC found NEI–06–12 is a generally acceptable means for licensees to meet the NRC's requirements associated with mitigating potential loss of large areas due to fires or explosions, as explained in SECY–11–0125, ''Issuance of Bulletin 2011–01, 'Mitigating Strategies'.'' Therefore, the agency has made sufficient information available to the public regarding mitigation strategies. Moreover, petitioners have not alleged that the measures used to restore cooling to the SFPs during the Fukushima accident were developed under similar secret conditions or indicated how any such secrecy hindered the effectiveness of those measures.[20]

Because the petitioner has not provided new and significant information about the 9/11 mitigation measures with respect to the effectiveness of the measures to provide water to the SFPs, there is no need to supplement the GEIS.

[19] COMSECY–13–0030 at 2.

[20] *E.g.,* Thompson Report at 21–23.

Issue 3: The License Renewal GEIS Impact Analysis Must Address Spent Fuel Storage Impacts on a Site-Specific, Rather Than Generic Basis

The petitioner asserted that the NRC's generic findings in table B–1 in appendix B to subpart A of 10 CFR part 51 with respect to the Category 1 onsite storage of spent nuclear fuel issue would not be supportable where the Fukushima accident otherwise demonstrates that the environmental impacts could be significant and argued that these impacts must be evaluated on a plant-specific Category 2 basis. The petitioner specifically argued that the NRC has not considered the new information previously presented by the petitioner in PRM–51–10 that contradicts the NRC's conclusions regarding the environmental impacts of the onsite storage of spent nuclear fuel.

NRC Response to Issue 3

Spent fuel storage impacts during the license renewal term were evaluated in the 1996 GEIS. The NRC staff concluded that the impacts would be small for all plants and, therefore, the onsite storage of spent fuel during the license renewal term was designated a Category 1 issue. Specifically, the Commission concluded in the 1996 GEIS that continued storage of existing spent fuel and storage of spent fuel generated during the license renewal term can be accomplished safely and without significant environmental impacts, and that radiation doses will be well within regulatory limits. The 2013 update to the GEIS confirmed the 1996 evaluation.

Further, the Commission affirmed the treatment of SFP storage impacts as Category 1 in 2008 upon denying the two petitions for rulemaking (PRM–51–10 and PRM–51–12). The two petitions requested that the NRC initiate a rulemaking concerning the environmental impacts of the high-density storage of spent nuclear fuel in SFPs. The two petitions asserted that ''new and significant information'' shows that the NRC incorrectly characterized the environmental impacts of high-density spent fuel storage as ''insignificant'' in the 1996 GEIS for the renewal of nuclear power plant licenses. Specifically, the petitioner at that time asserted that spent fuel stored in high-density SFPs is more vulnerable to a zirconium fire than the NRC concluded in its analysis in the 1996 GEIS. On August 8, 2008, the Commission denied the petitions, stating:

> Based upon its review of the petitions, the NRC has determined that the studies upon which the Petitioners rely do not constitute new and significant information. The NRC has further determined that its findings related to the storage of spent nuclear fuel in pools, as set forth in NUREG–1437 and in Table B–1, of Appendix B to Subpart A of 10 CFR part 51, remain valid. Thus, the NRC has met and continues to meet its obligations under NEPA. For the reasons discussed previously, the Commission denies PRM–51–10 and PRM–51–12.

Likewise here, because the impacts from SFP storage have been consistently demonstrated to be small and because the events in Japan do not challenge the NRC's assumptions or conclusions as to the applicability of its generic impact determination for spent fuel storage during license renewal, the NRC has determined that the petitioner's assertions do not present an adequate basis for the NRC to forego using a generic environmental analysis.

III. Conclusion

For the reasons described in Section II of this document, the NRC is denying the petition under 10 CFR 2.803. The petitioner did not present any information that would contradict conclusions reached by the Commission when it established or updated the license renewal rule, nor did the petitioner provide new and significant information to demonstrate that sufficient reason exists to revise the current regulations. The NRC elected not to request public comments on PRM–51–29 because it had sufficient information to make a determination.

The events at the Fukushima Dai-ichi nuclear power plant have and will continue to inform improvements to the NRC's regulation of nuclear energy. Building upon the conclusions of the NTTF, the NRC is actively implementing significant enhancements through orders, rulemaking, and other regulatory initiatives. With regard to the petitioner's arguments that the events in Japan demonstrate that post-9/11 enhancements that enable the recovery of lost cooling water in SFPs will be ineffective, the petitioner did not provide sufficient information to support this claim, especially in light of the Commission's experiences and other studies noted previously.

Therefore, the NRC denies the petitioner's request to revise regulations that make generic determinations about the environmental impacts of onsite spent fuel storage in license renewal environmental reviews.

IV. Availability of Documents

The documents identified in the following table are available to interested persons as indicated. For more information on accessing ADAMS, see the **ADDRESSES** section of this document.

Document	ADAMS Accession Number/**Federal Register** Citation/URL
CLI–11–05, Union Electric Company d/b/a Ameren Missouri (Callaway Plant, Unit 2), September 9, 2011.	*http://www.nrc.gov/reading-rm/doc-collections/commission/orders/2011/2011-05cli.pdf.*
CLI–99–22, Hydro Resources, Inc., July 23, 1999	*http://www.nrc.gov/reading-rm/doc-collections/commission/orders/1999/1999-022cli.pdf.*
COMSECY–13–0030, ''Staff Evaluation and Recommendation for Japan Lessons Learned Tier 3 Issue on Expedited Transfer of Spent Fuel,'' November 12, 2013.	ML13329A918.
Declaration of Dr. Gordon R. Thompson in Support of Commonwealth of Massachusetts' Contention and Related Petitions and Motions, June 1, 2011.	ML111530345.
Documentation of Evolution of Security Requirements at Commercial Nuclear Power Plants with Respect to Mitigation Measures for Large Fires and Explosions, February 4, 2010.	ML092990438.
Federal Register notice—Continued Storage of Spent Nuclear Fuel, September 19, 2014	79 FR 56238.
Federal Register notice—Environmental Review for Renewal of Nuclear Power Plant Operating Licenses Final Rule, June 5, 1996.	61 FR 28467.
Federal Register notice—License Renewal of Nuclear Power Plants; Generic Environmental Impact Statement and Standard Review Plans for Environmental Reviews, Issuance of NUREG–1437 and NUREG–1555, June 20, 2013.	78 FR 37325.
Federal Register notice—PRM–51–10, NRC denial of Petition for Rulemaking, August 8, 2008	73 FR 46204.
Federal Register notice—PRM–51–29, Commonwealth of Massachusetts, Notice of Receipt, December 19, 2012.	77 FR 75065.

Document	ADAMS Accession Number/**Federal Register** Citation/URL
Federal Register notice—PRM–51–29, Commonwealth of Massachusetts, Supplemental Information, December 31, 2012.	77 FR 76952.
Federal Register notice—Revisions to Environmental Review of Renewal of Nuclear Power Plant Operating Licenses Final Rule, June 20, 2013.	78 FR 37282.
Generic Environmental Impact Statement for License Renewal of Nuclear Plants, NUREG–1437, Revision 1 (Volumes 1–3), June 21, 2013.	ML13107A023.
LBP–11–35, Memorandum and Order, denial of waiver in Pilgrim adjudicatory proceeding, December 13, 2011.	ML11332A152.
NEI 06–12, ''B.5.b Phases 2 & 3 Submittal Guideline, Revision 2,'' Project 689, December 14, 2006.	ML070090060.
NRC Overview of the Structural Integrity of the Spent Fuel Pool at Fukushima Dai-ichi, Unit 4, April 25, 2014.	ML14111A099.
NUREG–1353, ''Regulatory Analysis for the Resolution of Generic Issue 82, 'Beyond Design Basis Accidents in Spent Fuel Pools,' '' April 30, 1989.	ML082330232.
NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants'' (2013 GEIS), June 20, 2013.	ML13107A023.
NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants'' (1996 GEIS; Volumes 1 and 2), May 31, 1996.	ML040690705, ML040690738.
NUREG–1738, ''Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants,'' S102686, February 28, 2001.	ML010430066.
NUREG–2157, ''Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel''.	ML14196A105, ML14196A107.
NUREG–2161, ''Consequence Study of a Beyond-Design-Basis Earthquake Affecting the Spent Fuel Pool for a U.S. Mark I Boiling-Water Reactor'' (Spent Fuel Pool Study), October 9, 2013.	ML14255A365.
Order EA–12–049, NRC Order on Mitigating Strategies, March 12, 2012	ML12054A735.
Order EA–12–051, NRC Order on Spent Fuel Pool Instrumentation, March 12, 2012	ML12056A044.
Order EA–13–109, NRC Order on Severe Accident Capable Hardened Vents, June 6, 2013	ML13143A321.
PRM–51–10, Commonwealth of Massachusetts, August 25, 2006	ML062640409.
PRM–51–29, from Mathew Brock, Commonwealth Of Mass. Petition for Waiver of C.F.R. Part 51 Subpart A, Appendix B or In Alternative Petition For Rulemaking to Rescind Regulations Excluding Consideration Of Spent Fuel Storage Impacts, June 2, 2011.	ML12254A005.
Regulatory Guide 4.2, Supplement 1, Revision 1, ''Preparation of Environmental Reports for Nuclear Power Plant License Renewal Applications,'' June 20, 2013.	ML13067A354.
Report of Japanese Government to the IAEA Ministerial Conference on Nuclear Safety—The Accident at TEPCO's Fukushima Nuclear Power Stations, June 2011.	*http://www.kantei.go.jp/foreign/kan/topics/201106/iaea_houkokusho_e.html.*
Sandia Letter Report, Revision 2, Mitigation of Spent Fuel Pool Loss-of-Coolant Inventory Accidents And Extension of Reference Plant Analyses to Other Spent Fuel Pools, November 30, 2006.	ML120970086.
Sandia Report: MELCOR 1.8.5 Separate Effect Analysis of Spent Fuel Assembly Accident Response, June 30, 2003.	ML062290362.
SECY–04–0191, ''Withholding Sensitive Unclassified Information Concerning Nuclear Power Reactors From Public Disclosure,'' October 19, 2004.	ML042310663.
SECY–11–0125, ''Issuance of Bulletin 2011–01, ''Mitigating Strategies,'' September 12, 2011	ML111250360.
SRM–COMSECY–13–0030, Staff Evaluation and Recommendation for Japan Lessons-Learned Tier 3 Issue on Expedited Transfer of Spent Fuel, May 23, 2014.	ML14143A360.
The Thompson Report, ''New And Significant Information From The Fukushima Daiichi Accident In The Context Of Future Operation Of The Pilgrim Nuclear Power Plant,'' June 1, 2011.	ML12094A183.

Dated at Rockville, Maryland, this 25th day of August, 2015.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2015–21834 Filed 9–2–15; 8:45 am]

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FEDERAL TRADE COMMISSION

16 CFR Part 315

Contact Lens Rule

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Request for comment.

SUMMARY: The Commission is requesting public comments on the Contact Lens Rule, which requires that eyecare prescribers provide a copy of a consumer's prescription to the consumer upon completion of a contact lens fitting and verify or provide prescriptions to authorized third parties. The Rule also mandates that a contact lens seller may sell contact lenses only in accordance with a prescription that the seller either: (a) Has received from the patient or prescriber; or (b) has verified through direct communication with the prescriber. The Commission is soliciting comments about the efficiency, costs, benefits, and regulatory impact of the Rule as part of its systematic review of all current Commission regulations and guides. All interested persons are hereby given notice of the opportunity to submit written data, views, and arguments concerning the Rule.

DATES: Written comments must be received on or before October 26, 2015.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/contactlensrule* online or on paper, by following the instructions in the Instructions for Submitting Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Contact Lens Rule, 16 CFR part 315, Project No. R511995'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/contactlensrule* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''Contact Lens Rule, 16 CFR

part 315, Project No. R511995'' on your comment and on the envelope and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex C), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex C), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Alysa Bernstein, Attorney, (202) 326–3289, or Bonnie McGregor, Federal Trade Investigator, (202) 326–2356, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Background

In 2003, Congress enacted The Fairness to Contact Lens Consumers Act, 15 U.S.C. 7601–7610, and pursuant to the Act, the Commission promulgated the Contact Lens Rule on July 2, 2004.[1] The Rule went into effect on August 2, 2004.

The Contact Lens Rule is intended to facilitate the ability of consumers to comparison shop for contact lenses while ensuring that contact lenses are sold only in accordance with a valid prescription. The Rule requires that eyecare prescribers provide a copy of a prescription to the consumer upon completion of a contact lens fitting and verify or provide prescriptions to authorized third parties.[2]

The Rule specifies that a prescriber may not require the purchase of contact lenses as a condition of providing the prescription or verification, may not require payment in addition to, or as a part of, the fee for an eye examination, fitting, and evaluation as a condition of providing the prescription or verification, and may not require the patient to sign a waiver or release as a condition of releasing or verifying the prescription.[3] The prescriber is also prohibited from requiring immediate payment before the release of a prescription, unless the prescriber requires immediate payment when an exam reveals that the consumer does not need ophthalmic goods.[4]

The Rule also places certain restrictions on sellers. It mandates that sellers sell contact lenses only in accordance with a prescription that is either presented to the seller or verified by direct communication with the prescriber.[5] The Rule sets out the information that must be included in a seller's verification request, and directs that a prescription is only verified under the Rule if: (1) A prescriber confirms the prescription is accurate, (2) a prescriber informs the seller that the prescription is inaccurate and provides an accurate prescription, or (3) if the prescriber fails to communicate with the seller within eight business hours after receiving a compliant verification request.[6] The Rule states that if the prescriber informs the seller within eight hours of receiving the verification request that the prescription is inaccurate, expired, or invalid, the seller shall not fill the prescription.[7]

Sellers may not alter a prescription, but for private label contact lenses, may substitute identical contact lenses that the same company manufactures and sells under a different name.[8] Sellers and others involved in the manufacture, assembly, processing and distribution of contact lenses are prohibited from representing that contact lenses may be obtained without a prescription.[9]

The Contact Lens Rule sets a minimum expiration date of one year after the issue date of a prescription with an exception based on a patient's ocular health.[10] The Rule also implements the Act by providing that ''state and local laws and regulations that establish a prescription expiration date of less than one year or that restrict prescription release or require active verification are pre-empted.'' [11]

II. Regulatory Review of the Contact Lens Rule

The Commission periodically reviews all of its rules and guides. These reviews seek information about the costs and benefits of the agency's rules and guides, and their regulatory and economic impact. The information obtained assists the Commission in identifying those rules and guides that warrant modification or rescission. Therefore, the Commission solicits comments on, among other things, the economic impact and benefits of the Rule; possible conflict between the Rule and State, local, or other Federal laws or regulations; and the effect on the Rule of any technological, economic, or other industry changes since the Rule was promulgated.

III. Issues for Comment

The Commission requests written comment on any or all of the following questions. These questions are designed to assist the public and should not be construed as a limitation on the issues on which public comment may be submitted. The Commission requests that responses to its questions be as specific as possible, including a reference to the question being answered, and reference to empirical data or other evidence upon which comments are based wherever available and appropriate.

1. Is there a continuing need for the Rule? Why or why not?

2. What benefits has the Rule provided to consumers? What evidence supports the asserted benefits?

3. What modifications, if any, should be made to the Rule to increase its benefits to consumers?

a. What evidence supports the proposed modifications?

b. How would these modifications affect the costs the Rule imposes on businesses, including small businesses?

c. How would these modifications affect the benefits to consumers?

4. What impact has the Rule had on the flow of truthful information to consumers and on the flow of deceptive information to consumers?

5. What significant costs, if any, has the Rule imposed on consumers? What evidence supports the asserted costs?

6. What modifications, if any, should be made to the Rule to reduce any costs imposed on consumers?

a. What evidence supports the proposed modifications?

b. How would these modifications affect the benefits provided by the Rule?

7. What benefits, if any, has the Rule provided to businesses, including small businesses? What evidence supports the asserted benefits?

8. What modifications, if any, should be made to the Rule to increase its benefits to businesses, including small businesses?

a. What evidence supports the proposed modifications?

b. How would these modifications affect the costs the Rule imposes on businesses, including small businesses?

c. How would these modifications affect the benefits to consumers?

9. What significant costs, if any, including costs of compliance, has the Rule imposed on businesses, including small businesses? What evidence supports the asserted costs?

[1] Contact Lens Rule, 16 CFR part 315.

[2] 16 CFR 315.3(a).

[3] 16 CFR 315.3(b).

[4] 16 CFR 315.4.

[5] 16 CFR 315.5(a).

[6] 16 CFR 315.5(b)–(c).

[7] 16 CFR 315.5(d). If the prescription communicated by the seller is inaccurate, the prescriber shall correct it. *Id.*

[8] 16 CFR 315.5(e).

[9] 16 CFR 315.7.

[10] 16 CFR 315.6.

[11] 16 CFR 315.11(a). The Rule states further that ''[a]ny other state or local laws or regulations that are inconsistent with the Act or this part are prempted to the extent of the inconsistency.'' 16 CFR 315.11(b).

10. What modifications, if any, should be made to the Rule to reduce the costs imposed on businesses, including small businesses?

a. What evidence supports the proposed modifications?

b. How would these modifications affect the benefits provided by the Rule?

11. What evidence is available concerning the degree of industry compliance with the Rule?

12. What modifications, if any, should be made to the Rule to account for changes in relevant technology or economic conditions? What evidence supports the proposed modifications?

13. Does the Rule overlap or conflict with other federal, state, or local laws or regulations? If so, how?

a. What evidence supports the asserted conflicts?

b. With reference to the asserted conflicts, should the Rule be modified? If so, why, and how? If not, why not?

IV. Instructions for Submitting Comments

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before October 26, 2015. Write ''Contact Lens Rule, 16 CFR part 315, Project No. R511995'' on the comment. Your comment, including your name and your state, will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as a Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information.

In addition, do not include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you must follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comments to be withheld from the public record. Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comment online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/contactlensrule* by following the instructions on the web-based form. If this document appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Contact Lens Rule, 16 CFR part 315, Project No. R511995'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex C), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex C), Washington, DC 20024.

Visit the Commission Web site at *http://www.ftc.gov* to read this document and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before October 26, 2015. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

By direction of the Commission.

Donald S. Clark

Secretary.

[FR Doc. 2015–21577 Filed 9–2–15; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

16 CFR Part 456

Ophthalmic Practice Rules (Eyeglass Rule)

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Advance notice of proposed rulemaking; request for comment.

SUMMARY: The Commission is requesting public comment on its Trade Regulation Rule entitled ''Ophthalmic Practice Rules (Eyeglass Rule),'' which requires eye care practitioners to release eyeglass prescriptions to their patients (''Eyeglass Rule''). The Commission is soliciting comments about the efficiency, costs, benefits, and regulatory impact of the Rule as part of its systematic review of all current Commission regulations and guides. All interested persons are hereby given notice of the opportunity to submit written data, views, and arguments concerning the Rule.

DATES: Written comments must be received on or before October 26, 2015.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/ophthalmicruleanprm* online or on paper, by following the instructions in the Instructions for Submitting Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Eyeglass Rule, 16 CFR part 456, Project No. R511996'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/ophthalmicruleanprm* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''Eyeglass Rule, 16 CFR part 456, Project No. R51199'' on your comment and on the envelope and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex B), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex B), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Alysa Bernstein, Attorney, (202) 326–3289, or Bonnie McGregor, Federal Trade Investigator, (202) 326–2356, Division of Advertising Practices,

Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Background

The Eyeglass Rule requires an optometrist or ophthalmologist to provide the patient with one copy of the patient's eyeglass prescription, at no extra cost, immediately after an eye examination is completed.[1] It defines a prescription as ''the written specifications for lenses for eyeglasses which are derived from an eye examination, including all of the information specified by state law, if any, necessary to obtain lenses for eyeglasses.'' [2]

The Rule prohibits an optometrist or ophthalmologist from conditioning the availability of an eye examination on a requirement that the patient agree to purchase ophthalmic goods from the optometrist or ophthalmologist,[3] or providing the patient with a notice waiving the liability or responsibility of the provider for the accuracy of the exam or the ophthalmic goods and services dispensed by another seller.[4]

The Commission first promulgated the Eyeglass Rule in 1978 based on a finding that many consumers were being deterred from comparison shopping for eyeglasses because eye care practitioners refused to release prescriptions, even upon a patient's request, or charged an additional fee for release of a prescription.[5]

In 1985, the Commission published a Notice of Proposed Rulemaking (''NPR'') requesting comments on certain issues relating to the Rule, including whether or not the prescription release requirement should be modified to require that prescriptions be given only to patients who request them, modified to require only that eye care practitioners offer, rather than automatically provide, prescriptions to patients, and whether the Rule should be extended to require that optometrists and ophthalmologists provide a duplicate copy of prescriptions to patients who lost or misplaced the original.[6] After considering the Rulemaking record, the Commission decided in 1989 to retain the Rule's requirement that prescriptions be automatically released.[7] The Commission did not receive substantial evidence indicating that the practice of refusing to release duplicate copies of eyeglass prescriptions to patients who had lost or misplaced the originals was prevalent and as a result determined that rulemaking in that area would not be appropriate.[8]

In 1997, the Commission issued a Request for Public Comment regarding the Rule, inviting comments on the overall costs and benefits of the Rule, and asking again if the automatic prescription release requirement should be modified.[9] In 2004, following comments from numerous parties, the Commission determined to retain the Eyeglass Rule without modification.[10]

II. Regulatory Review of the Eyeglass Rule

The Commission periodically reviews all of its rules and guides. These reviews seek information about the costs and benefits of the agency's rules and guides, and their regulatory and economic impact. The information obtained assists the Commission in identifying those rules and guides that warrant modification or rescission. Therefore, the Commission solicits comments on, among other things, the economic impact and benefits of the Rule; possible conflict between the Rule and State, local, or other Federal laws or regulations; and the effect on the Rule of any technological, economic, or other industry changes.

III. Issues for Comment

The Commission requests written comment on any or all of the following questions. These questions are designed to assist the public and should not be construed as a limitation on the issues on which public comment may be submitted. The Commission requests that responses to its questions be as specific as possible, including a reference to the question being answered, and reference to empirical data or other evidence upon which comments are based whenever available and appropriate. Please also provide evidence of the prevalence of any unfair acts or practices that any proposed modification would address.

A. General Issues

1. Is there a continuing need for the Rule? Why or why not?

2. What benefits has the Rule provided to consumers? What evidence supports the asserted benefits?

3. What modifications, if any, should be made to the Rule to increase its benefits to consumers?

(a) What evidence supports the proposed modifications?

(b) How would these modifications affect the costs the Rule imposes on businesses, including small businesses?

(c) How would these modifications affect the benefits to consumers?

4. What impact has the Rule had on the flow of truthful information to consumers and on the flow of deceptive information to consumers?

5. What significant costs, if any, has the Rule imposed on consumers? What evidence supports the asserted costs?

6. What modifications, if any, should be made to the Rule to reduce any costs imposed on consumers?

(a) What evidence supports the proposed modifications?

(b) How would these modifications affect the benefits provided by the Rule?

7. What benefits, if any, has the Rule provided to businesses, including small businesses? What evidence supports the asserted benefits?

8. What modifications, if any, should be made to the Rule to increase its benefits to businesses, including small businesses?

(a) What evidence supports the proposed modifications?

(b) How would these modifications affect the costs the Rule imposes on businesses, including small businesses?

(c) How would these modifications affect the benefits to consumers?

9. What significant costs, if any, including costs of compliance, has the Rule imposed on businesses, including small businesses? What evidence supports the asserted costs?

10. What modifications, if any, should be made to the Rule to reduce the costs imposed on businesses, including small businesses?

(a) What evidence supports the proposed modifications?

(b) How would these modifications affect the benefits provided by the Rule?

[1] 16 CFR 456.2 (a) and (c). A provider may withhold a patient's prescription until the patient has paid for the eye examination, but only if the provider would have required immediate payment if the examination had revealed that no ophthalmic goods were needed. Section 456.2(a).

[2] 16 CFR 456.1(g).

[3] 16 CFR 456.2(b).

[4] 16 CFR 456.2(d).

[5] Advertising of Ophthalmic Goods and Services, Statement of Basis and Purpose and Final Trade Regulation Rule, 43 FR 23992, 23998 (June 2, 1978). The Commission also found that some practitioners refused to conduct an examination unless the patient agreed in advance to purchase eyeglasses from the prescriber and that some practitioners conditioned the release of a prescription on the signing of a waiver of liability. *Id.*

[6] Ophthalmic Practice Rules; Proposed Trade Regulation Rule; Notice of Proposed Rulemaking, 50 FR 598, 602 (Jan. 4, 1985).

[7] Trade Regulation Rule; Ophthalmic Practice Rules; Final Trade Regulation Rule, 54 FR 10285, 10303 (Mar. 13, 1989). Citing to significant non-compliance with the automatic release requirement of the Rule and a lack of consumer awareness about prescription rights, the Commission determined that there was not sufficient evidence in the record to conclude that the automatic release provision was no longer needed. *Id.*

[8] 54 FR 10285, 10303 (Mar. 13, 1989).

[9] Ophthalmic Practice Rules; Request for Public Comments, 62 FR 15865 (Apr. 3, 1997).

[10] Ophthalmic Practice Rules; Final Rule; 69 FR 5451 (Feb. 4, 2004).

11. What evidence is available concerning the degree of industry compliance with the Rule?

12. What modifications, if any, should be made to the Rule to account for changes in relevant technology or economic conditions? What evidence supports the proposed modifications?

13. Does the Rule overlap or conflict with other federal, state, or local laws or regulations? If so, how?

(a) What evidence supports the asserted conflicts?

(b) With reference to the asserted conflicts, should the Rule be modified? If so, why, and how? If not, why not?

B. Specific Issues

1. Should the definition of ''prescription'' be modified to include pupillary distance? Why or why not?

(a) What evidence supports such a modification?

(b) How would this modification affect the costs the Rule imposes on businesses, including small businesses?

(c) How would this modification affect the benefits to consumers?

2. Should the Rule be extended to require that prescribers provide a duplicate copy of a prescription to a patient who does not currently have access to the original? Why or why not?

(a) What evidence supports such a modification?

(b) How would this modification affect the costs the Rule imposes on businesses, including small businesses?

(c) How would this modification affect the benefits to consumers?

3. Should the Rule be extended to require that a prescriber provide a copy to or verify a prescription with third parties authorized by the patient? Why or why not?

(a) What evidence supports such a modification?

(b) How would this modification affect the costs the Rule imposes on businesses, including small businesses?

(c) How would this modification affect the benefits to consumers?

IV. Instructions for Submitting Comments

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before October 26, 2015. Write ''Eyeglass Rule, 16 CFR part 456, Project No. R511996'' on the comment. Your comment, including your name and your state, will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as a Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information.

In addition, do not include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you must follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comments to be withheld from the public record. Your comment will be kept confidential only if the FTC General Counsel, in his sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comment online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/ophthalmicruleanprm* by following the instructions on the web-based form. If this document appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Eyeglass Rule, 16 CFR part 456, Project No. R511996'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex B), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex B), Washington, DC 20024.

Visit the Commission Web site at *http://www.ftc.gov* to read this document and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before October 26, 2015. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2015–21578 Filed 9–2–15; 8:45 am]

BILLING CODE 6750–01–P

Notices

Federal Register
Vol. 80, No. 171
Thursday, September 3, 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

Food and Nutrition Service

Submission for OMB Review; Comment Request

August 31, 2015.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the 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 burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if they are received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: SuperTracker Information Collection for Registration, Login, and Food Intake and Physical Activity Assessment Information.

OMB Control Number: 0584–0535.

Summary of Collection: The U.S. Department of Agriculture (USDA), Center for Nutrition Policy and Promotion (CNPP) supports and promotes the health of all Americans by producing and promoting up-to-date science-based nutrition guidance. The authority to collect the information can be found under Subtitle D of the National Agriculture Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3171–3175) and 7 CFR 2.19(a)(3). 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 with the Department; and consulting with the Federal and State agencies, the Congress, universities, and other public and private organizations and the general public regarding food consumption and dietary adequacy.

Need and Use of the Information: SuperTracker can assist the public in making diet and physical activity choices. Users voluntarily go to the SuperTracker.usda.gov Web site to submit information. The information obtained from users is stored in a user account, which is maintained by USDA information technology (IT) staff. If the information is not collected, users will not be able to assess individual food intake and physical activity status.

Description of Respondents: Individual or households.

Number of Respondents: 3,600,000.

Frequency of Responses: Reporting: Monthly.

Total Burden Hours: 3,767,898.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2015–21908 Filed 9–2–15; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Proposed Information Collection; Comment Request; Services Surveys: BE–29, Annual Survey of Foreign Ocean Carriers' Expenses in the United States

AGENCY: Bureau of Economic Analysis, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before November 2, 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 email 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 Christopher Stein, Chief, Services Surveys Branch (SSB) BE–50, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone: (202) 606–9850; fax: (202) 606–5318; email: *christopher.stein@bea.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Annual Survey of Foreign Ocean Carriers' Expenses in the United States (BE–29) is a survey that collects data from U.S. agents of foreign ocean carriers who handle 40 or more port calls in the reporting period by foreign ocean vessels, or have total annual covered expenses of $250,000 or more for all foreign ocean vessels handled by the U.S. agent. The covered expenses are: (1) Port call services such as pilotage, towing and tugboat services, harbor fees, and berth fees; (2) cargo-related services such as loading,

unloading, and storing cargo at U.S. ports; (3) fuels and oils (bunkers) purchased in U.S. ports; (4) other vessel operating expenses such as stores and supplies, vessel repairs, and personnel expenses in the United States; and (5) other expenses such as U.S. agents' and brokers' fees and commissions and expenses related to maintaining U.S. offices, such as rent, advertising, and wages.

The data collected on the survey are needed to monitor U.S. trade in transport services to analyze the impact of U.S. trade on the U.S. and foreign economies, to compile and improve the U.S. economic accounts, to support U.S. commercial policy on trade in transport services, to conduct trade promotion, and to improve the ability of U.S. businesses to identify and evaluate market opportunities. The data are used in estimating the transport component of the U.S. international transactions accounts (ITAs) and national income and product accounts (NIPAs). The Bureau of Economic Analysis (BEA) is proposing no additions, modifications, or deletions to the current BE–29 survey to minimize respondent burden while considering the needs of data users. Existing language in the instructions and definitions will be reviewed and adjusted as necessary to clarify survey requirements.

II. Method of Collection

Form BE–29 is an annual report that must be completed within 90 days after the end of each calendar year. BEA contacts potential respondents by mail in January of each year. Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

BEA offers electronic filing through its eFile system for use in reporting on the BE–29 annual survey form. For information about eFile, go to *www.bea.gov/efile.* In addition, BEA posts all its survey forms and reporting instructions on its Web site, *www.bea.gov/ssb.* These may be downloaded, completed, printed, and submitted via fax or mail.

III. Data

OMB Control Number: 0608–0012.

Form Number: BE–29.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 83 annually (69 reporting mandatory data and 14 file exemption claims).

Estimated Time per Response: 3 hours is the average for those reporting data. 1 hour is the average for those not reporting data. Hours may vary considerably among respondents because of differences in company size and complexity.

Estimated Total Annual Burden Hours: 221.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Mandatory.

Legal Authority: International Investment and Trade in Services Survey Act (Pub. L. 94–472, 22 U.S.C. 3101–3108, as amended).

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 will 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 28, 2015.

Glenna Mickelson,

Management Analyst, Office of Chief Information Officer.

[FR Doc. 2015–21878 Filed 9–2–15; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Proposed Information Collection; Comment Request; Services Surveys: BE–30, Quarterly Survey of Ocean Freight Revenues and Foreign Expenses of U.S. Carriers, and the BE–37, Quarterly Survey of U.S. Airline Operators' Foreign Revenues and Expenses

AGENCY: Bureau of Economic Analysis, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before November 2, 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 email at *jjessup@doc.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instruments and instructions should be directed to Christopher Stein, Chief, Services Surveys Branch (SSB) BE–50, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone: (202) 606–9850; fax: (202) 606–5318; email: *christopher.stein@bea.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Quarterly Survey of Ocean Freight Revenues and Foreign Expenses of U.S. Carriers (BE–30) is a survey that collects data from U.S. ocean freight carriers (owners and operators) whose total covered revenues or total covered expenses incurred outside the United States were $500,000 or more in the previous year or are expected to be $500,000 or more during the current year. The covered revenues are: (1) Revenue on cargo outbound from U.S. ports and the associated shipping weight; (2) revenue on cargo inbound into the United States and the associated shipping weight; (3) revenue on cross-trade cargoes; (4) charter hire (with crew) and space leasing revenues from foreign residents. The covered expenses are: (1) Fuel expenses in foreign countries; (2) expenses in foreign countries other than fuel expenses; and (3) charter hire (with crew) and space leasing payments to foreign residents. A report is not required from U.S. ocean freight carriers whose total annual covered revenues and total annual covered expenses are below $500,000.

The Quarterly Survey of U.S. Airline Operators' Foreign Revenues and Expenses (BE–37) is a survey that collects data from U.S. airline operators engaged in the international transportation of goods and/or passengers and whose total covered revenues or total covered expenses incurred outside the United States were $500,000 or more in the previous year or are expected to be $500,000 or more

during the current year. The covered revenues are: (1) Revenue derived from carriage of export freight and express from the United States to points outside the United States; (2) revenue derived from carriage of freight and express originating from, and destined to, points outside the United States; (3) revenue derived from transporting passengers originating from, and destined to, points outside the United States; (4) revenue from transporting passengers to and from the United States and the associated number of passengers; (5) interline settlement receipts from foreign airline operators. The covered expenses are: (1) Expenses incurred outside the United States for fuel and oil, station and maintenance bases, wages, and other goods and services purchased abroad (except aircraft leasing expenses); (2) aircraft (with crew) leasing expenses; and (3) interline settlement payments to foreign airline operators. A report is not required from U.S. airline operators whose total annual covered revenues and total annual covered expenses are below $500,000.

The data collected on these surveys are needed to monitor U.S. trade in transport services to analyze the impact of U.S. trade on the U.S. and foreign economies, to compile and improve the U.S. economic accounts, to support U.S. commercial policy on trade in transport services, to conduct trade promotion, and to improve the ability of U.S. businesses to identify and evaluate market opportunities. The data are used in estimating the transport component of the U.S. international transactions accounts (ITAs) and national income and product accounts (NIPAs).

The Bureau of Economic Analysis (BEA) is proposing no additions, modifications, or deletions to the current BE–30 survey and minor additions and modifications to the current BE–37 survey to minimize respondent burden while considering the needs of data users. Existing language in the instructions and definitions will be reviewed and adjusted as necessary to clarify survey requirements.

II. Method of Collection

Forms BE–30 and BE–37 are quarterly reports that must be completed within 45 days after the end of each calendar quarter. BEA contacts potential respondents by mail the end of each calendar quarter. Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

BEA offers electronic filing through its eFile system for use in reporting on the BE–30 and BE–37 quarterly survey forms. For information about eFile, go to *www.bea.gov/efile.* In addition, BEA posts all its survey forms and reporting instructions on its Web site, *www.bea.gov/ssb.* These may be downloaded, completed, printed, and submitted via fax or mail.

III. Data

OMB Control Number: 0608–0011.

Form Number: BE–30 and BE–37.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of BE–30 Responses: 280 annually (70 filed each quarter: 62 reporting mandatory data and 8 exemption claims).

Estimated Number of BE–37 Responses: 128 annually (32 filed each quarter: 31 reporting mandatory data and 1 exemption claim).

Estimated Time per Response: 4 hours is the average for those reporting data. 1 hour is the average for those not reporting data. Hours may vary considerably among respondents because of differences in company size and complexity.

Estimated Total Annual Burden Hours: 1,524 (1,024 for the BE–30; 500 for the BE–37).

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Mandatory.

Legal Authority: International Investment and Trade in Services Survey Act (Pub. L. 94–472, 22 U.S.C. 3101–3108, as amended).

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collections of information are 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 (including hours and cost) of the proposed collections 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 collections 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 28, 2015.

Glenna Mickelson,

Management Analyst, Office of Chief Information Officer.

[FR Doc. 2015–21877 Filed 9–2–15; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Proposed Information Collection; Comment Request; Services Surveys: BE–9, Quarterly Survey of Foreign Airline Operators' Revenues and Expenses in the United States

AGENCY: Bureau of Economic Analysis, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before November 2, 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 email 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 Christopher Stein, Chief, Services Surveys Branch (SSB) BE–50, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone: (202) 606–9850; fax: (202) 606–5318; email: *christopher.stein@bea.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Quarterly Survey of Foreign Airline Operators' Revenues and Expenses in the United States (BE–9) is a survey that collects data from U.S. offices, agents, or other representatives of foreign airline operators that transport freight, express, and passengers to or from the United States and whose total covered revenues or total covered expenses were $5 million or more in the previous year or are expected to be $5 million or more

during the current year. The covered revenues are freight revenue on merchandise exported from, or imported into, the United States. The covered expenses are expenses incurred in the United States for: (1) Fuel and oil; (2) wages and salaries paid to employees in the United States; (3) agents' and brokers' fees and commissions for arrangement of freight and passenger transportation; (4) aircraft handling and terminal services, aircraft (with crew) leasing expenses; and 5) all other expenses incurred in the United States except leasing (without crew) expenses.

Respondents are also asked to report: (1) Shipping weights on which freight revenues were earned; (2) the number of passengers transported to/from the United States; and (3) revenues associated with these passengers.

The data collected on the survey are needed to monitor U.S. trade in transport services to analyze the impact of U.S. trade on the U.S. and foreign economies, to compile and improve the U.S. economic accounts, to support U.S. commercial policy on trade in transport services, to conduct trade promotion, and to improve the ability of U.S. businesses to identify and evaluate market opportunities. The data are used in estimating the transport component of the U.S. international transactions accounts (ITAs) and national income and product accounts (NIPAs).

The Bureau of Economic Analysis (BEA) is proposing minor additions and modifications to the current BE–9 survey to minimize respondent burden while considering the needs of data users. Existing language in the instructions and definitions will be reviewed and adjusted as necessary to clarify survey requirements.

II. Method of Collection

Form BE–9 is a quarterly report that must be completed within 45 days after the end of each calendar quarter. BEA contacts potential respondents by mail the end of each calendar quarter. Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

BEA offers electronic filing through its eFile system for use in reporting on the BE–9 quarterly survey form. For information about eFile, go to *www.bea.gov/efile.* In addition, BEA posts all its survey forms and reporting instructions on its Web site, *www.bea.gov/ssb.* These may be downloaded, completed, printed, and submitted via fax or mail.

III. Data

OMB Control Number: 0608–0068.

Form Number: BE–9.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 184 annually (46 filed each quarter: 180 reporting mandatory data and 4 exemption claims).

Estimated Time per Response: 6 hours is the average for those reporting data. 1 hour is the average for those not reporting data. Hours may vary considerably among respondents because of differences in company size and complexity.

Estimated Total Annual Burden Hours: 1,084.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Mandatory.

Legal Authority: International Investment and Trade in Services Survey Act (Pub. L. 94–472, 22 U.S.C. 3101–3108, as amended).

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 will 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 28, 2015.

Glenna Mickelson,

Management Analyst, Office of Chief Information Officer.

[FR Doc. 2015–21875 Filed 9–2–15; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

International Trade Administration

U.S. Institutional Investor Roadshow

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an opportunity to participate in the U.S. Institutional Investor Roadshow.

SUMMARY: The Department of Commerce, International Trade Administration, Global Markets, Office of Africa is seeking representatives of 15 U.S. institutional investors to participate in the launch of the U.S. Institutional Investor Roadshow. The Roadshow will provide a platform for U.S. institutional investors and African government representatives to discuss and implement best practices for reducing governance risk, strengthening capital markets and increasing long-term investment flows. The program is designed to help U.S. financial institutions and exporters participate in large-scale business opportunities arising from transformational infrastructure projects in Africa. Representatives of several African governments, including one or more heads of state, are expected to participate in the launch event. U.S. institutional investors and U.S. investment fund managers that represent U.S. institutional investors are invited to express interest in participating in the launch event and on-going roadshow.

DATES: The launch event will be held on Tuesday, September 29, 2015. Space is limited. Requests to participate in the launch event must be received by 5:00 p.m. EDT on September 18th, 2015. The U.S. Institutional Investor Roadshow is an on-going program. Requests will be accepted on an on-going basis for the duration of the program to be added to the distribution list for information about the program and about upcoming events.

ADDRESSES: The launch event will be held in New York, New York. The address will be provided to invited participants. Future Roadshow events are expected to occur in the United States and Africa. To express interest in participating in the launch event or to be added to the Roadshow distribution list for information about the program and about upcoming events, please submit your request to: *Roadshow@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Joe Wereszynski, the United States Department of Commerce, 1401 Constitution Ave. NW., Washington, DC 20230, telephone: 202–482–4729, email: *Joseph.Wereszynski@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: On September 29, 2015, the U.S. Department of Commerce, in partnership with McKinsey & Company, will hold a one day event in New York, New York to launch an U.S. Institutional Investor Roadshow for Africa. The Roadshow is a U.S. Department of Commerce program that

will provide a platform for leading U.S. institutional investors, such as state pension and teacher retirement funds, and African government officials to discuss and implement best practices for reducing governance risk, strengthening capital markets and increasing long-term investment flows. At the same time, the program will help U.S. financial institutions and exporters to learn about and how to pursue opportunities to participate in large-scale business opportunities arising from transformational infrastructure projects in Africa. The goal of the Roadshow is to bring a new level of transparent and flexible private sector funding while providing private sector tools to improve the investment climate to allow more U.S. companies to close business deals.

The Roadshow is an initiative developed by the U.S. Department of Commerce in response to the need expressed by African leaders and the U.S. private sector for increased access to long-term private capital to fund large scale infrastructure projects in Africa. It is a direct follow-up to the 2014 U.S.-Africa Business Forum and an official recommendation made by the President's Advisory Council on Doing Business in Africa. For more information on the Roadshow concept, please see the official recommendations made by the President's Advisory Council on Doing Business in Africa: *http://www.trade.gov/pac-dbia/docs/PAC-DBIA-Report_Final.pdf.* The inaugural launch in New York, New York will be the first event in a series of high-level engagements that are expected to be scheduled to take place across the continent of Africa. The Global Market's Office of Europe, Middle East and Africa has entered into a joint project with McKinsey and Company to organize and hold the launch event. The launch event will comprise of approximately 20–25 individuals consisting of U.S. Government officials, government officials from African countries (expected to include at least some government Ministers and one or more heads of state), and representatives of U.S. institutional investors. The program will include keynote speeches, panels, and other presentations by attendees from both government and business. The program will include an overview of the financial business climate, a discussion of some of the leading proposed African infrastructure projects, and roundtable discussions on reactions to the proposed projects (including how to structure projects to attract foreign investment and factors that the U.S. private sector looks for and considers when assessing whether to invest).

Public Participation: U.S. institutional investors or U.S. investment fund managers that represent U.S. institutional investors (state pension and teacher retirement funds), are eligible to apply for participation. Please note that space is limited at the launch event and applying does not guarantee participation. All applicants will be evaluated based on their ability to meet certain conditions and best satisfy the selection criteria as outlined below. Due to space limitations, participation is limited to no more than two representatives of each participating U.S. institutional investor or U.S. investment fund managers that represent U.S. institutional investors. If you are interested in being considered as a participant for the September 29, 2015 launch event, you must apply by sending an email to the address below by September 18th, 2015. The email must include the name of the proposed participant(s), title(s), company name, business contact information, a brief bio of the proposed participant(s), and a description of the company's interest in the event (including any relevant past, on-going, or planned investments or intent to invest in infrastructure and/or in Africa). Investment fund managers also must certify that they represent U.S. institutional investors. Do not include any business confidential or proprietary information in the request. Requests to participate in the launch event will be evaluated by the Department of Commerce and McKinsey and Company based on (1) level of institutional interest, knowledge of, or experience investing in infrastructure projects and/or in Africa, (2) experience and ability of the proposed participant to engage in a substantive discussion of factors influencing U.S. institutional investment decisions in the infrastructure sector in African markets, and (3) level of proposed participant within the company to be represented. Decisions will be made without regard to political considerations; referrals from political organizations and any documents containing references to partisan political activities (including political contributions) will be removed from an applicant's submission and not considered during the selection process.

To apply send an email to: *Roadshow@trade.gov.*

If you are interested in being added to the distribution list for information about this program and about upcoming events, send an email to *Roadshow@trade.gov* with your name and contact information.

Dated: August 31, 2015.

Joe Wereszynski,

Senior Policy Advisor for Europe, Middle East and Africa, Office of the Deputy Assistant Secretary, U.S. Department of Commerce.

[FR Doc. 2015–21973 Filed 9–2–15; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–888]

Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof From the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* September 3, 2015.

SUMMARY: On May 1, 2015, the Department initiated the second sunset review of the Order on Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof (ironing tables) from the People's Republic of China (PRC) pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[1] The Department determined that it was appropriate to conduct an expedited review. The Department finds that revocation of this antidumping duty order would be likely to lead to continuation or recurrence of dumping up to the rate identified in the ''Final Results of Review'' section of this notice.

FOR FURTHER INFORMATION CONTACT: Scott Hoefke, AD/CVD Operations, Office VI, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–4947.

SUPPLEMENTARY INFORMATION:

Background

The antidumping duty order on ironing tables from the PRC was published on August 6, 2004.[2] The sunset review on the antidumping duty order on ironing tables from the PRC was initiated by the Department on May 1, 2015 pursuant to section 751(c) of the Act.[3]

[1] *See Initiation of Five-year (''Sunset'') Review,* 80 FR 24900 (May 1, 2015) (*Sunset Initiation*).

[2] *See Notice of Amended Final Determination at Less Than Fair Value and Antidumping Duty Order: Floor-Standing, Metal Top Ironing Tables and Certain Parts Thereof From the People's Republic of China,* 69 FR 47868 (August 6, 2004).

[3] *See Sunset Initiation.*

The Department received a notice of intent to participate from Home Products International, Inc. (Petitioner), within the deadline specified in 19 CFR 351.218(d)(1)(i). Petitioners are manufacturers of a domestic like product in the United States and, accordingly, are domestic interested parties pursuant to section 771(9)(C) of the Act.

On May 27, 2015, the Department received an adequate substantive response to the notice of initiation from Petitioners within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). The Department did not receive any responses from the respondent interested parties, *i.e.,* ironing tables producers or exporters from the PRC. On the basis of the notice of intent to participate and adequate substantive response filed by Petitioners and the inadequate response from any respondent interested party, the Department decided to conduct an expedited sunset review of this order pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C).

Scope of the Order

The merchandise subject to the order consists of floor-standing, metal-top ironing tables, assembled or unassembled, complete or incomplete, and certain parts thereof. The subject tables are designed and used principally for the hand ironing or pressing of garments or other articles of fabric. They are typically imported under heading 9403.20.0011 of the Harmonized Tariff Schedule of the United States (HTSUS), with the subject metal top and leg components are imported under heading 9403.90.8040. Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description is dispositive. A full description of the scope of the order is contained in the ''Issues and Decision Memorandum for Final Results of Expedited Second Sunset Review of Antidumping Duty Order on Floor-Standing, Metal-Top Ironing Tables and Certain Parts Thereof from the People's Republic of China,'' (Decision Memorandum) dated concurrently with and hereby adopted by this notice.

Analysis of Comments Received

The issues discussed in the Decision Memorandum are the likelihood of continuation or recurrence of dumping, and the magnitude of the margins of dumping likely to prevail if the order was revoked. The analysis addresses the impact of the *Final Modification for Reviews* [4] on this review. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in the Decision Memorandum, which is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit in room B8024 of the main Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Internet at *http://trade.gov/enforcement/.* The signed Decision Memorandum and electronic versions of the Decision Memorandum are identical in content.

Final Results of Sunset Review

Pursuant to sections 752(c)(1) and (3) of the Act, we determine that revocation of the antidumping order of ironing tables from the PRC would be likely to lead to continuation or recurrence of dumping at weighted-average margins up to 157.68 percent.

Notification to Interested Parties

This notice serves as the only 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). Timely written notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

The Department is issuing and publishing these final results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: August 27, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–21946 Filed 9–2–15; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See Antidumping Proceedings: Calculation of Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Visiting Committee on Advanced Technology

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Visiting Committee on Advanced Technology (VCAT or Committee), National Institute of Standards and Technology (NIST), will meet in open session on Tuesday, October 6, 2015 from 8:30 a.m. to 1:45 p.m. Eastern Time and Wednesday, October 7, 2015 from 8:00 a.m. to 11:00 a.m. Eastern Time. The VCAT is composed of fifteen members appointed by the NIST Director who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations.

DATES: The VCAT will meet on Tuesday, October 6, 2015, from 8:30 a.m. to 1:45 p.m. Eastern Time and Wednesday, October 7, 2015, from 8:00 a.m. to 11:00 a.m. Eastern Time.

ADDRESSES: The meeting will be held at the Renaissance Charleston Historic District Hotel, 68 Wentworth St, Charleston, SC 29401. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Stephanie Shaw, VCAT, NIST, 100 Bureau Drive, Mail Stop 1060, Gaithersburg, Maryland 20899–1060, telephone number 301–975–2667. Ms. Shaw's email address is *stephanie.shaw@nist.gov.*

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 278 and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

The purpose of this meeting is for the VCAT to review and make recommendations regarding general policy for NIST, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The agenda will include updates on NIST activities and a review of the various NIST partnership models. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST Web site at *http://www.nist.gov/director/vcat/agenda.cfm.*

Individuals and representatives of organizations who would like to offer

comments and suggestions related to the Committee's affairs are invited to request a place on the agenda. On Wednesday, October 7, approximately one-half hour in the morning will be reserved for public comments and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about 3 minutes each. The exact time for public comments will be included in the final agenda that will be posted on the NIST Web site at *http://www.nist.gov/director/vcat/agenda.cfm.* Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to VCAT, NIST, 100 Bureau Drive, MS 1060, Gaithersburg, Maryland, 20899, via fax at 301–216–0529 or electronically by email to *Karen.lellock@nist.gov.*

All participants are required to pre-register. Please submit your name, time of arrival, email address and phone number to Stephanie Shaw by 5:00 p.m. Eastern Time, Tuesday, September 29, 2015.

Richard Cavanagh,

Acting Associate Director for Laboratory Programs.

[FR Doc. 2015–21888 Filed 9–2–15; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Policy Board; Notice of Federal Advisory Committee Meeting

AGENCY: Office of the Under Secretary of Defense (Policy), Department of Defense.

ACTION: Federal Advisory Committee Meeting Notice.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce the following Federal advisory committee meeting of the Defense Policy Board (DPB). This meeting will be closed to the public.

DATES: *Quarterly Meeting:* Monday, September 21, 2015, from 8:30 a.m. to 5:15 p.m. and Tuesday, September 22, 2015, from 8:00 a.m. to 11:30 a.m.

ADDRESSES: The Pentagon, 2000 Defense Pentagon, Washington, DC 20301–2000.

FOR FURTHER INFORMATION CONTACT: Ms. Ann Hansen, 2000 Defense Pentagon, Washington, DC 20301–2000. Phone: (703) 571–9232.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended) (''the Sunshine Act''), and the Federal Advisory Committee Management Act; Final Rule 41 CFR parts 101–6 and 102–3 (''the FACA Final Rule'').

Purpose of Meeting: To obtain, review and evaluate classified information related to the DPB's mission to advise on: (a) Issues central to strategic DoD planning; (b) policy implications of U.S. force structure and force modernization and on DoD's ability to execute U.S. defense strategy; (c) U.S. regional defense policies; and (d) other research and analysis of topics raised by the Secretary of Defense, the Deputy Secretary or the Under Secretary of Defense for Policy.

Meeting Agenda: Beginning at 8:30 a.m. on September 21 through the end of the meeting on September 22, the DPB will have secret through top secret (SCI) level discussions on national security issues regarding geopolitical implications of China's island ''reclamation'' program.

Meeting Accessibility: Pursuant to the Sunshine Act and the FACA Final Rule, the Department of Defense has determined that this meeting shall be closed to the public. The Under Secretary of Defense (Policy), in consultation with the Department of Defense FACA Attorney, has determined in writing that this meeting be closed to the public because the discussions fall under the purview of Section 552b(c)(1) of the Sunshine Act and are so inextricably intertwined with unclassified material that they cannot reasonably be segregated into separate discussions without disclosing secret or higher classified material.

Committee's Designated Federal Officer or Point of Contact: Ann Hansen, *osd.pentagon.ousd-policy.mbx.defense-board@mail.mil.*

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140(c) and section 10(a)(3) of the FACA, the public or interested organizations may submit written statements to the membership of the DPB at any time regarding its mission or in response to the stated agenda of a planned meeting. Written statements should be submitted to the DPB's Designated Federal Officer (DFO); the DFO's contact information is listed in this notice or it can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/.*

Written statements that do not pertain to a scheduled meeting of the DPB may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting, then these statements must be submitted no later than five business days prior to the meeting in question. The DFO will review all submitted written statements and provide copies to all committee members.

Dated: August 28, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–21876 Filed 9–2–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0083]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Paul Douglas Teacher Scholarship Performance Report Form

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a reinstatement of a previously approved information collection.

DATES: Interested persons are invited to submit comments on or before October 5, 2015.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://wwww.regulations.gov* by searching the Docket ID number ED–2015–ICCD–0083. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Darryl Davis, 202–502–7657.

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: Paul Douglas Teacher Scholarship Performance Report Form.

OMB Control Number: 1840–0787.

Type of Review: A reinstatement of a previously approved information collection.

Respondents/Affected Public: State, Local, and Tribal Government.

Total Estimated Number of Annual Responses: 15.

Total Estimated Number of Annual Burden Hours: 180.

Abstract: The Paul Douglas Teacher Scholarship program was designed to issue grants to the states to provide scholarships to outstanding secondary school graduates who demonstrated an interest in teaching careers at the preschool, elementary, or secondary level. Although the program is no longer funded, the annual performance report is necessary to monitor and evaluate the compliance of the remaining state education agencies.

Dated: August 31, 2015.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2015–21900 Filed 9–2–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

State Energy Advisory Board (STEAB)

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

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open live Board meeting of the State Energy Advisory Board (STEAB). The Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat.770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES:

October 6, 2015 9:00 a.m. to 5:30 p.m.

October 7, 2015 9:00 a.m. to 3:00 p.m.

ADDRESSES: Renaissance Washington DC Dupont Circle, 1143 New Hampshire Avenue NW., Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Mike Li, Policy Advisor, Office of Energy Efficiency and Renewable Energy, US Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585. Phone number 202–287–5718, and email *Michael.Li@hq.doe.gov*.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: To make recommendations to the Assistant Secretary for the Office of Energy Efficiency and Renewable Energy regarding goals and objectives, programmatic and administrative policies, and to otherwise carry out the Board's responsibilities as designated in the State Energy Efficiency Programs Improvement Act of 1990 (Pub. L. 101–440).

Tentative Agenda: Updates on the Office of Energy Efficiency and Renewable Energy programs and initiatives; the QER Team within the Office of Energy Policy and Systems Analysis (EPSA); the Office of Technology Transitions to discuss updates and provide recommendations on the Weatherization Assistance Program; and update members of the Board on routine business matters.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Michael Li at the address or telephone number listed above. Requests to make oral comments must be received five days prior to the meeting; reasonable provision will be made to include requested topic(s) on the agenda. The Chair of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying within 90 days on the STEAB Web site, *www.steab.org.*

Issued at Washington, DC, on August 28, 2015.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–21903 Filed 9–2–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

High Energy Physics Advisory Panel Meeting

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the High Energy Physics Advisory Panel (HEPAP). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES:

Thursday, October 1, 2015 8:30 a.m. to 6 p.m.

Friday, October 2, 2015 8:30 a.m. to 4 p.m.

ADDRESSES: DoubleTree by Hilton Hotel, 8120 Wisconsin Ave., Bethesda, MD 20814.

FOR FURTHER INFORMATION CONTACT: John Kogut, Executive Secretary; High Energy Physics Advisory Panel (HEPAP); U.S. Department of Energy; SC–25/Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585–1290; Telephone: (301) 903–1298.

SUPPLEMENTARY INFORMATION:

Purpose of Panel: To provide advice and guidance on a continuing basis to the Department of Energy and the National Science Foundation on scientific priorities within the field of high energy physics research.

Tentative Agenda

- Discussion of Department of Energy High Energy Physics Program
- Discussion of National Science Foundation Elementary Particle Physics Program

- Reports on and Discussions of Topics of General Interest in High Energy Physics
- Public Comment (10-minute rule)

Public Participation: The meeting is open to the public. A webcast of this meeting will be available. Please check the Web site below for updates and information on how to view the meeting. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact John Kogut at (301) 903–1298 or by email at: *John.Kogut@science.doe.gov.* You must make your request for an oral statement at least 5 business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Panel will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of the meeting will be available on the U.S. Department of Energy's Office of High Energy Physics Advisory Panel Web site, at: (*http://science.energy.gov/hep/hepap/meetings/*).

Issued at Washington, DC, on August 28, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–21902 Filed 9–2–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Electricity Advisory Committee Meeting

AGENCY: Office of Electricity Delivery and Energy Reliability, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Electricity Advisory Committee. The Federal Advisory Committee Act (Pub. L. 92– 463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: The meeting dates are:

Tuesday, September 29, 2015 (12:00 p.m.–5:55 p.m.

Wednesday, September 30, 2015 (8:00 a.m.–12:00 p.m.

ADDRESSES: The meeting will be held at the National Rural Electric Cooperative Association, 4301 Wilson Blvd., Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Matthew Rosenbaum, Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy, Forrestal Building, Room 8G–017, 1000 Independence Avenue SW., Washington, DC 20585; Telephone: (202) 586–1060 or Email: *matthew.rosenbaum@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: *Purpose of the Committee:* The Electricity Advisory Committee (EAC) was re-established in July 2010, in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App.2, to provide advice to the U.S. Department of Energy (DOE) in implementing the Energy Policy Act of 2005, executing the Energy Independence and Security Act of 2007, and modernizing the nation's electricity delivery infrastructure. The EAC is composed of individuals of diverse background selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues that pertain to electricity.

Tentative Agenda: The meeting of the EAC is expected to include an update on the programs and initiatives of the DOE's Office of Electricity Delivery and Energy Reliability and the DOE grid modernization efforts. The meeting is also expected to include panel discussions on high penetration of energy storage, Clean Power Plan system impacts and interactions, and Clean Power Plan compliance options, as well as a discussion of the plans of the Clean Power Plan Working Group. Additionally, the meeting is expected to include a discussion of the plans and activities of the Energy Storage Subcommittee, the Power Delivery Subcommittee, and the Smart Grid Subcommittee.

Tentative Agenda: September 29, 2015

12:00 p.m.–1:00 p.m. EAC Leadership Committee Meeting
12:00 p.m.–1:00 p.m. Registration
1:00 p.m.–1:10 p.m. EAC Ethics Briefing
1:10 p.m.–1:20 p.m. Welcome, Introductions, Developments since the June 2015 Meeting
1:20 p.m.–1:35 p.m. Update on the DOE Office of Electricity Delivery and Energy Reliability's Programs and Initiatives
1:35 p.m.–1:55 p.m. Update on the DOE Grid Modernization Initiative
1:55 p.m.–2:05 p.m. EAC Member Discussion of the Grid Modernization Initiative Working Group Plans
2:05 p.m.–3:35 p.m. High Penetration of Energy Storage Panel
3:35 p.m.–3:45 p.m. Break
3:45 p.m.–4:00 p.m. EAC Energy Storage Subcommittee Activities and Plans
4:00 p.m.–4:50 p.m. EAC Power Delivery Subcommittee Activities and Plans
4:50 p.m.–5:50 p.m. EAC Smart Grid Subcommittee Activities and Plans
5:50 p.m.–5:55 p.m. Wrap-up and Adjourn Day One of September 2015 Meeting of the EAC

Tentative Agenda: September 30, 2015

8:00 a.m.–9:20 a.m. Clean Power Plan System Impacts and Interactions Panel
9:20 a.m.–9:40 a.m. EAC Member Discussion of Clean Power Plan System Interactions Panel
9:40 a.m.–9:50 a.m. Break
9:50 a.m. –11:10 a.m. Clean Power Plan Compliance Options Panel
11:10 a.m.–11:30 a.m. EAC Member Discussion of Clean Power Plan Compliance Options Panel
11:30 a.m.–11:50 a.m. EAC Member Discussion of Clean Power Plan Working Group Plans
11:50 a.m.–11:55 a.m. Public Comments
11:55 a.m.–12:00 p.m. Wrap-up and Adjourn September 2015 Meeting of the EAC

The meeting agenda may change to accommodate EAC business. For EAC agenda updates, see the EAC Web site at: *http://energy.gov/oe/services/electricity-advisory-committee-eac.*

Public Participation: The EAC welcomes the attendance of the public at its meetings. Individuals who wish to offer public comments at the EAC meeting may do so on Wednesday, September 30, 2015, but must register at the registration table in advance. Approximately 5 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but is not expected to exceed three minutes. Anyone who is not able to attend the meeting, or for whom the allotted public comments time is insufficient to address pertinent issues with the EAC, is invited to send a written statement to Mr. Matthew Rosenbaum.

You may submit comments, identified by ''Electricity Advisory Committee Open Meeting,'' by any of the following methods:

- *Mail/Hand Delivery/Courier:* Matthew Rosenbaum, Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy, Forrestal Building, Room 8G– 017, 1000 Independence Avenue SW., Washington, DC 20585.
- *Email: matthew.rosenbaum@hq.doe.gov.* Include ''Electricity

Advisory Committee Open Meeting'' in the subject line of the message.

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. *Instructions:* All submissions received must include the agency name and identifier. All comments received will be posted without change to *http://energy.gov/oe/services/electricity-advisory-committee-eac,* including any personal information provided.

• *Docket:* For access to the docket, to read background documents or comments received, go to *http://energy.gov/oe/services/electricity-advisory-committee-eac.*

The following electronic file formats are acceptable: Microsoft Word (.doc), Corel Word Perfect (.wpd), Adobe Acrobat (.pdf), Rich Text Format (.rtf), plain text (.txt), Microsoft Excel (.xls), and Microsoft PowerPoint (.ppt). If you submit information that you believe to be exempt by law from public disclosure, you must submit one complete copy, as well as one copy from which the information claimed to be exempt by law from public disclosure has been deleted. You must also explain the reasons why you believe the deleted information is exempt from disclosure. DOE is responsible for the final determination concerning disclosure or nondisclosure of the information and for treating it in accordance with the DOE's Freedom of Information regulations (10 CFR 1004.11).

Note: Delivery of the U.S. Postal Service mail to DOE may be delayed by several weeks due to security screening. DOE, therefore, encourages those wishing to comment to submit comments electronically by email. If comments are submitted by regular mail, the Department requests that they be accompanied by a CD or diskette containing electronic files of the submission.

Minutes: The minutes of the EAC meeting will be posted on the EAC Web page at *http://energy.gov/oe/services/electricity-advisory-committee-eac.* They can also be obtained by contacting Mr. Matthew Rosenbaum at the address above.

Issued in Washington, DC, on August 28, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–21901 Filed 9–2–15; 8:45 am]

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DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

H2 Refuel H-Prize Final Guidelines Update

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Notice of Updates to the H2 Refuel H-Prize Competition Guidelines.

SUMMARY: On October 28, 2014, the Department of Energy (DOE) announced in the **Federal Register** the $1 million H2 Refuel H-Prize competition, allowing teams from across the United States to compete to develop systems that generate and dispense hydrogen from resources commonly available to residences (electricity or natural gas) for use in homes, community centers, businesses or similar locations, to supplement the current infrastructure roll-out and reduce barriers to using hydrogen fuel cell electric vehicles. The **Federal Register** notice announcing the competition included the H2 Refuel H-Prize Competition Guidelines. The purpose of today's notice is to update the H2 Refuel H-Prize Competition Guidelines. Substantive changes in this update provide additional information on communication expectations for finalists, expand the process used to resolve ties, correct a typographical error in the dispensing time criteria table, define how availability will be calculated, and provide a method to determine a winner in the event that no entry receives at least a minimum score of one for each of the scoring criteria (not including bonus criteria). In addition, language is added for clarification where necessary. The section on the draft guideline public comments and responses is deleted. Finally, minor errors are corrected and contact information is updated.

DATES:

—Competition opened—October 29, 2014.

—Competition ends—October 31, 2016: Data will be analyzed to determine winner Award of $1 million prize, if the Panel of Judges determines that there is a winning entry.

For more information regarding the dates relating to this competition, see, section III. Competition requirements and process, Key Dates, in the **SUPPLEMENTARY INFORMATION** section of this notice.

ADDRESSES: The H-Prize Web site is *http://hydrogenprize.org,* where updates and announcements will be posted throughout the competition.

FOR FURTHER INFORMATION CONTACT: Questions may be directed to—

Technical information: Katie Randolph at 240–562–1759 or by email at *HPrize@ee.doe.gov.*

Prize contest: Emanuel Wagner, Contest Manager, Hydrogen Education Foundation, at 202–457–0868 x360 or by email at *EWAGNER@ttcorp.com.*

SUPPLEMENTARY INFORMATION:

I. Introduction

Fuel cells powered by hydrogen from renewable or low-carbon resources can lead to substantial energy savings and reductions in imported petroleum and carbon emissions. Fuel Cell Electric Vehicles (FCEVs) are much more efficient than today's gasoline vehicles, and when fueled with hydrogen, produce only water vapor at the tailpipe. The hydrogen fuel can be generated from a range of domestic sources. While the commercial sale of FCEVs is rapidly approaching, infrastructure remains a major challenge, with only approximately 50 fueling stations in the United States, only 10 of which are operating as public stations.

The H-Prize was authorized under section 654 of the Energy Independence and Security Act of 2007 (Pub. L. 110–140). As efforts to build a hydrogen fueling station infrastructure are getting underway, the H2 Refuel H-Prize is intended to incentivize the development of small-scale systems for non-commercial fueling to supplement the larger-scale infrastructure development.

The H2 Refuel H-Prize anticipates award of a $1 million prize to the top refueler system entry that can produce hydrogen using electricity and/or natural gas, energy sources commonly available to residential locations, and dispense the hydrogen to a vehicle, providing at least 1 kg per refueling. Systems considered would be at the home scale and able to generate and dispense 1–5 kg H_2/day for use at residences, or the medium scale, generating and dispensing 5–50 kg H_2/day. Medium scale systems would serve a larger community with multiple users daily, such as a large apartment complex or retail centers to fuel small fleets of vehicles (*e.g.,* light duty automobiles, forklifts or tractors).

Interested parties can register and find more information, updates and pages where teams can discuss the prize at the H-Prize Web site: *http://hydrogenprize.org.* The Hydrogen Education Foundation (HEF) is currently administering the prize for the U.S. Department of Energy (DOE), and DOE will coordinate prize activities with HEF.

Teams will have a year to design a system that generates and dispenses hydrogen fuel that meets the criteria and identify a location where it can be installed and used. Twelve months after the competition opens, teams will be required to complete registration and submit system designs and blue prints, plans for installation, and preliminary data to demonstrate that the system satisfies the minimum criteria (see Criteria section). Teams will also need to provide documented evidence of cooperation from the installation site. Of the teams that meet all of the minimum criteria, the top entries will be selected as finalists to enter the testing phase. The selected teams will then have seven months to install and begin operating their systems. The systems must be compatible with remote monitoring equipment to allow remote monitoring for the testing period; compatibility requirements will be posted on the H-Prize Web site. Starting 21 months after the competition opens, the finalist systems will be remotely monitored and tested, and approximately two months of data will be collected. At least one on-site visit will be performed to verify data and perform tests that cannot be done remotely. Teams must also provide requested information to a DOE designated entity for independent verification of the cost of the system and the cost of the generated hydrogen. The scoring criteria will be ranked and weighted.

PROPOSED TIMELINE

Current tentative date	Activity
March 2014	Draft Guidelines posted for public comment.
April 2014	Comment period closes.
October 2014	Competition opens.
	H-Prize Website opens, including an online system to facilitate teaming and partnerships.
	Teams design systems, collect data, identify installation location, and registers for the prize ahead of data submission deadline.
September 2015	Rules and Guidelines updated.
October 2015	Preliminary data submission deadline.
	Teams will submit data, provide designs and blueprints and information about installation site, to indicate that the system is capable of meeting the base criteria.
December 2015	Finalist teams are announced—go to testing stage.
	Finalist Teams install systems and get them up and running.
July 2016	Remote monitoring equipment will be installed by the designated data analysis team to begin system testing.
October 2016	Competition ends—data is analyzed to determine winner.
December 2016 (tentative)	Anticipated winner announcement.

II. Prize Criteria and Testing

Finalist Selection Phase

Twelve months after the competition opens, teams interested in competing must have completed registering for the competition and submit all required information. To be considered, an entry must meet the initial selection criteria defined below. Teams will be required to submit data that demonstrates the system's ability to meet the indicated criteria. The top teams to provide convincing evidence that the entry could satisfy the minimum criteria will be selected as finalists for testing. Specific instructions will be posted on the H-Prize Web site detailing the required information. In addition to the required technical criteria data, teams will submit system descriptions and preliminary designs and installation concepts which will be evaluated by an expert panel to determine if the entries are likely to meet reasonable usability, cost and safety criteria. Usability refers to the ability of the system to be installed and used at the intended locations (*e.g.,* considering footprint and noise), and to be easily operated by the average user (*e.g.,* with minimum training and time). Because a goal of the H-Prize is to advance commercial applications of hydrogen energy technologies, the potential of the systems to ultimately be commercialized will also be evaluated, and a description of a pathway to commercial production of the systems, including manufacturing, will be requested. To evaluate the potential safety of the system, certain information will be requested, including a safety plan and a hazard analysis; specific instructions will be available at the H-Prize Web site. A safety page on the H-Prize Web site will provide updated information on safety issues and requirements for the safety plan and hazard analysis. To be selected as a finalist, contestant designs, installation details and safety plans must be judged adequately safe by a panel of safety professionals.

MINIMUM/MAXIMUM CRITERIA TABLE

Criteria	Home	Community
Minimum dispensing pressure	350 bar.	
Maximum dispensing time (standard fill)	10 hours	60 minutes.
Min. hydrogen dispensed per day	1 kg	5 kg.
Hydrogen purity	Meets SAE J2719 (Hydrogen Fuel Quality for Fuel Cell Vehicles).	
Fill method	Compliant with relevant codes (for automobiles, SAE J2601 Fueling Protocols for Light Duty Gaseous Hydrogen Surface Vehicles) and ensures that delivered hydrogen does not exceed the pressure and temperature limits of the vehicle storage tank.	
Safety	Meets relevant safety codes and standards for installation in target location.	

Finalist Competition

The finalist teams will have seven months to install their systems at a location of their choosing before testing begins. Among other considerations, entries must meet the safety codes and standards in effect at the installation location appropriate to the system. Further, all required permits and approvals must be received prior to system operations.

Each entry will be scored in six different technical and cost criteria:

—Dispensing pressure
—Dispensing time
—Number of standard fills per day
—Tested availability
—Total installed system cost (capital + installation)
—Direct user cost per kg

The criteria and scoring ranges are listed in more detail below.

Testing for the technical criteria will be performed remotely over a period of 2 to 3 months, with at least one on-site inspection to verify data and perform testing that cannot be done remotely. Summary level testing results will be published. The base criteria listed in Minimum/Maximum Criteria Table will be tested to ensure that all entries meet those requirements. A standard fill is defined as the delivery of 1 kg of hydrogen to a vehicle tank.

The cost criteria will be evaluated by an independent auditing entity. Teams will be required to submit cost information for the system entered into the competition, such as the bill of materials for the system, required parts for installation and system operating costs during the testing period, including information such as invoices and receipts for the equipment and other purchases. Specific details on required information will be provided to finalist teams after selection.

Entries will receive scores for the tested criteria as described below, with different multipliers for each of the criteria. When testing is complete, the data will be analyzed to determine scores. Once all results have been analyzed, judges will evaluate the results and determine the scores based on the published scoring criteria, and confirm entry eligibility based on the base criteria and eligibility requirements. After resolving any ties (see tie resolution process below), the eligible team with the highest score will be the winner.

Once selected, finalists are expected to communicate with HEF and DOE throughout the competition about any events that impact ability of the system to be completed and installed, and meet eligibility requirements by the beginning of testing (*e.g.,* major delays in installation, safety events); and/or complete the testing by the October 31, 2016 deadline.

Installation Site Criteria

Any site in the 50 United States and the District of Columbia can be used for the installation of the refueler, as long as there is access for installing equipment for remote monitoring, at least one on-site visit for in-depth testing, and at least one visit by the press and public.

To meet testing requirements, the fueling system should be used at an average of at least 50% planned capacity per week (*e.g.,* for a home system designed to dispense 1 kg/day, at least four 1-kg ''fills'' per week; for a community system designed to produce 20 kg/day, it should dispense at least 70 1-kg ''fills'' per week). If on-site hydrogen use is below this level, simulated fills can be used for testing. Simulated fill protocols will be posted on the H-Prize Web site before testing begins.

Entries must meet the safety codes and standards in effect at the installation location. Teams are encouraged to consider the relevant SAE, ASME and NFPA codes and standards.[1]

Prize Criteria

The criteria were developed through discussion with experts in the field, including members of Hydrogen and Fuel Cell Technical Advisory Committee, other DOE offices, and federal agencies, and from responses to a Request for Information (DE–FOA–0000907: RFI—Home Hydrogen Refueler H-Prize Topic, *http://www1.eere.energy.gov/financing/solicitations_detail.html?sol_id=600*) and public comments on the draft criteria (79 FR 15737).

Each of the criteria is assigned a 1–5 point scale connected to different ranges. The initial evaluation for winner selection will only consider entries that receive at least the minimum score for each category (not including bonus criteria). In the event that no entry receives at least the minimum score for each category, the process used to determine the winner is defined in the Addendum to the Guidelines below. If any entry receives at least the minimum score for all categories, the Addendum will not be used and the winner will be determined as described below. For some criteria, the ranges for home and community systems may be different. A score multiplying factor will be used to weight the different criteria.

[1] Codes and standards to consider include but are not limited to SAE J2719, ASME B31–12, ASME B31–3, ASME BPV Code, NFPA 2 and NFPA 70. Depending on the system, some codes and standards may not apply.

Dispensing pressure

Score	Home	Community
1	350 bar or higher.	
2	400 bar or higher.	
3	500 bar or higher.	
4	600 bar or higher.	
5	700 bar or higher (ultimate goal).	

Dispensing Pressure refers to the pressure of the hydrogen dispensed to the vehicle. Intermediate pressures are listed to incentivize advancements towards low-cost systems that can meet the ultimate target of 700 bar.

Dispensing time

Score	Home	Community
1	10 hours/kg or less.	60 minutes/kg or less.
2	8 hours/kg or less.	30 minutes/kg or less.
3	5 hours/kg or less.	15 minutes/kg or less.
4	2 hours/kg or less.	10 minutes/kg or less.
5	30 minutes/kg or less.	3 minutes/kg or less.

Dispensing time is the time required to dispense a standard fill of hydrogen to a vehicle, including time required to connect the system to the vehicle and begin the hydrogen flow. Home systems may have longer fueling times, up to overnight, while multi-user systems are expected to have shorter fueling times.

Number of standard fills per day

Score	Home	Community
1	1 or more	5 or more.
2	2 or more	10 or more.
3	3 or more	20 or more.
4	4 or more	40 or more.
5	5 or more	up to 50.

The standard fills per day will be based on the highest number of actual or simulated fills completed in a 24 hour period.

Tested availability

Score	Home	Community
1	80% or higher.	
2	85% or higher.	
3	90% or higher.	
4	95% or higher.	
5	98% or higher.	

Availability will be tested over a period of two to three months, during

which time system usage will need to be at least 50% of the planned capacity per week. Any time spent on repairs or non-routine maintenance during the testing period will count as non-available, even if compensated for (*e.g.,* repairs done during scheduled down-time, or using stored hydrogen). The following equation will be used to calculate availability:

A = (168 − Tr − Td − Te)/168

(for weekly calculations; 24hours/day × 7 days = 168 hours)

Tr = repair time (time (h) between when a repair or non-planned maintenance intervention is initiated and the system is returned to operational status).

Td = delay time (time (h) between when a failure occurs [system can no longer fill or generate hydrogen] and a repair is initiated).

Te= Maintenance time in excessive of original planned maintenance time

Finalists will be required to collect detailed maintenance logs. A template will be provided at a future date. Contestants must provide a preventative/planned maintenance schedule including anticipated downtime and cost (labor and materials) for each planned maintenance event during the submission phase. Planned maintenance cannot exceed 50 hours over the two months. Any maintenance exceeding the original planned amount will be counted against availability in the equation above as *Te.*

Total installed system cost (capital + installation)

Score	Home	Community
1	$25k/kg/day or less.	$15k/kg/day or less.
2	$20k/kg/day or less.	$12.5k/kg/day or less.
3	$15k/kg/day or less.	$10k/kg/day or less.
4	$10k/kg/day or less.	$7.5k/kg/day or less.
5	$5k/kg/day or less.	$5k/kg/day or less.

Total Installed System Cost will be based on the actual cost for the system equipment (including balance of plant to the nozzle interface) as well as the installation costs. To eliminate installation cost variations based on geographic location or demonstration site type (*e.g.,* actual home or community site vs. lab installation), DOE will have installation costs estimated by an independent entity based on the system feedstock (*i.e.,* natural gas or electricity), capacity, fuel pressure, type (community vs. home), etc. The total cost for scoring will be based on the amount of hydrogen dispensed per day, up to the upper range for the system category (5 kg/day for the home system, 50 kg/day for the community system)—for example, a home system designed and demonstrated to dispense 1 kg/day with a total installed system cost of $24,000 would score 1 point, while a system designed to dispense 2 kg/day at the same cost would receive a score of 3. Teams will be expected to provide information such as the bill of materials for all components. Details of the specific information requested will be provided to the teams selected for testing. If the system proposed provides heat and/or power in addition to hydrogen for refueling, the total installed system cost of the entire system will be considered when scoring this criterion. Integrated systems that provide heat and/or power in addition to hydrogen for refueling will be awarded bonus points (see bonus points below).

Direct user cost per kg

Score	Home	Community
1	$20 or less.	
2	$17 or less.	
3	$14 or less.	
4	$11 or less.	
5	$8 or less.	

Direct user cost per kg will be based on feedstock inputs and actual operations and maintenance costs during the testing period, divided by the amount of hydrogen that is produced and used. The direct user cost per kg excludes the capital and installation costs, which are included in the total installed system cost category. Feedstock cost inputs will be based on actual usage, using a single price for all entries for each input to eliminate regional variation, based on the EIA 2014 projections for average price to all users: $0.098/kWh for electricity and $6.60/million BTU for natural gas. A single price for water will also be set and used to calculate the direct user costs. All generated and used hydrogen is counted in determining the $/kg—for example, a system that generates 10 kg/day, where 4 kg is used to fuel vehicles and 5 kg is used in a fuel cell to produce power would divide the daily user costs by 9.

Scoring

Scoring criteria category	Score multiplier
Dispensing pressure	3
Dispensing time	1
Standard fills per day	1
Tested Availability	2
Total installed system cost	2
Direct user cost per kg	1

A bonus score of up to 3 points will be awarded for integrated systems in order to offset the additional costs associated with adding heat and/or power, based on how much heat or power is provided.

Bonus points

Points	Heat or power supplied
1	Supply at least 35 gallons of hot water per day.
1	Supply at least 25,000 BTU/hr of space heating.
1	Supply at least 10 kWh electricity per day.

Scoring Example

EXAMPLE A—MAKES ALL THE LOWEST SCORES

Criteria category	Result	Category score	Score multiplier	Total scores
Dispensing pressure	360 bar	1	3	3
Dispensing time	8 hours	1	1	1
Standard fills per day	1	1	1	1
Tested Availability	81%	1	2	2
Total Installed System Cost	$23k/kg	1	2	2
Direct user cost per kg	$19/kg	1	1	1
Bonus categories	None	0	0	0
Total				10

EXAMPLE B—MIXTURE OF SCORING LEVELS

Criteria category	Result	Category score	Score multiplier	Total scores
Dispensing pressure	475 bar	2	3	6
Dispensing time	3 hours	3	1	3
Standard fills per day	3	3	1	3
Tested Availability	88%	2	2	4
Total Installed System Cost	$18k/kg	2	2	4
Direct user cost per kg	$11/kg	4	1	4
Bonus categories	Supplies hot water	1		1
Total				25

Judging and Testing

A panel of independent judges will be assembled from experts in relevant fields, selected by DOE in consultation with HEF. Judges may be selected from organizations such as the Hydrogen Safety Panel, the Hydrogen and Fuel Cells Technical Advisory Committee, National Labs, and relevant federal agencies. An independent testing entity will be selected to perform remote and on-site technical data collection, and an independent auditing oversight entity will collect and analyze the cost data.

Tie Resolution Process

If the results for any of the technical criteria for different entries differ by less than the measurement error range, then those systems will be considered tied for that category and given the higher of the two scores (for example, if the pressure measurement error range is 5%, and Entry A has a dispensing pressure of 499 bar and Entry B has a pressure of 500 bar, both will be given 3 points for the category).

If the top entries' total scores are tied, the entry with the highest measured pressure will win; if the pressure measurements are within the measurement error, the entry with the highest measured availability will be selected as the winner. If the availabilities measurements are within the measurement error, the system with the most standard fills per day will be selected as the winner. If the number of standard fills per day is the same, the system with the shortest dispensing time will be selected as a winner. Otherwise, the entry with the highest score will win.

III. Competition Requirements and Process

Eligibility

This H-Prize Competition is open to contestants, defined as individuals, entities, or teams that meet the following requirements:

1. Comply with all Registration and H-Prize Competition Rules and Requirements as listed in this document and in any updates posted on the H-Prize Web site and/or the **Federal Register**;

2. In the case of an entity: be organized or incorporated in the United States, and maintain for the duration of the H-Prize Competition a primary place of business in the United States;

3. In the case of all individuals (whether participating singly or as part of an entity or team): Be a citizen of, or an alien lawfully admitted for permanent residence into, the United States as of the date of Registration in the H-Prize Competition and maintain that status for the duration of the H-Prize Competition;

4. A team may consist of two or more individuals, entities, or any combination of both. All team members listed on the contestant roster must meet the requirements of individuals or entities.

5. Provide the following documentation:

a. In the case of U.S. Citizens: provide proof of U.S. Citizenship with Registration, as follows:

i. Notarized copy of U.S. Passport, or

ii. Notarized copies of both a current state-issued photo ID issued from one of the 50 States or a U.S. Territory *and* a birth certificate;

b. In the case of aliens lawfully admitted for permanent residence in the United States: Provide notarized copy of Permanent Resident Card (Form 1–551)(green card) with Registration;

c. In the case of entities: Provide a copy of the entity formation documentation (*e.g.* Articles of Incorporation) showing the place of formation, as well as a self-certification of the primary place of business;

6. The contestant, or any member of a contestant, shall not be a Federal entity, a Federal employee acting within the scope of his or her employment, or an employee of a National Laboratory acting within the scope of his or her employment;

7. Sign a waiver of claims against the Federal Government and the HEF. *See* 42 U.S.C. 16396(f)(5)(A);

8. Obtain liability insurance, or satisfactorily demonstrate financial responsibility, during the period of the H-Prize Competition. *See* 42 U.S.C. 16396(f)(5)(B)(i);

9. Name the Federal Government as an additional insured under the registered participants' insurance policy and agree to indemnify the Federal Government against third party claims. *See* 42 U.S.C. 16396(f)(5)(B)(ii);

10. Teams and Entities:

a. Each team or entity will designate a team leader as the sole point of contact with H-Prize Competition officials.

b. Team or entity members will be identified at the time of Registration on the contestant roster. Members participating on multiple teams will be required to disclose participation to each team.

c. Changes to contestant rosters will be allowed up to 72 hours prior to the award presentation, provided citizenship and immigration requirements are met.

Registration Process

After announcement in the **Federal Register**, registration and all required eligibility documentation must be completed through the Web site *http://hydrogenprize.org* no later than one week before the initial data submission deadline. Early registration is encouraged.

H-Prize Competition Schedule

Once registered, teams will receive all notices and rules updates, including answers to questions asked by the contestants. The public Web site, *http://hydrogenprize.org,* will also post this same information, including publicity about various teams and sponsors. Contestants are encouraged to utilize the Web site as a means of highlighting any information they would like to convey to the public or potential sponsors. There are no entry fees.

On October 29, 2015 contestants will be required to submit initial data (including information on how the data was gathered and measured) and requested financial information for evaluation by a designated panel of judges. Instructions for the initial data submission will be posted on the Web site and sent electronically to the designated contact person for each contestant.

Testing and evaluations are planned to be completed in October 2016. The winner will be determined after all testing data has been analyzed to determine scoring and any ties resolved as described above. DOE plans to select and announce a winner within three months after the close of the competition.

Intellectual Property

Intellectual property rights developed by the contestant for H-Prize technology are set forth in 42 U.S.C. 16396(f)(4). No parties managing the contest, including the U.S. Government, their testing laboratories, judges or H-Prize administrators will claim rights to the intellectual property derived by a registered contestant as a consequence of, or in direct relation to, their participation in this H-Prize Competition. The Government and the contestant may negotiate a license for the Government to use the intellectual property developed by the contestant.

Cancellation and Team Disqualification

A contestant may be disqualified for the following reasons:

- At the request of the registered individual or team leader;
- Failure to meet or maintain eligibility requirements (note that at the time of the prize award, if it is determined that a contestant has not met or maintained all eligibility requirements, they shall be disqualified without regard to H-Prize Competition performance);
- Failure to submit required documents or materials on time;
- Fraudulent acts, statements or misrepresentations involving any H-Prize participation or documentation; or,
- Violation of any federal, state or local law or regulation.

DOE reserves the right to cancel this prize program at any time prior to the completion of system testing.

Liability and Competition Costs

The Department of Energy, H-Prize, the Hydrogen Education Foundation and any sponsoring or supporting organization assume no liability or responsibility for accidents or injury related to the Prize.

The entrants are responsible for costs associated with participating in the competition including but not limited to designing, installing and operating their systems.

Key Dates

—October 29, 2014: Competition opens
—October 29, 2015: Preliminary data submission date
—July 2016: Finalist system testing begins
—October 31, 2016: Competition ends, data will be analyzed to determine winner
—December 2016: Anticipated award of $1 million prize, if the Panel of Judges determines that there is a winning entry

Addendum

Since opening the competition, feedback has been received that two of the criteria may be overly ambitious and not achievable given technology status and competition timeline. As a result, DOE reassessed the criteria and determined that the total installed system cost and the availability criteria for both home systems and community system are very ambitious. Therefore, the following decision tree is provided to determine a winner in the event that no finalist receives at least a minimum score in each scoring category (scoring criteria does not include bonus criteria). In that scenario, the following decision tree will be used to determine the winner. If any entry receives at least the minimum score for all scoring criteria, the Addendum will not be used and the winner will be determined as previously described.

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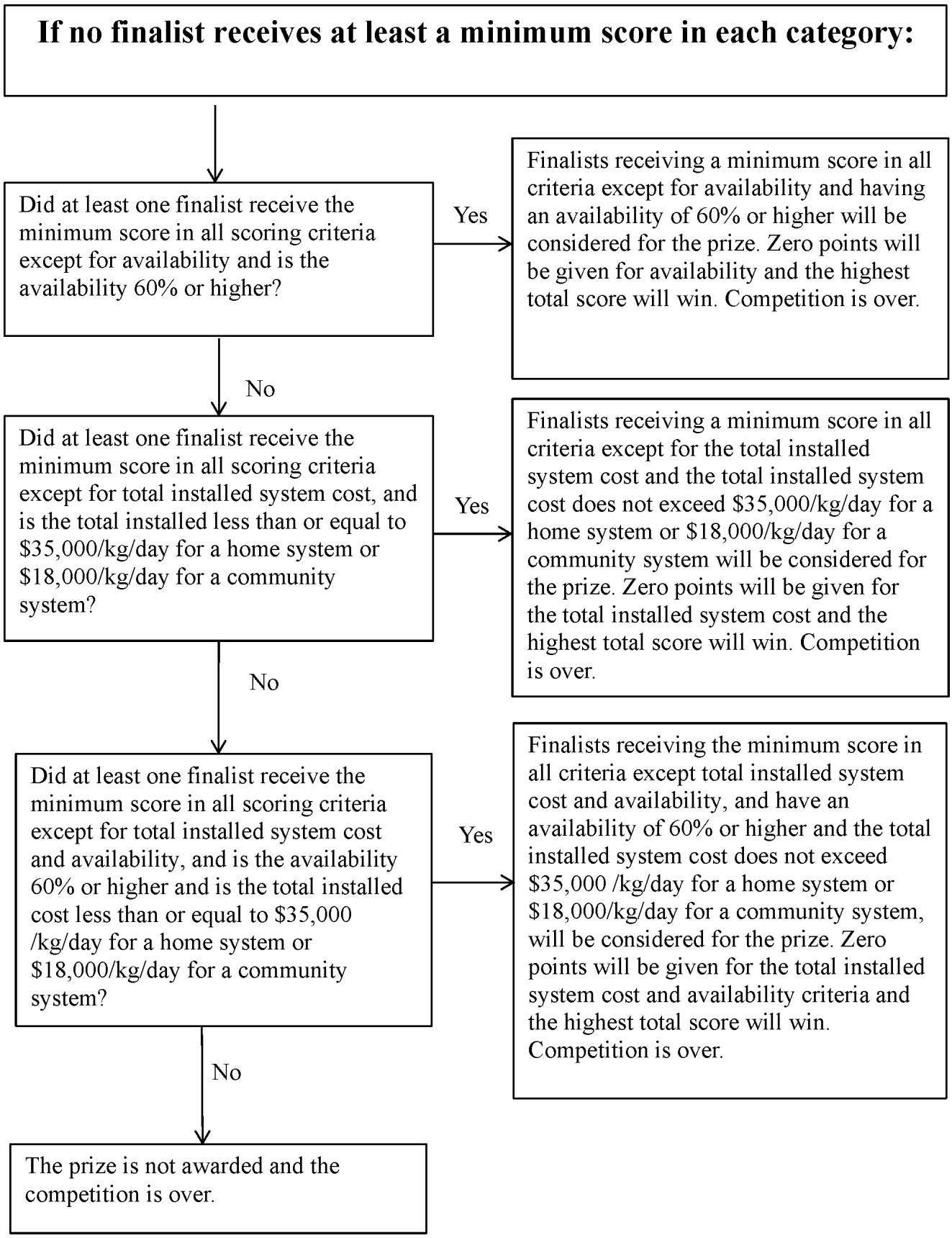
If no finalist receives at least a minimum score in each category:
Did at least one finalist receive the minimum score in all scoring criteria except for availability and is the availability 60% or higher?
Yes
Finalists receiving a minimum score in all criteria except for availability and having an availability of 60% or higher will be considered for the prize. Zero points will be given for availability and the highest total score will win. Competition is over.
No
Did at least one finalist receive the minimum score in all scoring criteria except for total installed system cost, and is the total installed less than or equal to $35,000/kg/day for a home system or $18,000/kg/day for a community system?
Yes
Finalists receiving a minimum score in all criteria except for the total installed system cost and the total installed system cost does not exceed $35,000/kg/day for a home system or $18,000/kg/day for a community system will be considered for the prize. Zero points will be given for the total installed system cost and the highest total score will win. Competition is over.
No
Did at least one finalist receive the minimum score in all scoring criteria except for total installed system cost and availability, and is the availability 60% or higher and is the total installed cost less than or equal to $35,000 /kg/day for a home system or $18,000/kg/day for a community system?
Yes
Finalists receiving the minimum score in all criteria except total installed system cost and availability, and have an availability of 60% or higher and the total installed system cost does not exceed $35,000 /kg/day for a home system or $18,000/kg/day for a community system, will be considered for the prize. Zero points will be given for the total installed system cost and availability criteria and the highest total score will win. Competition is over.
No
The prize is not awarded and the competition is over.

Issued in Washington, DC on August 27, 2015.

Sunita Satyapal,

Fuel Cell Technology Office Director.

[FR Doc. 2015–21733 Filed 9–2–15; 8:45 am]

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DEPARTMENT OF ENERGY

Western Area Power Administration

Salt Lake City Area Integrated Projects and Colorado River Storage Project—Rate Order No. WAPA–169

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of final firm power rate and transmission and ancillary services formula rates.

SUMMARY: The Deputy Secretary of Energy confirmed and approved Rate Order No. WAPA–169 and Rate Schedule SLIP–F10. Through this notice, the Western Area Power Administration (Western) places firm power rates for Western's Salt Lake City Area Integrated Projects (SLCA/IP) into effect on an interim basis. The Deputy Secretary also confirmed Rate Schedules SP–PTP8, SP–NW4, SP–NFT7, SP–SD4, SP–RS4, SP–EI4, SP–FR4, SP–SSR4, and SP–UU1. Through this notice, Western places firm and non-firm transmission and ancillary services formula rates on the Colorado River Storage Project (CRSP) transmission system into effect on an interim basis. The provisional rates will be in effect until the Federal Energy Regulatory Commission (FERC) confirms, approves, and places these into effect on a final basis or until these are replaced by other rates. The provisional rates will provide sufficient revenue to pay all annual costs, including interest expense, and repay required investments and irrigation aid within the allowable periods.

DATES: Rate Schedules SLIP–F10, SP–PTP8, SP–NW4, SP–NFT7, SP–SD4, SP–RS4, SP–EI4, SP–FR4, SP–SSR4, and SP–UU1 will be placed into effect on an interim basis on the first day of the first full-billing period beginning on October 1, 2015, and will be in effect until FERC confirms, approves, and places the rate schedules in effect on a final basis through September 30, 2020, or until the rate schedules are superseded.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn C. Jeka, CRSP Manager, Colorado River Storage Project Management Center, Western Area Power Administration, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111–1580, (801) 524–6372, email *jeka@wapa.gov*, or Mr. Rodney G. Bailey, Power Marketing Manager, Colorado River Storage Project Management Center, Western Area Power Administration, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111–1580, (801) 524–4007, email *rbailey@wapa.gov.*

SUPPLEMENTARY INFORMATION: Western proposed the rates for the SLCA/IP firm power and CRSP transmission and ancillary services rates on December 9, 2014 (79 FR 73067). On January 15, 2015, Western held a public information forum in Salt Lake City, Utah. On February 5, 2015, Western held a public comment forum in Salt Lake City, Utah. After considering the comments received, Western announced the rates for the SLCA/IP firm power and CRSP transmission and ancillary services.

The existing Rate Schedule SLIP–F9 for SLCA/IP firm power and Rate Schedules SP–PTP7, SP–NW3, SP–NFT6, SP–SD3, SP–RS3, SP–EI3, SP–FR3, and SP–SSR3 for CRSP Transmission and Ancillary Services were approved under Rate Order No. WAPA–137 [1] for a 5-year period beginning October 1, 2008, and ending September 30, 2013. The Deputy Secretary of Energy approved Rate Order No. WAPA–161 [2] on September 6, 2013, extending the rates through September 30, 2015.

The existing firm power Rate Schedule SLIP–F9 is being superseded by Rate Schedule SLIP–F10. The current capacity rate and energy rate under WAPA–137 remain sufficient to cover Operations Maintenance & Replacements and required repayment. Western will continue to use the existing energy charge of 12.19 mills/kWh and capacity charge of $5.18/kWmonth. However, the composite rate, which is used for comparison purposes only and is not part of the billing component, will decrease from 29.62 to 29.42 mills/kWh. The composite rate is calculated by dividing the average revenue requirement for the rate-setting period by the average energy sales. The change in the composite rate is driven in large part by changes in the average energy sales due to changes in Project Use energy requirements. Rate Schedules SLIP–F10, SP–PTP8, SP–NW4, SP–NFT7, SP–SD4, SP–RS4, SP–EI4, SP–FR4, SP–SSR4, and SP–UU1 will be placed into effect on an interim basis on the first day of the first full-billing period beginning on or after October 1, 2015, and will be in effect until FERC confirms, approves, and places the rate schedules in effect on a final basis through September 30, 2020, or until the rate schedules are superseded.

Under this rate action, Western makes the following changes to the existing rates as originally proposed:

1. The firm power rate will continue to include a cost recovery mechanism to adequately maintain a sufficient cash balance in the Upper Colorado River Basin Fund (Basin Fund) when, among other things, the balance is at risk due to low hydropower generation, high prices for firming power, and funding for capitalized investments. The Cost Recovery Charge (CRC) is not a component of the firm power rate because the rate is set to collect sufficient revenue for repayment in the Power Repayment Study (PRS) and is not tied to the cash balance of the Basin Fund. Western is modifying the CRC by adopting a tiered implementation approach to afford Western discretion in implementing a potential CRC. Under the current criteria, if the CRC is triggered, Western must initiate the CRC regardless of the balance in the Basin Fund. This may potentially cause a CRC to be initiated when it is not necessary due to the projected ending balance of the fund being higher than the minimum amount Western's management has determined as an acceptable ending balance. Allowing Western to have discretion will ensure a CRC is only initiated when the projected ending balance of the Basin Fund is below $40 million.

2. Western is adopting forward-looking methodology used to calculate the Annual Transmission Revenue Requirement (ATRR). This methodology allows Western to recover costs in line with the FY following when the cost occurred. In addition to annual audited financial data, Western will use projections from the 10-Year Plan and current year-to-date financial data for the annual rate calculation. This is a change in the manner in which the inputs for the rate are developed, rather than a change to the formula rate itself. Western will use a ''true-up'' procedure to ensure that no more and no less than the actual transmission costs are recovered for the year.

3. Western proposes to use a formula-based rate for the Regulation and Frequency Response Ancillary Service that will more accurately reflect the incurred costs rather than using the SLCA/IP firm power capacity rate. This

[1] FERC confirmed and approved Rate Order No. WAPA–137 on June 19, 2009, in Docket EF08–5171. See *United States Department of Energy, Western Area Power Administration, Salt Lake City Area Integrated Projects,* 127 FERC ¶ 62,220 (June 19, 2009).

[2] Rate Order No. WAPA–161, approved by the Deputy Secretary of Energy on September 6, 2013 (78 FR 56692, September 13, 2013), and filed with FERC for informational purposes only.

proposed change will be more in line with other Western Federal transmission providers.

4. Add a rate schedule for Unreserved Use, SP–UU1. The rate will be set at 200 percent of the Colorado River Storage Project Management Center's (CRSP MC) current transmission rate. Currently, the CRSP MC is using an ''Unauthorized Use'' charge that is at 150 percent of the current transmission rate. Increasing the charge to 200 percent brings the CRSP MC in line with other Western Federal transmission providers in the Balancing Authority (BA).

5. Update all CRSP rate schedules that use the BA rates to reference the appropriate BA rate schedule.

After reviewing customer comments, Western is not finalizing the following proposals in the Rate Order:

1. Western will not use the proposed composite rate of 29.93 mills/kWh, but will continue to charge the energy and capacity rates from the SLIP–F9 Rate Schedule. Western agrees with the customers' assessment that the current rate remains sufficient to recover costs and repayment (see item 2. below).

2. The CRSP MC forecasts 5 years of firming purchased power in the PRS using the April, 24-month hydrology study from the Bureau of Reclamation. This reflects the firming purchase power requirements between projected generation and contract obligations. For the remaining out-years, a forecast of $4 million a year is projected to cover operational costs for the Energy Management and Marketing Office in Montrose, Colorado. Western proposed to add the projected $4 million to the first 5 years based on anticipated annual operational needs beyond firming purchases. Western will not include the addition of the $4 million per year increase at this time. Consistent with the procedures at 10 CFR part 903, Western will consider whether to refine the purchase power cost estimates.

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 FERC. Existing Department of Energy procedures for public participation in power rate adjustments (10 CFR part 903) were published on September 18, 1985.

Under Delegation Order Nos. 00–037.00A and 00–001.00F, and in compliance with 10 CFR part 903 and 18 CFR part 300, I hereby confirm, approve, and place Rate Order No. WAPA–169, the provisional SLCA/IP firm power rate, CRSP firm and non-firm transmission rates, and ancillary services rates into effect on an interim basis. The new Rate Schedules SLIP–F10, SP–PTP8, SP–NW4, SP–NFT7, SP–SD4, SP–RS4, SP–EI4, SP–FR4, SP–SSR4, and SP–UU1 will be promptly submitted to FERC for confirmation and approval on a final basis.

Dated: August 28, 2015.

Elizabeth Sherwood-Randall,

Deputy Secretary of Energy.

DEPARTMENT OF ENERGY

DEPUTY SECRETARY

In the matter of: Western Area Power Administration Rate Adjustment for the Salt Lake City Area Integrated Projects and Colorado River Storage Project; Rate Order No. WAPA–169

ORDER CONFIRMING, APPROVING, AND PLACING THE SALT LAKE CITY AREA INTEGRATED PROJECTS FIRM POWER, COLORADO RIVER STORAGE PROJECT TRANSMISSION AND ANCILLARY SERVICES RATES INTO EFFECT ON AN INTERIM BASIS

These rates were established in accordance with section 302 of the Department of Energy (DOE) Organization Act (42 U.S.C. 7152). This Act transferred to and vested in the Secretary of Energy the power marketing functions of the Secretary of the Department of the Interior and the Bureau of Reclamation (Reclamation) under the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)), and other acts that specifically apply to the project involved.

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 Area Power Administration's (Western) 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). Existing DOE procedures for public participation in power rate adjustments (10 CFR part 903) were published on September 18, 1985.

Acronyms and Definitions

As used in this Rate Order, the following acronyms and definitions apply:

AHP: Available Hydropower.

ATRR: Annual Transmission Revenue Requirement.

Balancing Authority: The responsible entity that integrates resource plans ahead of time, maintains load-interchange-generation balance within a designated area, and supports interconnection frequency in real-time.

Basin Fund: Upper Colorado River Basin Fund.

BFBB: Basin Fund Beginning Balance as used in the CRC formula.

BFTB: Basin Fund Target Balance as used in the CRC formula.

Capacity: The electric capability of a generator, transformer, transmission circuit, or other equipment. It is expressed in kW.

Capacity Rate: The rate which sets forth the charges for capacity. It is expressed in $/kWmonth and applied to each kW of the Contract Rate of Delivery (CROD).

CDP: Customer Displacement Power.

Composite Rate: The rate for firm power which is the total annual revenue requirement for capacity and energy divided by the total annual energy sales. It is expressed in mills/kWh and used for comparison purposes.

CRC: Cost Recovery Charge. A mechanism to assist in recovery of purchased power costs during financial hardship.

CRCE: CRC Energy (GWh) as used in the CRC and PYA formulas.

CRCEP: CRC Energy Percentage of full SHP as used in the CRC and PYA formulas.

CROD: Contract Rate of Delivery. The maximum amount of capacity made available to a preference customer for a period specified under a contract.

CRSP: Colorado River Storage Project.

CRSP Act: An act to authorize the Secretary of the Interior to construct, operate, and maintain the Colorado River Storage Project and Participating Projects, and for other purposes. (Act of April 11, 1956, ch. 203, 70 Stat. 105.)

CRSP MC: The CRSP Management Center of Western Area Power Administration.

Customer: An entity with a contract that is receiving firm electric service and transmission from Western's CRSP MC.

DOE Order RA 6120.2: A DOE order outlining power marketing administration financial reporting and ratemaking procedures.

DSW: The Desert Southwest Region of Western Area Power Administration.
EA: SHP Energy Allocation (GWh) as used in the CRC formula.
EAC: Sum of customers' energy allocations subject to the PYA formula.
Energy: Power produced or delivered over a period of time. It is expressed in kilowatthours.
Energy Rate: The rate which sets forth the charges for energy. It is expressed in mills/kWh and applied to each kWh delivered to each customer.
FA: Funds Available as used in the CRC formula.
FA1: Basin Fund Balance Factor as used in the CRC formula.
FA2: Revenue Factor as used in the CRC formula.
FARR: Additional revenue to be recovered as used in the CRC formula.
FE: Forecasted purchased energy as used in the CRC formula.
FFC: Forecasted average energy price per MWh as used in the CRC and PYA formulas.
Firm: A type of product and/or service always available at the time requested by the customer.
FRN: Federal Register notice.
FX: Forecasted energy purchased expense as used in the CRC formula.
FY: Fiscal year is the period from October 1 to September 30.
GWh: Gigawatthour. The electrical unit of energy that equals 1 billion watt-hours or 1 million kWh.
HE: Forecasted hydro energy as used in the CRC formula.
Integrated Projects: The resources and revenue requirements of the Collbran, Dolores, Rio Grande, and Seedskadee projects blended together with the CRSP to create the SLCA/IP resources and rate.
kW: Kilowatt. The electrical unit of capacity that equals 1,000 watts.
kWh: Kilowatthour. The electrical unit of energy that equals 1,000 watts produced or delivered in 1 hour.
kWmonth: Kilowattmonth. The electrical unit of a monthly amount of capacity.
kWyear: Kilowattyear. The electrical unit of a yearly amount of capacity.
Load: The amount of electric power or energy delivered or required at any specified point(s) on a system.
Load-Ratio Share: Network customer's hourly load (including its designated network load not physically interconnected with Western) coincident with Western's monthly CRSP transmission system peak.
MAF: Million Acre-Feet. The amount of water required to cover 1 million acres, 1 foot in depth.
Mill: A monetary denomination of the United States that equals one-tenth of a cent or one-thousandth of a dollar.
Mills/kWh: Mills per kilowatthour. A unit of charge for energy.
MW: Megawatt. The electrical unit of capacity that equals 1 million watts or 1,000 kilowatts.
MWh: One million watt-hours of electric energy. A unit of electrical energy which equals 1 megawatt of power used for 1 hour.
NATRR: Net Annual Transmission Revenue Requirement.
NB: Net Balance as used in the CRC formula.
NEPA: National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*).
Non-firm: A type of product and/or service not always available for use when requested by the customer.
NR: The net revenue remaining after paying all annual expenses as used in the CRC formula.
OASIS: Open Access Same-Time Information System.
O&M: Operation and Maintenance.
OM&R: Operation, Maintenance, and Replacements.
PAE: Projected Annual Expenses as used in the CRC formula.
PAR: Projected Annual Revenue without the CRC as used in the CRC formula.
Participating Projects: The projects participating with CRSP according to the CRSP Act of 1956 (43 U.S.C. 620).
PFE: Prior year actual firming energy as used in the PYA formula.
PFX: Prior year actual firming expenses as used in the PYA formula.
Pinch Point: The nearest future year in the PRS where cumulative expenses and required payments equal cumulative revenues.
Power: Capacity and energy.
Preference: The provisions of Reclamation Law which require Western to first make Federal power available to certain entities. For example, section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) states that preference in the sale of Federal power shall be given to municipalities and other public corporations or agencies and also to cooperatives and other nonprofit organizations financed in whole or in part by loans made under the Rural Electrification Act of 1936.
Price: Average price per MWh for purchased power as used in the CRC formula.
Project Use: Power used to operate the CRSP Participating Projects facilities under Reclamation Law.
Proposed Rate: A rate that has been recommended by Western to the Deputy Secretary of Energy for approval.
Provisional Rate: A rate which has been confirmed, approved, and placed into effect on an interim basis by the Deputy Secretary of Energy.
PRS: Power Repayment Study.
PYA: Prior Year Adjustment as used in the CRC formula.
RA: Revenue Adjustment as used in the PYA formula.
Rate Brochure: A document explaining the rationale and background for the rate proposal contained in this Rate Order dated January 2015.
Ratesetting PRS: The PRS used for the rate adjustment proposal.
Reclamation Law: A series of Federal laws, viewed as a whole, that create the originating framework under which Western markets power.
Revenue Requirement: The revenue required to recover annual expenses, such as O&M, purchased power, transmission service expenses, interest, deferred expenses, repayment of Federal investments, and other assigned costs.
RMR: Rocky Mountain Region of Western Area Power Administration.
SHP: Sustainable Hydropower as defined in the firm power contracts for SLCA/IP.
SLCA/IP: Salt Lake City Area Integrated Projects. The resources and revenue requirements of the Collbran, Dolores, Rio Grande, and Seedskadee projects blended together with the CRSP to create the SLCA/IP rate.
Supporting Documentation: A compilation of data and documents that support the Rate Brochure and the Proposed Rate.
TRC: Transmission Revenue Credits.
True-up: True-up to actuals. Western will reconcile actual transmission costs against projections and adjust the transmission revenue requirements in a subsequent fiscal year. This ensures Western will recover no more and no less than the actual costs for that year.
TSTL: CRSP Transmission System Total Load.
WACM: Western Area Colorado Missouri.
WL: Waiver Level as used in the CRC formula.
WLP: Waiver Level Percentage of full SHP as used in the CRC formula.
WPR: Work Program Review. The work plan is a draft estimate of costs that are expected to be included in the Congressional Budget for Western and Reclamation and the basis for budget estimates to be used in the PRS.
WRP: Western Replacement Power as defined in the firm electric service contracts for SLCA/IP.

Effective Date

Rate Schedules SLIP–F10, SP–PTP8, SP–NW4, SP–NFT7, SP–SD4, SP–RS4, SP–EI4, SP–FR4, SP–SSR4, and SP–UU1 will be placed into effect on an interim basis on the first day of the first full-billing period beginning on or after October 1, 2015, and will be in effect until FERC confirms, approves, and places the rate schedules in effect on a final basis through September 30, 2020, or until the rate schedules are superseded.

Public Notice and Comment

Western followed the Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions, 10 CFR part 903, in developing these rates. The steps Western took to involve interested parties in the rate process were:

1. Western publicly announced the rate action on June 24, 2014, during the formal customer meeting, to all SLCA/IP customers and interested parties.

2. Western published an FRN on December 9, 2014 (79 FR 73067), announcing the proposed rates for the SLCA/IP firm power and CRSP transmission and ancillary services rates, initiating a public consultation and comment period and setting forth the dates and locations of public information and public comment forums.

3. On December 12, 2014, Western's CRSP MC mailed an announcement of the January 15, 2015, public information forum to all SLCA/IP Preference customers, CRSP transmission customers, and interested parties, along with the Rate Brochure, which contains a copy of the published FRN proposal. This information was also posted to the CRSP MC Web page, *http://www.wapa.gov/crsp/ratescrsp.*

4. On January 15, 2015, Western held a public information forum in Salt Lake City, Utah. Western provided detailed explanations about the proposed SLCA/IP firm power rate and the CRSP transmission and ancillary services rates. Western provided the Rate Brochure, supporting documentation, and informational handouts at this meeting.

5. On February 5, 2015, Western held a public comment forum in Salt Lake City, Utah, to provide the public an opportunity to comment for the record. Western reiterated that the comment and consultation period ended March 13, 2015.

6. Western received eight comment letters during the consultation and comment period. All comments have been considered in preparing this Rate Order.

Comments

Written comments were received from the following organizations:

Arizona's Generation and Transmission Cooperatives, Arizona
Arizona Tribal Energy Association, Arizona
Colorado River Commission of Nevada, Nevada
Colorado River Energy Distributors Association, Arizona
Deseret Power Electric Cooperative, Utah
Irrigation and Electric Districts of Arizona, Arizona
Tri-State Generation and Transmission Association, Colorado
Utah Associated Municipal Power Systems, Utah

Representatives of the following organizations made oral comments:

Colorado River Energy Distributors Association, Arizona
Deseret Power Electric Cooperative, Utah

Project Description

The SLCA/IP consists of the CRSP, Collbran, and Rio Grande projects, which were integrated for marketing and ratemaking purposes on October 1, 1987, and two participating projects of the CRSP that have power facilities, the Dolores and the Seedskadee. The goals of integration were to increase marketable resources, simplify contract and rate development and project administration by creating one power rate and ensure repayment of the projects' costs. The Integrated Projects maintain their individual identities for financial accounting and repayment purposes, but their revenue requirements are integrated into the SLCA/IP PRS for ratemaking. The present CRSP point-to-point, network, and non-firm transmission rates, outlined in Rate Schedules SP–PTP7, SP–NW3, and SP–NFT6 became effective on October 1, 2008. On September 6, 2013, the Deputy Secretary of Energy extended the SLCA/IP firm power and CRSP transmission and ancillary services rates through September 30, 2015.

Power Repayment Study—Firm Power Rate

Western prepares a PRS each year to determine if revenues will be sufficient to repay, within the required time, all costs assigned to the SLCA/IP. Repayment criteria are based on applicable laws and policies, including DOE Order RA 6120.2. To meet Cost Recovery Criteria outlined in DOE Order RA 6120.2, revised studies and rate adjustments have been developed to demonstrate that sufficient revenues will be collected under provisional Rates to meet future obligations.

The current capacity rate and energy rate under Rate Schedule SLIP–F9 remain sufficient to cover OM&R and required repayment. Western will continue to use the existing energy charge of 12.19 mills/kWh and capacity charge of $5.18/kWmonth. However, the composite rate, which is used for comparison purposes only and is not part of the billing component, will decrease from 29.62 to 29.42 mills/kWh. The composite rate is calculated by dividing the average revenue requirement for the ratesetting period by the average energy sales. The change in the composite rate is driven in large part by changes in the average energy sales due to changes in Project Use energy requirements.

COMPARISON OF CURRENT AND PROPOSED FIRM POWER RATES

	Current Rate October 1, 2008–September 30, 2015*	Proposed Rate October 1, 2015	Total Percent Increase
Rate Schedule	SLIP–F9	SLIP–F10	
Energy (mills/kWh)	12.19	12.19	0
Capacity ($/kWmonth)	5.18	5.18	0
Composite Rate (mills/kWh)	29.62	29.42	−1

*Approved under Rate Order No. WAPA–137 for a 5-year period beginning October 1, 2008, and ending September 30, 2013. The Deputy Secretary of Energy approved Rate Order No. WAPA–161 on September 6, 2013, extending the rates through September 30, 2015.

Cost Recovery Charge

Western will continue the CRC calculation and assessment in the provisional rate schedule as it has historically been established and will implement an additional triggering mechanism as shown in the below table. The CRC will use ''tiers,'' as outlined in the table, to quantify the need for a CRC based on the balance of the Basin Fund and Western's ability to meet contractual requirements. Western will implement the CRC per the criteria in the tiers.

CRC Based on the Tiers Below

Tier	Criteria, if the BFBB is:	Review
i	Greater than $150 million, with an expected decrease to below $75 million	Annually.
ii	Less than $150 million but greater than $120 million, with an expected 50-percent decrease in the next FY	
iii	Less than $120 million but greater than $90 million, with an expected 40-percent decrease in the next FY	
iv	Less than $90 million but greater than $60 million, with an expected 25-percent decrease in the next FY	Semi-annual (May/November).
v	Less than $60 million but greater than $40 million with an expected decrease to below $40 million in the next FY	Monthly.

The CRC is based on a Basin Fund cash analysis only and is independent of the PRS calculations. In the event that expenses significantly exceed estimates and in order to adequately recover and maintain a sufficient balance in the Basin Fund, Western will calculate and assess a CRC. The CRC is designed to maintain a Basin Fund Target Balance (BFTB) for the following FY. The minimum Basin Fund targeted carryover balance is $40 million. The methodology for calculating the CRC is addressed in the Schedule of Rates for Firm Power Service, SLIP-F10. Western will continue to include a mechanism that allows for the recalculation of the CRC if annual water releases from Glen Canyon Dam fall below 8.23 million acre-feet, regardless of the Basin Fund balance.

CRSP Transmission Service Rates

Transmission formula rates, including those for Firm and Non-Firm Point-To-Point Transmission Service and Network Integration Transmission Service, are designed to recover the annual costs of the CRSP Transmission System. The transmission rates include the cost of Scheduling, System Control, and Dispatch Service. Western will continue to bundle CRSP transmission service in the SLCA/IP Power rate.

A penalty for unauthorized use of transmission will now be assessed under a new rate schedule, SP-UU1. Unreserved Use Penalties will include the basic rate for the transmission service used and not reserved plus a penalty equal to 200 percent of the basic rate.

Transmission losses, as posted on the RMR OASIS, are assessed for all real-time and prescheduled transactions on transmission facilities inside the Western Area Colorado Missouri (WACM) balancing authority.

According to DOE Order RA 6120.2, Western is required to recover revenues for investments in the first year following the FY in which the investment goes into commercial service. Adopting the forward-looking methodology to calculate the Annual Transmission Revenue Requirement (ATRR) will allow Western to better recover costs in the FY following occurrence. In addition to annual audited financial data, Western will use projections from the 10-Year Plan, the Budget Year Workplan, and current year-to-date financial data for the annual rate calculation. The 10-Year Plan and the Budget Year Workplan used in the forward-looking calculations are provided to customers at annual customer meetings. This is a change in the manner in which the inputs for the rate are developed, rather than a change to the formula rate itself.

Western will use a true-up procedure to ensure that the actual transmission costs are recovered for that year. When the annual audited financial data is available, Western will calculate the actual ATRR for that year. Western will compare the actual ATRR to the projected ATRR and apply the difference as an adjustment to the ATRR in a subsequent year.

Firm Point-to-Point

The firm point-to-point transmission rate will be based upon annual audited financial data and projections to the end of the current FY, using the annual forward-looking methodology described in the preceding paragraphs. The ATRR, as also described above, will be offset by appropriate revenue credits. The resultant NATRR will be divided by the capacity reserved for firm power and transmission commitments, including the total network integration loads at system peak, to derive a cost/kWyear. Rate Schedules SLIP-F10, SP-PTP8, SP-NW4, SP-NFT7, SP-SD4, SP-RS4, SP-EI4, SP-FR4, SP-SSR4, and SP-UU1 will be placed into effect on an interim basis on the first day of the first full-billing period beginning on or after October 1, 2015, and will be in effect until FERC confirms, approves, and places the rate schedules in effect on a final basis through September 30, 2020, or until the rate schedules are superseded. The cost/kWyear is calculated using the following formula:

$$(1)\ ATRR - TRC = NATRR$$
$$(2)\ \frac{NATRR}{TSTL}$$

Where:

ATRR = Annual Transmission Revenue Requirement: The costs associated with facilities that support the transfer capability of the CRSP transmission system, excluding generation facilities. These costs include investment costs, interest expenses, depreciation expense, administrative and general expenses, and operation and maintenance expense, including transmission purchases. Transmission purchases reflect those costs associated with CRSP contractual rights.

TRC = Transmission Revenue Credits: The revenues generated by the CRSP transmission system not related to the revenues from the sale of long-term firm transmission.

NATRR = Net Annual Transmission Revenue Requirement: The Annual Revenue Requirement minus Transmission Revenue Credits.

TSTL = CRSP Transmission System Total Load: The sum of the total CRSP transmission capacity under long-term reservation including the total network integration loads at system peak.

Non-Firm, Point-to-Point Transmission

The provisional rate for non-firm, point-to-point, CRSP transmission service is a mills/kWh rate, which is

based upon the firm point-to-point rate and may be discounted. This rate will be concurrent with the firm, point-to-point rate and will also be reviewed annually. Transmission availability will be posted on Western's OASIS.

Network Transmission

The provisional rate for network transmission service is a formula calculation based on the annual transmission revenue requirement. There will be no changes from the existing network integration transmission service formula under Rate Schedule SP–NW3 to the provisional network integration transmission service formula under Rate Schedule SP–NW4.

Ancillary Services Discussion

Western will offer six ancillary services pursuant to its Tariff: (1) Scheduling, system control, and dispatch service; (2) reactive supply, and voltage control from generation or other sources service; (3) regulation and frequency response service; (4) energy imbalance service; (5) spinning reserve service; and (6) supplemental reserve service. The ancillary services formula rates are designed to recover only the costs associated with providing the service(s). These services will be offered either by CRSP or the WACM balancing authority. Sales of regulation and frequency response, energy imbalance, spinning reserve, and supplemental reserve services from SLCA/IP power resources are limited since Western has allocated the SLCA/IP power resources to preference entities under long-term commitments. Western will continue to use market-based rates to determine its rate for spinning and supplemental reserves under the Rate Schedule SSP–SSR4. The availability of ancillary service will be determined based on excess resources available at the time the services are requested, except for scheduling, system control, and dispatch service; and reactive supply, and voltage control from generation or other sources, which are required to be provided in conjunction with the sale of CRSP transmission services.

Certification of Rates

Western's Administrator certified that the provisional rates for SLCA/IP firm power and CRSP transmission and ancillary services under Rate Schedules SLIP–F10, SP–PTP8, SP–NW4, SP–NFT7, SP–SD4, SP–RS4, SP–EI4, SP–FR4, SP–SSR4, and SP–UU1 are the lowest possible rates consistent with sound business principles. The provisional rates were developed following administrative policies and applicable laws.

SLCA/IP Firm Power Rate Discussion

Pursuant to Reclamation Law, Western must establish power rates sufficient to recover O&M expenses, purchased power expenses, interest expenses, and repayment of power investment and irrigation aid.

The CRSP MC forecasts 5 years of firming purchased power in the PRS using the April, 24-month hydrology study from Reclamation. This 5-year forecast reflects the firming purchase power requirements between projected generation and contract obligations. For the remaining out-years, a forecast of $4 million a year is projected to cover operational costs for the Energy Management and Marketing Office in Montrose, Colorado. Western proposed to add the projected $4 million to the first 5 years based on anticipated annual operational needs beyond firming purchases. Western will not include the addition of the $4 million per year increase at this time and will, consistent with the procedures at 10 CFR part 903, consider whether to refine the purchase power cost estimates.

The current capacity rate and energy rate under Rate Schedule SLIP–F9 remains sufficient to cover OM&R and required repayment. Western will continue to use the existing energy charge of 12.19 mills/kWh and capacity charge of $5.18/kWmonth. However, the composite rate, which is used for comparison purposes only and is not part of the billing component, will decrease from 29.62 to 29.42 mills/kWh. The composite rate is calculated by dividing the average revenue requirement for the ratesetting period by the average energy sales. The change in the composite rate is driven in large part by changes in the average energy sales due to changes in Project Use energy requirements.

Statement of Revenue and Related Expenses

SLCA/IP Firm Power Comparison of 5-Year Rate Period (FY 2016–FY 2020) Total Revenues and Expenses

[$000]

Item	Existing Rate 2010 Workplan	Provisional 2017 Workplan	Change Amount
Ratesetting Period:			
Beginning year	2010	2016	
Pinchpoint year	2025	2025	
Number of ratesetting years	16	10	
Annual Revenue Requirements:			
Expenses			
Operation and Maintenance:			
Western	$40,514	$52,631	$12,117
Reclamation	30,092	34,535	4,443
Total O&M	70,606	87,166	16,560
Purchased Power	5,163	10,279	5,116
Transmission	10,525	10,421	(104)
Integrated Projects requirements	7,286	8,611	1,325
Interest	3,693	6,177	2,484
Other	2,984	14,587	11,603
Total Expenses	**100,257**	**137,240**	**36,983**
Principal payments			
Deficits	0	0	0
Replacements	28,652	32,084	3,432
Original Project and Additions	17,936	2,232	(15,704)
Irrigation	38,744	12,317	(26,427)

SLCA/IP Firm Power Comparison of 5-Year Rate Period (FY 2016–FY 2020) Total Revenues and Expenses—Continued

[$000]

Item	Existing Rate 2010 Workplan	Provisional 2017 Workplan	Change Amount
Total principal payments	**85,332**	**46,633**	**(38,699)**
Total Annual Revenue Requirements:	**185,589**	**183,873**	**(1,716)**
(Less Offsetting Annual Revenue:)			
Transmission (firm and non-firm)	18,045	19,640	1,595
Merchant Function	8,309	9,918	1,609
Other	7,687	5,118	(2,569)
Total Offsetting Annual Revenue	**34,041**	**34,676**	**635**
Net Annual Revenue Requirements:	**151,548**	**149,197**	**(2,351)**
Energy Sales	**5,116,346**	**5,071,804**	**(44,542)**
Capacity Sales	**1,434,946**	**1,407,920**	**(27,026)**
Composite Rate (mills/kWh)	**29.62**	**29.42**	**−.20**

Basis for Rate Development

The provisional rates will provide sufficient revenue to pay all annual costs, including interest expense, and repayment of power investment and irrigation aid within the allowable periods. Rate Schedules SLIP–F10, SP–PTP8, SP–NW4, SP–NFT7, SP–SD4, SP–RS4, SP–EI4, SP–FR4, SP–SSR4, and SP–UU1 will be placed into effect on an interim basis on the first day of the first full-billing period beginning on or after October 1, 2015, and will be in effect until FERC confirms, approves, and places the rate schedules in effect on a final basis through September 30, 2020, or until the rate schedules are superseded. Provisions for transformer losses adjustment, power factor adjustment, WRP administrative charge, and CDP administrative charge adjustments are part of the provisional rates for SLCA/IP firm power. Western will not modify the provisions and methodologies for these adjustments, which will remain as specified in Rate Schedule SLIP–F10.

CRSP Transmission Service Discussion

The firm and non-firm transmission formula rates apply to all transmission-only sales. The provisional formula rates include transmission rates as described in Rate Schedules SP–PTP8, SP–NW4, and SP–NFPT–7. The transmission rates include the cost for scheduling, system control, and dispatch service. The cost of transmission service for Western's SLCA/IP long-term firm electric service will continue to be included in the SLCA/IP firm power rate. Transmission services are outlined in Western's Tariff.

Change to Forward-Looking Transmission Rates

Western changed the inputs used to calculate the ATRR to recover transmission expenses and investments on a current basis rather than a historical basis. The change allows Western to more accurately match cost recovery with cost incurrence. Western will use current, year-to-date costs as the basis for projecting the full current year's transmission costs for the upcoming year in the annual rate calculation, rather than using only historical information.

When the actual annual audited financial data are available, Western will calculate the actual revenue requirement for that year. Revenue collected in excess of the actual revenue requirement will be included as a credit in the ATRR in a subsequent year. Similarly, any under-collection of the revenue requirement will be included as a charge in the ATRR in a subsequent year. This true-up procedure will ensure that Western recovers no more and no less than the actual transmission costs for that year.

Unreserved Use Penalties

Unreserved use of the transmission system (Unreserved Use) occurs when a transmission customer uses transmission service that exceeds its reserved capacity or an eligible customer uses transmission service it has not reserved. Western will assess Unreserved Use Penalties against a customer that has not secured reserved capacity or exceeds its reserved capacity at any point of receipt or any point of delivery. Unreserved Use may also be assessed due to a transmission customer's failure to curtail transmission when requested.

A customer that engages in Unreserved Use will be assessed a penalty charge of 200 percent of the CRSP transmission service rate for Firm Point-to-Point Transmission Service as follows:

1. The Unreserved Use penalty for a single hour of Unreserved Use will be based upon the rate for daily Firm Point-to-Point Service.

2. The Unreserved Use penalty for more than one assessment for a given duration (*e.g.,* daily) will increase to the next longest duration (*e.g.,* weekly).

3. The Unreserved Use penalty charge for multiple instances of Unreserved Use (*e.g.,* more than one hour) within a day will be based on the rate for daily Firm Point-to-Point Service. Multiple instances of Unreserved Use isolated to 1 calendar week will result in a penalty based on the charge for weekly Firm Point-to-Point Service. The penalty charge for multiple instances of Unreserved Use during more than 1 week during a calendar month will be based on the charge for monthly Firm Point-to-Point Service.

A transmission customer that exceeds its firm reserved capacity at any point of receipt or point of delivery or an eligible customer that uses transmission service at a point of receipt or point of delivery that it has not reserved will be required to pay, in addition to the Unreserved Use Penalties, for all applicable Ancillary Services identified in Western's Tariff based on the amount of transmission service it used and did not reserve.

Unreserved Use Penalties collected will be included as a credit in the calculation of the ATRR in a subsequent year.

Comments

The comments and responses regarding the firm power, transmission, and ancillary services rates, paraphrased for brevity when not affecting the meaning of the statement(s), are discussed below. Direct quotes from comment letters are used for clarity where necessary. The rate process issues discussed are (1) Purchased Power Component, (2) Transmission and Ancillary Services, (3) Unreserved Use Charge, (4) Firm Electric Service Rate Adjustment, (5) Cost Recovery Charge, and (6) Miscellaneous.

1. Purchased Power Component

Comment: Many customers commented that Western should, in consultation with customers, refine the purchased-power, cost-estimating tools, rather than adopting the proposed methodology.

Response: Western will not add $4 million to the first 5 years of purchased power projections to meet the operational contingencies of the Energy Management and Marketing Office in Montrose, Colorado. Consistent with the procedures at 10 CFR part 903, Western will consider whether to refine the purchase power cost estimation.

2. Transmission and Ancillary Services

Comment: Several commenters expressed concerns about Western changing to a forward-looking transmission rate methodology, stating Western has no data to show the historical method of using actual data from 2 years prior is insufficient in collecting adequate revenues.

Response: Western appreciates the customers' concerns. The change allows Western to more accurately match cost recovery with cost incurrence. Western will use current, year-to-date costs in addition to a review of the Construction Work in Progress financial report and the 10-Year Capital Plan by the CRSP MC as the basis for projecting the full, current year's transmission costs for the upcoming year in the annual rate calculation, rather than using only historical information. The method is a change in the manner in which the inputs for the rate are developed, rather than a change to the formula rate itself.

Comment: A commenter raised concern about how the forecast and true-up information would interface and be consistent with the work program review and asset management processes.

Response: The data sources, which will be used for the transmission cost projections, are reviewed annually at the 10-Year Capital Plan customer meeting prior to the annual rate calculation. In addition to these current year financial data, coupled with a mid-year review by the CRSP MC of which investments should be completed by the end of the current FY, will ensure that the most accurate projections will be used in the annual transmission rate recalculation. The true-up process is independent of the work program review and asset management process.

Comment: Some commenters stated that the additional labor for Western associated with the forward-looking methodology would also likely create additional burden on the customers.

Response: Western's staff appreciates and understands the customers' concern, but does not foresee any burden to the customer in this process. Western's staff prepared a parallel transmission rate recalculation for the FY 2014 rate using the forward-looking methodology, and this required only 8 hours of additional labor to process the true-up to actuals from the previous FY projections. Western believes the impact on the workload will be negligible.

Comment: A commenter expressed concern that the forward-looking methodology may result in an over-collection of funds from the SLIP customers.

Response: Western will true-up the estimates with actual costs and loads at the end of each FY. Revenue collected in excess of Western's actual net revenue requirement will be returned through a credit adjustment to the ATRR in a subsequent year. Actual revenues that are less than the net revenue requirement will be recovered through an adjustment to the ATRR in a subsequent year. The true-up procedure will ensure that Western will recover no more and no less than the actual costs for the year from the SLIP customers.

3. Unreserved Use Charge

Comment: A commenter stated ''There is insufficient due process afforded a customer if Western adopts a change to terms and conditions for transmission service in the context of a rate proposal.''

Response: The public process followed in implementing this new rate schedule for an Unreserved Use Charge affords transmission customers adequate opportunity to comment on the proposed penalty.

4. Firm Electric Service Rate Adjustment

Comment: Many comments were received expressing a concern that the SLIP–F9 rate is sufficient to pay all required costs and should not be adjusted at this time.

Response: Based on Western's decision to postpone implementation of the $4 million operational contingency in the first 5 years for purchase power, Western agrees with the customer's assessment that the current rate remains sufficient to recover costs and repayment. Both the energy rate of 12.19 mills per kilowatthour (mills/kWh), and the capacity rate of $5.18 per kWmonth will remain the same. However, the composite rate, which is used for comparison purposes only and is not part of the billing component, will decrease from 29.62 to 29.42 mills/kWh. The composite rate is calculated by dividing the average revenue requirement for the ratesetting period by the average energy sales. The change in the composite rate is driven in large part by changes in the average energy sales due to changes in Project Use energy requirements.

5. Cost Recovery Charge (CRC)

Comment: Customers commented in support of the proposed revision to the CRC as outlined in the rate brochure, specifically tables 8–11, and believe that the discussions between the Colorado River Energy Distributors Association (CREDA) and Western pursuant to the 1992 Agreement [3] regarding the Basin Fund, cash management, and returns to Treasury are important elements of the CRC consultation and decision-making process.

Response: Western appreciates the customers' support. Western will implement the proposed CRC revision and will continue with the customer-consultation process.

6. Miscellaneous

Comment: Many customers expressed appreciation for the level of detail and description contained in the December 2014 Rate Brochure and Western's timely written response to questions posed at the Information Forum in advance of the Comment Forum.

Response: Western appreciates the customers' support.

Availability of Information

Information about this rate adjustment, including PRSs, comments, letters, memorandums, and other supporting material made or kept by Western and used to develop the provisional rates, is available for public review at the Colorado River Storage Project Management Center, Western Area Power Administration, 150 East Social Hall Avenue, Suite 300, Salt Lake City, Utah, or at Western's Web page:

[3] Letter Agreement No. 92–SLC–0208 and Agreement No. 96–SLC–0315.

https://www.wapa.gov/regions/CRSP/rates/Pages/rate-order-169.aspx.

RATEMAKING PROCEDURE REQUIREMENTS

Environmental Compliance

In compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321, *et seq.*), Council on Environmental Quality Regulations (40 CFR parts 1500–1508), and DOE NEPA Regulations (10 CFR part 1021), Western has determined that this action is categorically excluded from preparing an environmental assessment or an environmental impact statement. A copy of the categorical exclusion determination is posted at the CRSP MC Web page, *https://www.wapa.gov/regions/CRSP/rates/Pages/rate-order-169.aspx.*

Determination Under Executive Order 12866

Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Submission to the Federal Energy Regulatory Commission

The interim rates herein confirmed, approved, and placed into effect, together with supporting documents will be submitted to FERC for confirmation and final approval.

ORDER

In view of the foregoing and under the authority delegated to me, I confirm and approve on an interim basis Rate Schedules SLIP–F10, SP–PTP8, SP–NW4, SP–NFT7, SP–SD4, SP–RS4, SP–EI4, SP–FR4, SP–SSR4, and SP–UU1 to become effective on the first day of the first full-billing period beginning on or after October 1, 2015, and will remain in effect until FERC confirms, approves, and places the rate schedules in effect on a final basis through September 30, 2020, or until the rate schedules are superseded.

Dated: August 28, 2015.

Elizabeth Sherwood-Randall,

Deputy Secretary of Energy.

Rate Schedule SLIP–F10
(Supersedes Schedule SLIP–F9)

UNITED STATES DEPARTMENT OF ENERGY

WESTERN AREA POWER ADMINISTRATION

COLORADO RIVER STORAGE PROJECT MANAGEMENT CENTER

SALT LAKE CITY AREA INTEGRATED PROJECTS

SCHEDULE OF RATES FOR FIRM POWER SERVICE

(Approved Under Rate Order No. WAPA–169)

Effective:

Rate Schedule SLIP–F10 will be placed into effect on an interim basis on the first day of the first full-billing period beginning on or after October 1, 2015, and will remain in effect until FERC confirms, approves, and places the rate schedules in effect on a final basis through September 30, 2020, or until the rate schedules are superseded.

Available:

In the area served by the Salt Lake City Area Integrated Projects.

Applicable:

To the wholesale power customer for firm power service supplied through one meter at one point of delivery or as otherwise established by contract.

Character:

Alternating current, 60 hertz, three-phase, delivered and metered at the voltages and points established by contract.

Monthly Rate:

DEMAND CHARGE: $5.18 per kilowatt of billing demand.

ENERGY CHARGE: 12.19 mills per kilowatthour of use.

COST RECOVERY CHARGE:

To adequately recover and maintain a sufficient balance in the Basin Fund, Western uses a cost recovery mechanism, called a Cost Recovery Charge (CRC). The CRC is a charge on all SHP energy.

This charge will be recalculated before May 1 of each year, and Western will provide notification to the customers. The charge, if needed, will be placed into effect on the first day of the first full-billing period beginning on or after October 1, 2015, through September 30, 2020. If a Shortage Criteria is necessary, the CRC will be re-calculated at that time. (See Shortage Criteria Trigger explanation below.) The CRC will be calculated as follows:

WESTERN HAS THE DISCRETION TO IMPLEMENT A CRC BASED ON THE TIERS BELOW.

TABLE—CRC TIERS

Tier	Criteria, If the BFBB is:	Review
i	Greater than $150 million, with an expected decrease to below $75 million	
ii	Less than $150 million but greater than $120 million, with an expected 50-percent decrease in the next FY.	Annually.
iii	Less than $120 million but greater than $90 million, with an expected 40-percent decrease in the next FY.	
iv	Less than $90 million but greater than $60 million, with an expected 25-percent decrease in the next FY.	Semi-Annual (May/November).
v	Less than $60 million but greater than $40 million with an expected decrease to below $40 million in the next FY.	Monthly.

TABLE—SAMPLE CRC CALCULATION

		Description	Example	Formula
STEP ONE	**Determine the Net Balance available in the Basin Fund.**			
	BFBB	Basin Fund Beginning Balance ($).	$85,860,265	Financial forecast.
	BFTB	Basin Fund Target Balance ($).	$64,395,199	BFBB − (Tier % * BFBB), or BFTB for Tier i and Tier v [1].
	PAR	Projected Annual Revenue ($) w/o CRC.	$232,780,000	Financial forecast.
	PAE	Projected Annual Expenses ($).	$226,649,066	Financial forecast.

TABLE—SAMPLE CRC CALCULATION—Continued

		Description	Example	Formula
STEP ONE	**Determine the Net Balance available in the Basin Fund.**			
	NR	Net Revenue ($)	$6,130,934	PAR − PAE.
	NB	Net Balance ($)	$91,991,199	BFBB + NR.
STEP TWO	**Determine the Forecasted Energy Purchase Expenses.**			
	EA	SHP Energy Allocation (GWh)	4,952	Customer contracts.
	HE	Forecasted Hydro Energy (GWh).	4,924	Hydrologic & generation forecast.
	FE	Forecasted Energy Purchase (GWh).	504	EA − HE or anticipated.
	FFC	Forecasted Average Energy Price per MWh ($).	$34.23	From commercially available price indices.
	FX	Forecasted Energy Purchase Expense ($).	$17,262,512	FE * FFC *1000.
STEP THREE	**Determine the amount of Funds Available for firming energy purchases, and then determine additional revenue to be recovered. The following two formulas will be used to determine FA; the lesser of the two will be used.**			
	FA1	Basin Fund Balance Factor ($).	$17,262,512	If (NB > BFBB, FX, FX − (BFTB − NB)).
	FA2	Revenue Factor ($)	$17,262,512	If (NR > − (BFBB − BFTB), FX, FX + NR + (BFBB − BFTB)).
	FA	Funds Available ($)	$17,262,512	Lesser of FA1 or FA2 (not less than $0).
	FARR	Additional Revenue to be Recovered ($).	$0	FX − FA.
STEP FOUR	**Once the FA for purchases have been determined, the CRC can be calculated, and the WL can be determined.**			
	WL	Waiver Level (GWh)	5428	If (EA < HE, EA, HE + (FE * (FA/FX))), but not less than HE.
	WLP	Waiver Level Percentage of Full SHP.	110%	WL/EA * 100.
	CRCE	CRC Energy (GWh)	0	EA − WL.
	CRCEP	CRC Energy Percentage of Full SHP.	0%	CRCE/EA * 100.
	CRC	Cost Recovery Charge (mills/kWh).	0	FARR/(EA * 1,000).

Notes: 1—Use CRC Tiers Table to calculate applicable value.

Narrative CRC Example

STEP ONE: **Determine the net balance available in the Basin Fund.**

BFBB—Western will forecast the Basin Fund Beginning Balance for the next FY.

BFBB = $85,860,265

BFTB—The Basin Fund Target Balance is based on the applicable tiered percentage, or minimum value, of the Basin Fund Beginning Balance derived from the **CRC Tiers** table with a minimum BFTB set at $40 million.

BFTB = BFBB less 25 percent, see **Tier iv** (BFBB < 90 million, BFBB > 60 million) = $85,860,265 − $21,464,066 = **$64,395,199**

PAR—Projected Annual Revenue is Western's estimate of revenue for the next FY.

PAR = $232,780,000

PAE—Projected Annual Expenses is Western's estimate of expenses for the next FY. The PAE includes all expenses plus non-reimbursable expenses, which are capped at $27 million per year plus an inflation factor. **This limitation is for CRC formula calculation purposes only, and is not a cap on actual non-reimbursable expenses.**

PAE = $226,649,066

NR—Net Revenue equals revenues minus expenses.

NR = PAR − PAE = $232,780,000 − $226,649,066 = **$6,130,934**

NB—Net Balance is the Basin Fund Beginning Balance plus net revenue.

NB = BFBB + NR = $85,860,265 + $6,130,934 = **$91,991,199**

STEP TWO: **Determine the forecasted energy purchases expenses.**

EA—The Sustainable Hydro Power Energy Allocation (from Customer contracts). This does not include Project Use customers.

EA = 4,952 (GWh)

HE—Western's forecast of Hydro Energy available during the next FY developed from Reclamation's April, 24-month study.

HE = 4,924 (GWh)

FE—Forecasted Energy purchases are the difference between the Sustainable Hydro Power allocation and the forecasted hydro energy available for the next FY or the anticipated firming purchases for the next year.

FE = EA − HE or anticipated purchases = **504.33 (GWh, anticipated)**

FFC—The forecasted energy price for the next FY per MWh.

FFC = $34.23 per MWh

FX—Forecasted energy purchase power expenses based on the current year's, April, 24-month study, representing an estimate of the total costs of firming purchases for the coming FY.

FX = FE * FFC * 1000 = 504.33 * $34.23 * 1000 **= $17,263,215.90**

STEP THREE: **Determine the amount of Funds Available (FA) to expend on firming energy purchases and then determine additional revenue to be recovered (FARR). The following two formulas will be used to determine FA; *the lesser of the two will be used.* Funds available shall not be less than zero.**

A. *Basin Fund Balance Factor (FA1)*

If the Net Balance is greater than the Basin Fund Target Balance, use the value for forecasted energy purchase power expenses (FX). If the net balance is less than the Basin Fund Target Balance, reduce the value of the Forecasted Energy Purchase Power Expenses by the difference between the Basin Fund Target Balance and the Net Balance.

FA1 = If (NB > BFTB, FX, FX − (BFTB − NB))

= $91,991,199 (NB) is greater than $64,395,199 (BFTB) then:

= $17,263,215.90 (FX)

If the Net Balance is greater than the Basin Fund Target Balance, then **FA1 = FX.**

If the Net Balance is less than the Basin Fund Target Balance, then **FA1 = FX − (BFTB − NB).**

B. *Basin Fund Revenue Factor (FA2)*

The second factor ensures that Western collects sufficient funds to meet the Basin Fund Target Balance so long as the amount needed does not exceed the forecasted purchase expense (FX):

In the situation when there is *no* projected revenue:

FA2 = If (NR > − (BFBB − BFTB), FX, FX + NR + (BFBB − BFTB))

= $6,130,934(NR) is greater than ($21,464,066) then:

= $17,263,215.90 (FX)

If the Net Revenue (loss) value does not result in a loss that exceeds the allowable decrease value of the Basin Fund Beginning Balance (− (BFBB − BFTB)), then **FA2 = FX**.

If the Net Revenue (loss) results in a loss that exceeds the allowable decrease value of the Basin Fund Beginning Balance (− (BFBB − BFTB)), then **FX + NR + (BFBB − BFTB).**

FA—Determine the funds available for purchasing firming energy by using the lesser of FA1 and FA2.

FA1 and FA2 are equal, so:

FA = $17,263,215.90 (FX)

FARR—Calculate the additional revenue to be recovered by subtracting the Funds Available from the forecasted energy purchase power expenses.

FARR = FX − FA = $17,263,215.90 (FX) − $17,263,215.90 (FA) **= $ 0.00**

STEP FOUR: **Once the funds available for purchases have been determined, the CRC can be calculated and the Waiver Level (WL) can be determined.**

A. *Cost Recovery Charge:* The CRC will be a charge to recover the additional revenue required as calculated in Step 3. The CRC will apply to all customers who choose not to request a waiver of the CRC, as discussed below. The CRC equals the additional revenue to be recovered divided by the total energy allocation to all customers for the FY.

CRC = FARR/(EA * 1,000) **= $0.00 charge**

B. *Waiver Level (WL):* Western will establish an energy WL that provides Western the ability to reduce purchase power expenses by scheduling less energy than what is contractually required. Therefore, for those customers who voluntarily schedule no more energy than their proportionate share of the WL, Western will waive the CRC for that year.

After the Funds Available has been determined, the WL will be set at the sum of the energy that can be provided through hydro generation and purchased with Funds Available. The WL will not be less than the forecasted Hydro Energy.

WL = If (EA < HE, EA, HE + (FE * (FA/FX))

= 4,952 (EA) is not less than 4,924 (HE) then:

= 4,924 (HE) + (504.33 (FE) * ($17,263,215.90 (FA)/$17,263,215.90 (FX)) **= 5,428 (GWh) is the Waiver Level**

If SHP Energy Allocation is less than forecasted Hydro Energy available, then **WL = EA**

If SHP Energy Allocation is greater than the forecasted Hydro Energy available, then

WL = HE + (FE * (FA/FX))

PRIOR YEAR ADJUSTMENT:

The CRC PYA for subsequent years will be determined by comparing the prior year's estimated firming-energy cost to the prior year's actual firming-energy cost for the energy provided above the WL. The PYA will result in an increase or decrease to a customer's firm energy costs over the course of the following year. The table below is the calculation of a PYA.

PYA CALCULATION

		Description	Formula
STEP ONE	**Determine actual expenses and purchases for previous year's firming. This data will be obtained from Western's financial statements at the end of the FY.**		
	PFX	Prior Year Actual Firming Expenses ($)	Financial Statements.
	PFE	Prior Year Actual Firming Energy (GWh)	Financial Statements.
STEP TWO	**Determine the actual firming cost for the CRC portion.**		
	EAC	Sum of the energy allocations of customers subject to the PYA (GWh).	
	FFC	Forecasted Firming Energy Cost—($/MWh)	From CRC Calculation.
	AFC	Actual Firming Energy Cost—($/MWh)	PFX/PFE.
	CRCEP	CRC Energy Percentage	From CRC Calculation.
	CRCE	Purchased Energy for the CRC (GWh)	EAC * CRCEP.
STEP THREE	**Determine Revenue Adjustment (RA) and PYA.**		
	RA	Revenue Adjustment ($)	(AFC–FFC) * CRCE * 1,000.

PYA CALCULATION—Continued

		Description	Formula
STEP THREE	**Determine Revenue Adjustment (RA) and PYA.**		
	PYA	**Prior Year Adjustment (mills/kWh)**	(RA/EAC)/1,000.

Narrative PYA Calculation

***STEP ONE:* Determine actual expenses and purchases for previous year's firming. This data will be obtained from Western's financial statements at end of FY.**

PFX—Prior year actual firming expense

PFE—Prior year actual firming energy

***STEP TWO:* Determine the actual firming cost for the CRC portion.**

EAC—Sum of the energy allocations of customers subject to the PYA

CRCE—The amount of CRC Energy needed

AFC—The Actual Firming Energy Cost are the PFX divided by the PFE

AFC = (PFX/PFE)/1,000

***STEP THREE:* Determine Revenue Adjustment (RA) and Prior Year Adjustment (PYA).**

RA—The Revenue Adjustment is AFC less FFC times CRCE

RA = (AFC − FFC) * CRCE) * 1,000

PYA = The PYA is the RA divided by the EAC for the CRC customers only.

PYA = (RA/EAC)/1,000

The customer's PYA will be based on its prior year's energy multiplied by the resulting mills/kWh to determine the dollar amount that will be assessed. The customers will be charged or credited for this dollar amount equally in the remaining months of the next year's billing cycle. Western will attempt to complete this calculation by December of each year. Therefore, if the PYA is calculated in December, the charge/credit will be spread over the remaining 9 months of the FY (January through September).

Shortage Criteria Trigger:

In the event that Reclamation's 24-month study projects that Glen Canyon Dam water releases will drop below 8.23 MAF in a water year (October through September), Western will recalculate the CRC to include those lower estimates of hydropower generation and the estimated costs for the additional purchase power necessary. Western, as in the yearly projection for the CRC, will give the customers a 45-day notice to request a waiver of the CRC, if they do not want to have the CRC charge added to their energy bill. This recalculation will remain in effect for the remainder of the current FY.

In the event that hydropower generation returns to an 8.23 MAF or higher during the trigger implementation, a new CRC will be calculated for the next month, and the customers will be notified.

CRC Schedule for customers

Consistent with the procedures at 10 CFR 903, Western will provide its customers with information concerning the anticipated CRC for the upcoming FY in May. The established CRC will be in effect for the entire FY. The table below displays the time frame for determining the amount of purchases needed, developing customers' load schedules, and making purchases.

CRC Schedule

Task	Respective dates under Table CRC tiers [1]		
	i, ii, and iii	iv [2]	v [3]
24-Month Study (Forecast to Model Projections)	April 1	April 1 October 1	Monthly Study.
CRC Notice to Customers	May 1	May 1 November 1	Monthly.
Waiver Request Submitted by Customers	June 15	Within 45 days	Within 30 days.
CRC Effective	October 1	August 1 February 1	Updated Monthly.

Notes:

[1] This schedule does not apply if the CRC is triggered by the Glen Canyon Dam annual releases dropping below 8.23 MAF.

[2] If it is determined during the additional reviews, under tier iv, that a CRC is necessary, customers will be notified that a CRC will be implemented in 90 days. Western will provide its customers with information concerning the anticipated CRC and give them 45 days to request a waiver or accept the CRC. The established CRC will be in effect for 12 months from the date implemented unless superseded by another CRC.

[3] If it is determined during the additional reviews, under tier v, that a CRC is necessary, customers will be notified that a CRC will be implemented in 60 days. Western will provide its customers with information concerning the anticipated CRC and give them 30 days to request a waiver or accept the CRC. The established CRC will be in effect for 12 months from the date implemented unless superseded by another CRC.

Billing Demand:

The billing demand will be the greater of:

1. The highest 30-minute integrated demand measured during the month up to, but not more than, the delivery obligation under the power sales contract, or

2. The Contract Rate of Delivery.

Billing Energy:

The billing energy will be the energy measured during the month up to, but not more than, the delivery obligation under the power sales contract.

Adjustment for Waiver:

Customers can choose not to take the full SHP energy supplied as determined in the attached formulas for CRC and will be billed the Energy and Capacity rates listed above, but not the CRC.

Adjustment for Transformer Losses:

If delivery is made at transmission voltage but metered on the low-voltage side of the substation, the meter readings will be increased to compensate for transformer losses as provided in the contract.

Adjustment for Power Factor:

The customer will be required to maintain a power factor at all points of measurement between 95 percent lagging and 95 percent leading.

Adjustment for Western Replacement Power:

Pursuant to the contractor's Firm Electric Service Contract, as amended,

Western will bill the contractor for its proportionate share of the costs of Western Replacement Power (WRP) within a given time period. Western will include in the contractor's monthly power bill the cost of the WRP and the incremental administrative costs associated with WRP.

Adjustment for Customer Displacement Power Administrative Charges:

Western will include in the contractor's regular monthly power bill the incremental administrative costs associated with Customer Displacement Power.

Rate Schedule SP–NW4
ATTACHMENT H to Tariff

(Supersedes Schedule SP–NW3)

UNITED STATES DEPARTMENT OF ENERGY

WESTERN AREA POWER ADMINISTRATION

COLORADO RIVER STORAGE PROJECT MANAGEMENT CENTER

COLORADO RIVER STORAGE PROJECT

NETWORK INTEGRATION TRANSMISSION SERVICE

(Approved Under Rate Order No. WAPA–169)

Effective:

Rate Schedule SP–NW4 will be placed into effect on an interim basis on the first day of the first full-billing period beginning on or after October 1, 2015, and will remain in effect until FERC confirms, approves, and places the rate schedules in effect on a final basis through September 30, 2020, or until the rate schedules are superseded.

Applicable:

The transmission customer will compensate the Colorado River Storage Project Management Center each month for Network Integration Transmission Service under the applicable Network Integration Transmission Service Agreement and the formula rate described herein.

$$\text{Formula Rate:}\quad \text{Monthly Charge} = \frac{\text{Annual Transmission Revenue Requirement for Network Integration Transmission Service}}{12} \times \text{Transmission Customer's Load-Ratio Share}$$

A recalculated Annual Transmission Revenue Requirement for Network Integration Transmission Service will go into effect every October 1 based on the above formula and updated financial and operational data. Western will notify the transmission customer annually of the recalculated annual revenue requirement on or before September 1.

Billing:

Billing determinants for the formula rate above will be as specified in the service agreement. Billing will occur monthly under the formula rate.

Adjustment for Losses:

Losses incurred for service under this rate schedule will be accounted as agreed to by the parties in accordance with the service agreement. If losses are not fully provided by a transmission customer, charges for financial compensation may apply.

Rate Schedule SP–SD4

SCHEDULE 1 to Tariff

(Supersedes Schedule SP–SD3)

UNITED STATES DEPARTMENT OF ENERGY

WESTERN AREA POWER ADMINISTRATION

COLORADO RIVER STORAGE PROJECT MANAGEMENT CENTER

COLORADO RIVER STORAGE PROJECT

SCHEDULING, SYSTEM CONTROL, AND DISPATCH SERVICE

(Approved Under Rate Order No. WAPA–169)

Effective:

Rate Schedule SP–SD4 will be placed into effect on an interim basis on the first day of the first full-billing period beginning on or after October 1, 2015, and will remain in effect until FERC confirms, approves, and places the rate schedules in effect on a final basis through September 30, 2020, or until the rate schedules are superseded.

Applicable:

Scheduling, System Control, and Dispatch service is required to schedule the movement of power through, out of, within, or into a control area. The transmission customer must purchase this service from the transmission provider. The charges for this service will be included in the CRSP transmission service rates.

Formula Rate:

Provided through the Western Area Colorado Missouri (WACM) Balancing Authority under Rate Schedule L–AS1, or as superseded.

Rate Schedule SP–RS4
SCHEDULE 2 to Tariff

(Supersedes Schedule SP–RS3)

UNITED STATES DEPARTMENT OF ENERGY

WESTERN AREA POWER ADMINISTRATION

COLORADO RIVER STORAGE PROJECT MANAGEMENT CENTER

COLORADO RIVER STORAGE PROJECT

REACTIVE SUPPLY AND VOLTAGE CONTROL FROM GENERATION AND OTHER SOURCES SERVICE

(Approved Under Rate Order No. WAPA–169)

Effective:

Rate Schedule SP–RS4 will be placed into effect on an interim basis on the first day of the first full-billing period beginning on or after October 1, 2015, and will remain in effect until FERC confirms, approves, and places the rate schedules in effect on a final basis through September 30, 2020, or until the rate schedules are superseded.

Applicable:

To all CRSP transmission customers receiving this service.

Formula Rate:

Provided through the Western Area Colorado Missouri (WACM) Balancing Authority under Rate Schedule L–AS2, or as superseded.

Rate Schedule SP–FR4

SCHEDULE 3 to Tariff

(Supersedes Schedule SP–FR3)

UNITED STATES DEPARTMENT OF ENERGY

WESTERN AREA POWER ADMINISTRATION

COLORADO RIVER STORAGE PROJECT MANAGEMENT CENTER

COLORADO RIVER STORAGE PROJECT

REGULATION AND FREQUENCY RESPONSE SERVICE

(Approved Under Rate Order No. WAPA–169)

Effective:

Rate Schedule SP–FR4 will be placed into effect on an interim basis on the first day of the first full-billing period beginning on or after October 1, 2015, and will remain in effect until FERC confirms, approves, and places the rate schedules in effect on a final basis through September 30, 2020, or until the rate schedules are superseded.

Applicable:

To all CRSP customers receiving this service.

Formula Rate:

Provided through the Western Area Colorado Missouri (WACM) Balancing Authority under Rate Schedule L–AS3 or as superseded. If the CRSP MC has regulation available for sale from Salt Lake City Area Integrated Projects resources, the rate will be calculated using the formula below.

$$\text{Regulation Service Rate} = \frac{\text{Total Annual Revenue Requirement for Regulation Service}}{\text{Regulating Plant Capacity}}$$

Rate Schedule SP–EI4
SCHEDULE 4 to Tariff
(Supersedes Schedule SP–EI3)

UNITED STATES DEPARTMENT OF ENERGY

WESTERN AREA POWER ADMINISTRATION

COLORADO RIVER STORAGE PROJECT MANAGEMENT CENTER

COLORADO RIVER STORAGE PROJECT

ENERGY IMBALANCE SERVICE

(Approved Under Rate Order No. WAPA–169)

Effective:

Rate Schedule SP–EI4 will be placed into effect on an interim basis on the first day of the first full-billing period beginning on or after October 1, 2015, and will remain in effect until FERC confirms, approves, and places the rate schedules in effect on a final basis through September 30, 2020, or until the rate schedules are superseded.

Applicable:

To all CRSP transmission customers receiving this service.

Formula Rates:

Provided through the Western Area Colorado Missouri (WACM) Balancing Authority under Rate Schedule L–AS4, or as superseded.

Rate Schedule SP–SSR4
SCHEDULES 5 & 6 TO TARIFF
(Supersedes Schedule SP–SSR3)

UNITED STATES DEPARTMENT OF ENERGY

WESTERN AREA POWER ADMINISTRATION

COLORADO RIVER STORAGE PROJECT MANAGEMENT CENTER

COLORADO RIVER STORAGE PROJECT

OPERATING RESERVES—SPINNING AND SUPPLEMENTAL RESERVE SERVICES

(Approved Under Rate Order No. WAPA–169)

Effective:

Rate Schedule SP–SSR4 will be placed into effect on an interim basis on the first day of the first full-billing period beginning on or after October 1, 2015, and will remain in effect until FERC confirms, approves, and places the rate schedules in effect on a final basis through September 30, 2020, or until the rate schedules are superseded.

Applicable:

To all CRSP transmission customers receiving this service.

Character of Service:

Spinning Reserve is defined in Schedule 5 of Western Area Power Administration's Open Access Transmission Tariff.

Supplemental Reserve is defined in Schedule 6 of Western Area Power Administration's Open Access Transmission Tariff.

Formula Rate:

The transmission customer serving loads within the transmission provider's balancing authority must acquire Spinning and Supplemental Reserve services from CRSP, from a third party, or by self-supply.

Rate Schedule SP–PTP8
SCHEDULE 7 to Tariff
(Supersedes Schedule SP–PTP7)

UNITED STATES DEPARTMENT OF ENERGY

WESTERN AREA POWER ADMINISTRATION

COLORADO RIVER STORAGE PROJECT MANAGEMENT CENTER

COLORADO RIVER STORAGE PROJECT

FIRM POINT-TO-POINT TRANSMISSION SERVICE

(Approved Under Rate Order No. WAPA–169)

Effective:

Rate Schedule SP–PTP8 will be placed into effect on an interim basis on the first day of the first full-billing period beginning on or after October 1, 2015, and will remain in effect until FERC confirms, approves, and places the rate schedules in effect on a final basis through September 30, 2020, or until the rate schedules are superseded.

Applicable:

The transmission customer will compensate the Colorado River Storage Project each month for Reserved Capacity under the applicable Firm Point-To-Point Transmission Service Agreement and the formula rate described herein.

Formula Rate:

$$\text{Firm Point-To-Point Transmission Rate} = \frac{\text{Annual Transmission Revenue Requirement (\$)}}{\text{Firm Transmission Capacity Reservations + Network Integration Transmission Service Capacity (kW)}}$$

A recalculated rate will go into effect every October 1 based on the above formula and updated financial and operational data. Western will notify the transmission customer annually of the recalculated rate on or before September 1. Discounts may be offered from time-to-time in accordance with Western's Open Access Transmission Tariff.

Billing:

The formula rate above applies to the maximum amount of capacity reserved for periods ranging from 1 hour to 1 month, payable whether used or not. Billing will occur monthly.

Adjustment for Losses:

Losses incurred for service under this rate schedule will be accounted for as agreed to by the parties in accordance with the service agreement. If losses are not fully provided by a transmission customer, charges for financial compensation may apply.

Rate Schedule SP–NFT7
SCHEDULE 8 to Tariff
(Supersedes Schedule SP–NFT6)

UNITED STATES DEPARTMENT OF ENERGY

WESTERN AREA POWER ADMINISTRATION

COLORADO RIVER STORAGE PROJECT MANAGEMENT CENTER

COLORADO RIVER STORAGE PROJECT

NON-FIRM POINT-TO-POINT TRANSMISSION SERVICE

(Approved Under Rate Order No. WAPA–169)

Effective:

Rate Schedule SP–NFT7 will be placed into effect on an interim basis on the first day of the first full-billing period beginning on or after October 1, 2015, and will remain in effect until FERC confirms, approves, and places the rate schedules in effect on a final basis through September 30, 2020, or until the rate schedules are superseded.

Applicable:

The transmission customer will compensate the Colorado River Storage Project each month for Non-Firm, Point-to-Point Transmission Service under the applicable Non-Firm, Point-to-Point Transmission Service Agreement and the formula rate described herein.

Formula Rate:

Maximum Non-Firm Point-To-Point Transmission Rate = Firm Point-To-Point Transmission Rate

A recalculated rate will go into effect every October 1 based on the above formula and updated financial and load data. Western will notify the transmission customer annually of the recalculated rate on or before September 1. Discounts may be offered from time-to-time in accordance with Western's Open Access Transmission Tariff.

Billing:

The formula rate above applies to the maximum amount of capacity reserved for periods ranging from 1 hour to 1 month, payable whether used or not. Billing will occur monthly.

Adjustment for Losses:

Power and energy losses incurred in connection with the transmission and delivery of power and energy under this rate schedule shall be supplied by the customer in accordance with the service contract. If losses are not fully provided by a transmission customer, charges for financial compensation may apply.

Rate Schedule SP–UU1
SCHEDULE 10 to Tariff

UNITED STATES DEPARTMENT OF ENERGY

WESTERN AREA POWER ADMINISTRATION

COLORADO RIVER STORAGE PROJECT MANAGEMENT CENTER

COLORADO RIVER STORAGE PROJECT

UNRESERVED USE PENALTIES

(Approved Under Rate Order No. WAPA–169)

Effective:

Rate Schedule SP–UU1 will be placed into effect on an interim basis on the first day of the first full-billing period beginning on or after October 1, 2015, and will remain in effect until FERC confirms, approves, and places the rate schedules in effect on a final basis through September 30, 2020, or until the rate schedules are superseded.

Applicable:

The transmission customer shall compensate the Colorado River Storage Project (CRSP) each month for any unreserved use of the transmission system (Unreserved Use) under the applicable transmission service rates as outlined herein. Unreserved Use occurs when an eligible customer uses transmission service that it has not reserved or a transmission customer uses transmission service in excess of its reserved capacity. Unreserved Use may also include a customer's failure to curtail transmission when requested.

Penalty Rate:

The penalty rate for a transmission customer that engages in Unreserved Use is 200 percent of CRSP's approved transmission service rate for point-to-point (PTP) transmission service assessed as follows:

(i) The Unreserved Use Penalty for a single hour of Unreserved Use is based upon the rate for daily firm PTP service.

(ii) The Unreserved Use Penalty for more than one assessment for a given duration (*e.g.,* daily) increases to the next longest duration (*e.g.,* weekly).

(iii) The Unreserved Use Penalty for multiple instances of Unreserved Use (*e.g.,* more than 1 hour) within a day is based on the rate for daily firm PTP service. The Unreserved Use Penalty charge for multiple instances of Unreserved Use isolated to 1 calendar week would result in a penalty based on the rate for weekly firm PTP service. The Unreserved Use Penalty charge for multiple instances of Unreserved Use during more than 1 week in a calendar month will be based on the rate for monthly firm PTP service.

A transmission customer that exceeds its firm reserved capacity at any point of receipt or point of delivery or an eligible customer that uses transmission service at a point of receipt or point of delivery that it has not reserved is required to pay for all ancillary services identified in Western's Open Access Transmission Tariff that were provided by the CRSP and associated with the Unreserved Use. The customer will pay for ancillary services based on the amount of transmission service it used and did not reserve.

Rate:

The rate for Unreserved Use Penalties is 200 percent of Western's approved rate for firm point-to-point transmission service assessed as described above. Any change to the rate for Unreserved Use Penalties will be listed in a revision to this rate schedule issued under applicable Federal laws and policies

and made part of the applicable service agreement.

[FR Doc. 2015–21904 Filed 9–2–15; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2015–0611; FRL–9933–55–ORD]

Board of Scientific Counselors (BOSC) Sustainable and Healthy Communities Subcommittee Meeting—September 2015

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The U.S. Environmental Protection Agency (EPA), Office of Research and Development (ORD), gives notice of a meeting of the Board of Scientific Counselors (BOSC) Sustainable and Healthy Communities (SHC) Subcommittee.

DATES: The meeting will be held on Thursday, September 24, 2015, from 8:00 a.m. to 5:00 p.m., and will continue on Friday, September 25, 2015, from 8:30 a.m. until 4:00 p.m. All times noted are Eastern Daylight Time and are approximate. Attendees should register by September 16, 2015, at the following Eventbrite Web site: *https://www.eventbrite.com/e/us-epa-bosc-sustainable-and-healthy-communities-subcommittee-tickets-17480310078.* Requests for the draft agenda or for submitting written comments will be accepted up to September 22, 2015.

ADDRESSES: The meeting will be held at the EPA's Main Campus Facility, C111–C, 109 T.W. Alexander Drive, Research Triangle Park, North Carolina 27711. Submit your comments, identified by Docket ID No. EPA–HQ–ORD–2015–0611, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email:* Send comments by electronic mail (email) to: *ORD.Docket@epa.gov,* Attention Docket ID No. EPA–HQ–ORD–2015–0611.
- *Fax:* Fax comments to: (202) 566–0224, Attention Docket ID No. EPA–HQ–ORD–2015–0611.
- *Mail:* Send comments by mail to: Board of Scientific Counselors (BOSC) Sustainable and Healthy Communities Subcommittee Docket, Mail Code: 2822T, 1301 Constitution Ave. NW., Washington, DC 20004, Attention Docket ID No. EPA–HQ–ORD–2015–0611.
- *Hand Delivery or Courier:* Deliver comments to: EPA Docket Center (EPA/DC), Room 3334, William Jefferson Clinton West Building, 1301 Constitution Ave. NW., Washington, DC, Attention Docket ID No. EPA–HQ–ORD–2015–0611. **Note:** This is not a mailing address. Deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–ORD–2015–0611. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/dockets/.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Board of Scientific Counselors (BOSC) Sustainable and Healthy Communities Subcommittee Docket, EPA/DC, William Jefferson Clinton West Building, Room 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 ORD Docket is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer (DFO) via mail at: Jace Cujé, Mail Code 8104R, Office of Science Policy, Office of Research and Development, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; via phone/voice mail at: (202) 564–1795; via fax at: (202) 565–2911; or via email at: *cuje.jace@epa.gov.*

SUPPLEMENTARY INFORMATION: *General Information:* The BOSC was established by the EPA to provide advice, information, and recommendations regarding the ORD research programs. The BOSC is federal advisory committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. Pursuant to FACA and EPA policy, notice is hereby given that the BOSC SHC Subcommittee will hold a meeting to deliberate on the future direction of ORD's SHC research program.

This meeting is open to the public. Any member of the public interested in receiving a draft agenda, attending the meeting, or making a presentation at the meeting may contact Jace Cujé, DFO, via any of the contact methods listed in the **FOR FURTHER INFORMATION CONTACT** section above. Proposed agenda items for the meeting include, but are not limited to, the following: Overview of materials provided to the subcommittee; Overview of ORD; Overview of ORD's SHC Research Program; Poster sessions; SHC Tools Café; Program and Regional Office perspectives; Public comments; and Subcommittee discussion. Members of the public wishing to provide comment in person should register by September 16, 2015, via the Eventbrite site noted above and contact the DFO directly.

Written Statements: Written statements for the public meeting should be received by the DFO via email at the contact information listed above by September 21, 2015. Written statements should be supplied in one of the following electronic formats: Adobe Acrobat PDF, MS Word, MS Power Point, or Rich Text format.

Oral Statements: In general, each individual making an oral presentation at the public meeting will be limited to a total of three minutes. Each person

making an oral statement should also consider providing written comments so that the points presented orally can be expanded upon in writing. Interested parties should contact the DFO in writing (preferably via email) at the contact information noted above by September 16, 2015, to be placed on the list of public speakers for the BOSC meeting.

For security purposes, all attendees must provide their names to the DFO and register online at *https://www.eventbrite.com/e/us-epa-bosc-sustainable-and-healthy-communities-subcommittee-tickets-17480310078* by September 16, 2015. Upon entering the EPA building, attendees will be required to sign in with the security desk, go through a metal detector, and show government-issued photo identification to enter the building. Attendees are encouraged to arrive at least 15 minutes prior to the start of the meeting to allow sufficient time for security screening.

Information on Services for Individuals with Disabilities: For information on access or services for individuals with disabilities, please contact Jace Cujé at (202) 564–1795 or *cuje.jace@epa.gov.* To request accommodation of a disability, please contact Jace Cujé, preferably at least ten days prior to the meeting, to give the EPA as much time as possible to process your request.

Dated: August 27, 2015.

Fred S. Hauchman,

Director, Office of Science Policy.

[FR Doc. 2015–21918 Filed 9–2–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10241 Bank of Florida—Southeast Ft. Lauderdale, Florida

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Bank of Florida—Southeast, Ft. Lauderdale, Florida (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Bank of Florida—Southeast on May 28, 2010. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: August 31, 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–21890 Filed 9–2–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10242 Bank of Florida—Southwest Naples, Florida

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Bank of Florida—Southwest, Naples, Florida (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Bank of Florida—Southwest on May 28, 2010. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: August 31, 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–21891 Filed 9–2–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10357 Rosemount National Bank, Rosemount, Minnesota

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Rosemount National Bank, Rosemount, Minnesota (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Rosemount National Bank on April 15, 2011. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: August 31, 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–21892 Filed 9–2–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Agency Information Collection Activites; New Information Collection Request

AGENCY: Federal Maritime Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.,* the Federal Maritime Commission (FMC or Commission) announces plans to submit a Generic Information Collection Request (ICR) to the Office of Management and Budget (OMB) to collect information for requests for dispute resolution services submitted to its Office of Consumer Affairs and Dispute Resolution Services (CADRS). Prior to submitting the ICR to OMB, the FMC invites comments from the public on the ICR.

DATES: Comments must be received by November 3, 2015.

ADDRESSES: Submit your comments to *omd@fmc.gov* (as attachments preferably in Microsoft Word or PDF), or mail comments to: Vern W. Hill, Managing Director, Office of the Managing Director, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573–0001.

FOR FURTHER INFORMATION CONTACT: To request more information or to obtain a copy of the data collection plans and draft instruments, email *omd@fmc.gov* or call Donna Lee at (202) 523–5800. When submitting comments or requesting information, please include the information collection request title for reference. Comments submitted in response to this Notice will be included or summarized in the ICR to OMB. All comments are part of the public record and subject to disclosure.

SUPPLEMENTARY INFORMATION:

Title: Request for Dispute Resolution Service.

OMB Control Number: New.

Type of Review: New Generic Information Collection.

Frequency of Response: On occasion.

Respondents/Affected Public: Companies or individuals seeking ombuds or mediation assistance from the Federal Maritime Commission's Office of Consumer Affairs and Dispute Resolution Services.

Estimated Total Number of Potential Annual Responses: 1,000.

Estimated Total Number of Responses for each Respondent: 1.

Estimated Total Annual Burden Hours per Response: 20 minutes.

Total Estimated Number of Annual Burden Hours: 333.

Abstract: As requested by the shipping public and the regulated industry, the FMC, through CADRS, provides ombuds and mediation services to assist parties in resolving international ocean cargo shipping or passenger vessel (cruise) disputes without resorting to litigation or administrative adjudication. These functions focus on addressing issues that members of the regulated industry and the shipping public may encounter at any stage of a commercial or customer dispute. In order to provide its ombuds and mediation services, CADRS needs certain identifying information about the involved parties, shipments, and nature of the dispute. In response to requests for assistance from the public, CADRS requests this information from parties seeking its assistance. The collection and use of this information on a cargo or cruise dispute is integral to CADRS staff's ability to efficiently review the matter and provide assistance. Aggregated information may be used for statistical purposes. Currently, this information is collected in a non-uniform manner in response to requests for CADRS assistance. *http://www.fmc.gov/resources/requesting_cadrs_assistance.aspx.*

As required by the Administrative Dispute Resolution Act (ADRA), 5 U.S.C. 571–574, the information contained in these forms is treated as confidential and subject to the same confidentiality provisions as administrative dispute resolutions pursuant to 5 U.S.C. 574. Except as specifically set forth in 5 U.S.C. 574, neither CADRS staff nor the parties to a dispute resolution shall disclose any informal dispute resolution communication.

This information collection is subject to the PRA. The FMC may not conduct or sponsor a collection of information, and the public is 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 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.

Request for Comments

The FMC solicits written comments from all interested persons about the proposed collection of information. The Commission specifically solicits information relevant to the following topics: (1) Whether the collection of information described above is necessary for the proper performance of the Commission's functions, including whether the information would have practical utility; (2) whether the estimated burden of the proposed collection of information is accurate; (3) whether the quality, utility, and clarity of the information to be collected could be enhanced; and (4) whether the burden imposed by the collection of information could be minimized by use of automated, electronic, or other forms of information technology.

The FMC 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 pursuant to 5 CFR 1320.10. FMC will issue another **Federal Register** announcement pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have questions about this ICR or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 46 U.S.C. 40101 *et seq.*

Karen V. Gregory,

Secretary.

[FR Doc. 2015–21916 Filed 9–2–15; 8:45 am]

BILLING CODE 6731–AA–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 28, 2015.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Independent Bank Group, Inc.*, McKinney, Texas; to acquire 100 percent of the voting shares of Grand Bank, Dallas, Texas.

Board of Governors of the Federal Reserve System, August 31, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–21897 Filed 9–2–15; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–3043]

Compressed Medical Gases-Warning Letters for Specific Violations Covering Liquid and Gaseous Oxygen; Withdrawal of Compliance Policy Guide

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; withdrawal.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal of Compliance Policy Guide (CPG) Section 435.100, entitled ''Compressed Medical Gases—Warning Letters for Specific Violations Covering Liquid and Gaseous Oxygen.''

DATES: The withdrawal is effective September 3, 2015.

FOR FURTHER INFORMATION CONTACT: Mary E. Kennelly, Office of Regulatory Affairs, 10903 New Hampshire Ave., Bldg. 32, Rm. 4338, Silver Spring, MD 20993, 240–402–9577.

SUPPLEMENTARY INFORMATION: A Compliance Policy Guide (CPG) on medical gases was originally issued on November 5, 1987, in the Agency's Manual of Compliance Policy Guides. In a notice published in the **Federal Register** of September 16, 1992 (57 FR 42757), FDA announced the availability of a revised CPG on this topic entitled ''Compressed Medical Gases—Warning Letters for Specific Violations Covering Liquid and Gaseous Oxygen'' (CPG 7132a.16). Subsequently, the Agency's Manual of Compliance Policy Guides was reorganized and this material became Section 435.100. The CPG provided guidance to FDA district offices for issuing warning letters to firms that are engaged in filling cylinders with gas(es) for medical use that are not operating in conformance with the adulteration, misbranding, and/or new drug provisions of the Federal Food, Drug, and Cosmetic Act.

On March 15, 2015, FDA implemented the revised Compliance Program Guidance Manual (CPGM) 7356.002E, entitled ''Compressed Medical Gases,'' available at *http://www.fda.gov/downloads/ICECI/ComplianceManuals/ComplianceProgramManual/UCM125417.pdf.* CPGM 7356.002E instructs FDA staff regarding a range of subjects, including, but not limited to, the inspections and investigations, regulatory and/or administrative action, and the issuance of warning letters related to compressed medical gases. As the CPGM 7356.002E articulates FDA's current thinking on issuing warning letters related to compressed medical gases, CPG Section 435.100 is withdrawn.

Dated: August 28, 2015.

Steven Solomon,

Deputy Associate Commissioner for Regulatory Affairs.

[FR Doc. 2015–21874 Filed 9–2–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–3137]

Advisory Committee; Nonprescription Drugs Advisory Committee, Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of advisory committee.

SUMMARY: The Food and Drug Administration (FDA) is announcing the renewal of the Nonprescription Drugs Advisory Committee by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the Nonprescription Drugs Advisory Committee for an additional 2 years beyond the charter expiration date. The new charter will be in effect until the August 27, 2015, expiration date.

DATES: Authority for the Nonprescription Drugs Advisory Committee will expire on August 27, 2017, unless the Commissioner formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Moon Hee V. Choi, Division of Advisory Committee and Consultant Management, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, *NDAC@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 41 CFR 102–3.65 and approval by the Department of Health and Human Services pursuant to 45 CFR part 11 and by the General Services Administration, FDA is announcing the renewal of the Nonprescription Drugs Advisory Committee. The Committee is a discretionary Federal advisory committee established to provide advice to the Commissioner. The Committee advises the Commissioner or designee in discharging responsibilities as they relate to helping to ensure safe and effective drugs for human use and, as required, any other product for which FDA has regulatory responsibility.

The Committee reviews and evaluates available data concerning the safety and effectiveness of over-the-counter (nonprescription) human drug products, or any other FDA-regulated product, for use in the treatment of a broad spectrum of human symptoms and diseases and advises the Commissioner either on the promulgation of monographs establishing conditions under which these drugs are generally recognized as safe, effective, not misbranded, and on the approval of new drug applications. The Committee serves as a forum for the exchange of views regarding the prescription and nonprescription status, including switches from one status to another. The Committee may also conduct peer review of Agency sponsored intramural and extramural scientific biomedical programs in support of FDA's mission and regulatory responsibilities.

The Committee shall consist of a core of 10 voting members including the Chair. Members and the Chair are selected by the Commissioner or designee from among authorities knowledgeable in the fields of internal medicine, family practice, clinical toxicology, clinical pharmacology, pharmacy, dentistry, and related specialties. Members will be invited to serve for overlapping terms of up to 4 years. Almost all non-Federal members of this committee serve as Special Government Employees. The core of

voting members may include one technically qualified member, selected by the Commissioner or designee, who is identified with consumer interests and is recommended by either a consortium of consumer-oriented organizations or other interested persons. In addition to the voting members, the Committee may include one non-voting member who is identified with industry interests.

Further information regarding the most recent charter and other information can be found at *http://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/Drugs/NonprescriptionDrugsAdvisoryCommittee/default.htm* or by contacting the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**). In light of the fact that no change has been made to the committee name or description of duties, no amendment will be made to 21 CFR 14.100. This document is issued under the Federal Advisory Committee Act (5 U.S.C. app.). For general information related to FDA advisory committees, please visit us at *http://www.fda.gov/AdvisoryCommittees/default.htm.*

Dated: August 28, 2015.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2015–21914 Filed 9–2–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Center for Family/Professional Partnerships Cooperative Agreement

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice of Single-Case Deviation from Competition Requirement for Program Expansion for the National Center for Family/Professional Partnerships Cooperative Agreement at Family Voices, Grant Number U40MC00149.

SUMMARY: HRSA announces its intent to award a program expansion supplement in the amount of $118,700 for the National Center for Family/Professional Partnerships (NCFPP) cooperative agreement. The purpose of the NCFPP cooperative agreement, as stated in the funding opportunity announcement, is to improve the health delivery system and quality of life for children (and youth) with special health care needs (CSHCN) and their families. Strategies may include: (1) Family-centered care, (2) cultural and linguistic competence, and (3) shared decision-making for families of CSHCN at all levels of decision-making (individual, peer, community, etc.). Family/Professional Partnership program activities are primarily carried out through federal leadership strategies, the NCFPP cooperative agreement and state implementation grants in the form of Family-to-Family Health Information Centers. The purpose of this notice is to award supplemental funds to coordinate among leadership trainings for families partnering on state and national level system and service improvements by Family Voices, the cooperative agreement awardee who serves as the NCFPP, during the budget period of 6/1/2015– 5/31/2016.

SUPPLEMENTARY INFORMATION:

Intended Recipient of the Award: Family Voices, Inc.

Amount of the Non-Competitive Award: $118,700.

Period of Supplemental Funding: 6/1/2015–5/31/2016.

CFDA Number: 93.110.

Authority: Social Security Act, Title V, Section 501(a)(1)(D), (42 U.S.C. 701(a)(1)(D)).

Justification

The Institute of Medicine Report *Crossing the Quality Chasm: A New Health System for the 21st Century* established shared decision-making and patient/family centered care as key elements of a quality health care system. National quality indicators of family/professional partnership, shared-decision-making, and patient/family-centered care show that children (and youth) with special health care needs (CSHCN) benefit from family/patient-centered care by improved transition from pediatric to adult health care systems, fewer unmet needs and fewer problems accessing needed referrals. Several MCHB programs rely on families as key partners in the improvement of overall systems and services, based on their personal experiences and their work with other families. There is a need for coordination among leadership trainings, including ongoing mentoring and technical assistance, for families partnering on state and national level system and service improvements. Meeting these needs would support a sustainable approach to leadership development that can be maintained by both individuals and organizations, linking together key MCHB investments by supporting State Title V agencies.

The purpose of the NCFPP cooperative agreement, as stated in the funding opportunity announcement, is to improve the health delivery system and quality of life for CSHCN and their families. Strategies may include: (1) Family-centered care, (2) cultural and linguistic competence, and (3) shared decision-making for families of CSHCN at all levels of decision-making (individual, peer, community, etc.). Family/Professional Partnership program activities are primarily carried out through federal leadership strategies, the NCFPP cooperative agreement and state implementation grants in the form of Family-to-Family Health Information Centers. In 2013, following objective review of its application, HRSA awarded Family Voices cooperative agreement funding for the NCFPP. If approved, this would be the first project expansion supplement for this project.

For over two decades Family Voices has brought the voice of families of CSHCN to the healthcare arena and demonstrated the value of family perspectives in shaping healthcare systems and services to maximize outcomes for families and their children. Its infrastructure is based on a network of family-led organizations at the national, state, and local levels including the Family-to-Family Health Information Centers and Family Voices State Affiliate Organizations. It facilitates the work of a community of family leaders through peer mentoring, training, and technical assistance. It partners with key MCHB programs and stakeholders including State Title V agencies.

Results were recently released from a survey of state Title V organizations' progress in engaging families and consumers. From this information, Family Voices recognized a need for ongoing development of a continually renewed pipeline of family leaders from diverse racial and cultural communities and from populations served across all MCHB programs. Thus, they submitted a proposal requesting to supplement the NCFPP cooperative agreement with activities to meet this need.

The proposed project aligns with NCFPP's current project plan in its efforts to increase the capacity of families, Title V and other providers to strengthen the primary care workforce through family/professional partnership learning opportunities (Goal 2). Family Voices, working with MCHB, would coordinate with other MCHB-funded initiatives to identify needs and develop a framework for an evidence-based/informed family leadership training aimed at supporting family leaders

participating at state and national levels. To support this primary activity, it would also develop an inventory of current resources related to family leadership development, create a National Family and Youth Leadership Team, and provide technical support and assistance to family leaders to ensure they have the ongoing capacity to participate in community, state, and national systems change.

FOR FURTHER INFORMATION CONTACT: LaQuanta Person Smalley, MPH, Division of Services for Children with Special Health Needs, Maternal and Child Health Bureau, Health Resources and Services Administration, 5600 Fishers Lane, Room 13–103, Rockville, Maryland 20857; *lsmalley@hrsa.gov.*

Grantee/Organization name	Grant No.	State	FY 2015 authorized funding level	FY 2015 estimated supplemental funding
Family Voices, Inc	U40MC00149	NM	$475,000	$118,700

Dated: August 27, 2015.

James Macrae,

Acting Administrator.

[FR Doc. 2015–21885 Filed 9–2–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Home Visiting Program

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice of Single-Case Deviation for a 12-month project period extension with full funding to the Home Visiting Research Network Cooperative Agreement to the Johns Hopkins University, Grant Number UD5MC24070.

SUMMARY: HRSA has issued a 12-month project period extension with full funding for the Home Visiting Research Network Cooperative Agreement (HVRN) for the current budget period to Johns Hopkins University (JHU). JHU will continue responsibility for the HVRN and receive one year of additional funding for year 4 in the amount of $299,000 for Grant Number UD5MC24070, during the budget period of 7/1/2015–6/30/2016 to support the objectives of the HVRN.

The Maternal, Infant, and Early Childhood Home Visiting Program is authorized by the Social Security Act, Title V, Part D, Section 511(h)(3) (42 U.S.C. 711(h)(3)).

The Home Visiting Research Network carries out a continuous program of research and evaluation activities in order to increase knowledge about the implementation and effectiveness of home visiting programs, with the goal of improving health, development, and family outcomes for mothers, infants, and young children.

SUPPLEMENTARY INFORMATION:

Intended Recipients of the Award: The Johns Hopkins University.

Amount of the Non-Competitive Award: $299,000.

CFDA Number: 93.505.

Current Project Period: 07/01/2012–06/30/2015.

Period of Low-Cost Extension: 7/1/2015–6/30/2016.

Authority: Social Security Act, Title V, Part D, Section 511(h)(3) (42 U.S.C. 701(h)(3)).

Justification

HRSA has awarded a 12-month project period extension with full funding of the approved Federal direct cost budget authorized for the current budget period to Johns Hopkins University for the Home Visiting Research Network (HVRN) for the purpose of continuing the HVRN for an additional year.

The current HVRN recipient continues to achieve the original goals required by HRSA and an additional award year will further accelerate the project to build on its national leadership in the field of home visiting research, seamlessly continue its cultivation of new funders to support new network translational and practice-based research, and capitalize on the increasing visibility of MIECHV which engages more communities, stakeholders and investors.

Not only will this additional year allow for uninterrupted growth of the network activities, but also this additional time will also allow HRSA to better align future HVRN funding opportunity announcements with current home visiting research needs based on the outcomes of the FY 2014 performance improvement assessment and benchmark improvement needs.

FOR FURTHER INFORMATION CONTACT: David Willis, MD, FAAP, Division of Home Visiting and Early Childhood Systems, Maternal and Child Health Bureau, Health Resources and Services Administration, 5600 Fishers Lane, Room 10–86, Rockville, Maryland 20857; *DWillis@hrsa.gov.*

Grantee/Organization Name	Grant No.	State	FY 2014 authorized funding level	FY 2015 estimated funding level
The Johns Hopkins University	UD5MC24070	MD	$462,069	$299,000

Dated: August 27, 2015.

James Macrae,

Acting Administrator.

[FR Doc. 2015–21886 Filed 9–2–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial

property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Production Assistance for Cellular Therapies (PACT)—Cell Processing Facilities.

Date: September 29, 2015.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Susan Wohler Sunnarborg, Ph.D. Scientific Review Officer, Office of Scientific Review/DERA National, Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7182, Bethesda, MD 20892 *sunnarborgsw@nhlbi.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Production Assistance for Cellular Therapies (PACT) Coordinating Center.

Date: September 29, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Susan Wohler Sunnarborg, Ph.D. Scientific Review Officer, Office of Scientific Review/DERA National, Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7182, Bethesda, MD 20892 *sunnarborgsw@nhlbi.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: August 28, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–21887 Filed 9–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4235–DR; Docket ID FEMA–2015–0002]

Commonwealth of the Northern Mariana Islands; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of the Northern Mariana Islands (FEMA–4235–DR), dated August 5, 2015, and related determinations.

DATES: *Effective Date:* August 18, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of the Northern Mariana Islands is hereby amended to include additional categories of work under the Public Assistance program for those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of August 5, 2015.

The island of Saipan for Public Assistance [Categories C–G] (already designated for Individual Assistance and debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public Assistance program).

The island of Tinian for Public Assistance [Categories C–G] (already designated for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–21884 Filed 9–2–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3372–EM; Docket ID FEMA–2015–0002]

Washington; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Washington (FEMA–3372–EM), dated August 21, 2015, and related determinations.

DATES: *Effective date:* August 21, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 21, 2015, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of Washington resulting from wildfires beginning on August 13, 2015, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the State of Washington.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that

pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Benigno Bern Ruiz, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of Washington have been designated as adversely affected by this declared emergency:

The counties of Asotin, Chelan, Douglas, Ferry, Klickitat, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, and Yakima and the Confederated Tribes of the Colville Reservation, Kalispel Tribe of Indians, Spokane Tribe of Indians, and the Confederated Tribes and Bands of the Yakama Nation for emergency protective measures (Category B), limited to direct federal assistance, under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–21883 Filed 9–2–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of October 16, 2015 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov*; or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: August 10, 2015.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Watershed-based studies:

Community	Community map repository address
Lower Wisconsin Watershed	
Crawford County, Wisconsin, and Incorporated Areas Docket No.: FEMA–B–1434	
City of Prairie du Chien	City Hall, 214 East Blackhawk Avenue, Prairie du Chien, WI 53821.
Unincorporated Areas of Crawford County	Administration Building, 225 North Beaumont Road, Prairie du Chien, WI 53821.
Village of Bell Center	Village Hall, 430 Bell Center Road, Bell Center, WI 54631.
Village of Ferryville	Village Hall, 170 Pine Street, Ferryville, WI 54631.
Village of Gays Mills	Village Hall, 16381 State Highway 131, Gays Mills, WI 54631.
Village of Lynxville	Village Hall, 475 Bench Street, Lynxville, WI 54626.
Village of Soldiers Grove	Village Hall, 102 Passive Sun Drive, Soldiers Grove, WI 54655.

Community	Community map repository address
Village of Steuben	Village Hall, 123 Midway Street, Steuben, WI 54657.
Village of Wauzeka	Village Hall, 213B East Front Street, Wauzeka, WI 53826.

II. Non-watershed-based studies:

Community	Community map repository address
Yavapai County, Arizona, and Incorporated Areas Docket No.: FEMA–B–1266	
City of Cottonwood	Public Works Department, 1490 West Mingus Avenue, Cottonwood, AZ 86326.
Town of Camp Verde	Town Clerk's Office, 473 South Main Street, Suite 102, Camp Verde, AZ 86322.
Town of Clarkdale	Public Works Department, 890 Main Street, Clarkdale, AZ 86324.
Unincorporated Areas of Yavapai County	Yavapai County Flood Control District Office, 1120 Commerce Drive, Prescott, AZ 86305.
Des Moines County, Iowa, and Incorporated Areas Docket No.: FEMA–B–1415	
City of Burlington	Development Department, 400 Washington Street, Burlington, IA 52601.
Unincorporated Areas of Des Moines County	Southeast Iowa Regional Planning Commission, 200 North Front Street, Suite 400, Burlington, IA 52601.
Louisa County, Iowa, and Incorporated Areas Docket No.: FEMA–B–1415	
City of Oakville	City Hall, 601 Second Street, Oakville, IA 52646.
Unincorporated Areas of Louisa County	County Courthouse, 117 South Main Street, Wapello, IA 52653.
Stillwater County, Montana, and Incorporated Areas Docket No.: FEMA–B–1418	
Town of Columbus	Stillwater County West Annex, 431 Quarry Road, Columbus, MT 59019.
Unincorporated Areas of Stillwater County	Stillwater County West Annex, 431 Quarry Road, Columbus, MT 59019.
Mercer County, North Dakota, and Incorporated Areas Docket No.: FEMA–B–1427	
City of Beulah	Beulah City Hall, 120 Central Avenue North, Beulah, ND 58523.
City of Golden Valley	City Hall, 110 1st Avenue SW, Golden Valley, ND 58541.
City of Hazen	City Planner, 146 Main Street East, Hazen, ND 58545.
City of Stanton	City Hall, 109 Harmon Avenue, Stanton, ND 58571.
City of Zap	Auditor, City of Zap, 121 Main Street, Zap, ND 58580.
Three Affiliated Tribes of The Fort Berthold Reservation	Three Affiliated Tribes of Fort Berthold, 404 Frontage Road, New Town, ND 58763.
Unincorporated Areas of Mercer County	Department of Emergency Services, 1021 Arthur Street, Stanton, ND 58571.
Morton County, North Dakota, and Incorporated Areas Docket No.: FEMA–B–1427	
City of Hebron	City Hall, 620 Washington Avenue, Hebron, ND 58638.
City of Mandan	City Hall, 205 2nd Avenue NW, Mandan, ND 58554.
Unincorporated Areas of Morton County	Morton County Courthouse, 210 2nd Avenue NW, Mandan, ND 58554.
Traill County, North Dakota, and Incorporated Areas Docket No.: FEMA–B–1433	
Township of Belmont	Traill County Courthouse, 114 West Caledonia Avenue, Hillsboro, ND 58045.
Township of Bingham	Traill County Courthouse, 114 West Caledonia Avenue, Hillsboro, ND 58045.
Township of Caledonia	Traill County Courthouse, 114 West Caledonia Avenue, Hillsboro, ND 58045.
Township of Elm River	Traill County Courthouse, 114 West Caledonia Avenue, Hillsboro, ND 58045.

Community	Community map repository address
Townshipof Herberg	Traill County Courthouse, 114 West Caledonia Avenue, Hillsboro, ND 58045.
Greene County, Pennsylvania (All Jurisdictions) Docket No.: FEMA–B–1429	
Borough of Carmichaels	Borough Building, 100 West George Street, Carmichaels, PA 15320.
Borough of Clarksville	Borough Office, 300 Factory Street, Clarksville, PA 15322.
Borough of Greensboro	Borough Office, 405 Front Street, Greensboro, PA 15338.
Borough of Rices Landing	Borough Municipal Building, 137 Main Street, Rices Landing, PA 15357.
Borough of Waynesburg	Borough Office, 90 East High Street, Waynesburg, PA 15370.
Township of Aleppo	Aleppo Township Municipal Building, 815 Aleppo Road, New Freeport, PA 15352.
Township of Center	Center Township Municipal Building, 100 Municipal Drive, Rogersville, PA 15359.
Township of Cumberland	Cumberland Township Municipal Building, 100 Municipal Road, Carmichaels, PA 15320.
Township of Dunkard	Dunkard Township Office, 370 North Moreland Street, Bobtown, PA 15315.
Township of Franklin	Franklin Township Municipal Building, 568 Rolling Meadows Road, Waynesburg, PA 15370.
Township of Freeport	Freeport Township Office, 773 Golden Oaks Road, New Freeport, PA 15352.
Township of Gilmore	Gilmore Township Municipal Building, 181 Hero Road, New Freeport, PA 15352.
Township of Gray	Gray Township Municipal Building, 201 Stringtown Road, Graysville, PA 15337.
Township of Greene	Greene Township Office, 243 Garards Fort Road, Garards Fort, PA 15334.
Township of Jackson	Jackson Township Building, 104 Tunnel Road, Holbrook, PA 15341.
Township of Jefferson	Jefferson Township Municipal Building, 173 Goslin Road, Rices Landing, PA 15357.
Township of Monongahela	Monongahela Township Office Building, 128 Maple Ridge Road, Greensboro, PA 15338.
Township of Morgan	Morgan Township Municipal Building, 1019 3rd Street Extension, Mather, PA 15346.
Township of Morris	Morris Township Municipal Building, 1317 Browns Creek Road, Sycamore, PA 15364.
Township of Perry	Perry Township Municipal Building, 799 Big Shannon Run Road, Mount Morris, PA 15349.
Township of Richhill	Richhill Township Municipal Building, 109 Municipal Lane, Wind Ridge, PA 15380.
Township of Springhill	Springhill Township Municipal Building, 268 Windy Gap Road, Aleppo, PA 15310.
Township of Washington	Washington Township Municipal Office, 112 Municipal Lane, Prosperity, PA 15329.
Township of Wayne	Wayne Township Municipal Building, 132 Spraggs Road, Spraggs, PA 15362.
Township of Whiteley	Whiteley Township Municipal Building, 1426 Kirby Road, Waynesburg, PA 15370.
Washington County, Wisconsin, and Incorporated Areas Docket No.: FEMA–B–1356	
City of Hartford	City Hall, 109 North Main Street, Hartford, WI 53027.
Unincorporated Areas of Washington County	Washington County Government Center, 432 East Washington Street, West Bend, WI 53095.
Village of Germantown	Village Hall, N112 W17001 Mequon Road, Germantown, WI 53022.
Village of Richfield	Village Hall, 4128 Hubertus Road, Hubertus, WI 53033.
Village of Slinger	Village Hall, 300 Slinger Road, Slinger, WI 53086.

[FR Doc. 2015–21882 Filed 9–2–15; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2008–0010]

Board of Visitors for the National Fire Academy

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee Management; Notice of Open Federal Advisory Committee Meeting.

SUMMARY: The Board of Visitors for the National Fire Academy (Board) will meet on September 22–23, 2015, in Emmitsburg, Maryland. The meeting will be open to the public.

DATES: The meeting will take place on Tuesday, September 22, 8:30 a.m. to 5:00 p.m. Eastern Daylight Time and on Wednesday, September 23, 8:30 a.m. to 5:00 p.m. Eastern Daylight Time. Please note that the meeting may close early if the Board has completed its business.

ADDRESSES: The meeting will be held at the National Emergency Training Center, 16825 South Seton Avenue, Building H, Room 300, Emmitsburg, Maryland. Members of the public who wish to obtain details on how to gain access to the facility and directions may contact Ruth MacPhail as listed in the **FOR FURTHER INFORMATION CONTACT** section by close of business September 15, 2015. Picture identification is needed for access. Members of the public may also participate by teleconference and may contact Ruth MacPhail to obtain the call-in number and access code. For information on services for individuals with disabilities or to request special assistance, contact Ruth MacPhail as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Board as listed in the **SUPPLEMENTARY INFORMATION** section. Comments must be submitted in writing no later than September 15, 2015, must be identified by Docket ID FEMA–2008–0010 and may be submitted by *one* of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Email: *FEMA–RULES@fema.dhs.gov.* Include the docket number in the subject line of the message.
- Mail/Hand Delivery: Ruth MacPhail, 16825 South Seton Avenue, Emmitsburg, Maryland 21727.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the Docket ID 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 National Fire Academy Board of Visitors, go to *http://www.regulations.gov,* click on ''Advanced Search,'' then enter ''FEMA–2008–0010'' in the ''By Docket ID'' box, then select ''FEMA'' under ''By Agency,'' and then click ''Search.'' Meeting materials will be posted at *http://www.usfa.fema.gov/nfa/about/bov.shtm* by September 15, 2015.

FOR FURTHER INFORMATION CONTACT: *Alternate Designated Federal Officer:* Kirby E. Kiefer, telephone (301) 447–1117, email *Kirby.Kiefer@fema.dhs.gov.*

Logistical Information: Ruth MacPhail, telephone (301) 447–1117, fax (301) 447–1173, and email *Ruth.Macphail@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Board of Visitors for the National Fire Academy (Board) will meet on Tuesday, September 22, and Wednesday, September 23, 2015. The meeting will be open to the public. Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix.

Purpose of the Board

The purpose of the Board is to review annually the programs of the National Fire Academy (NFA) and advise the Administrator of the Federal Emergency Management Agency (FEMA), through the United States Fire Administrator, on the operation of the NFA and any improvements therein that the Board deems appropriate. In carrying out its responsibilities, the Board examines NFA programs to determine whether these programs further the basic missions that are approved by the Administrator of FEMA, examines the physical plant of the NFA to determine the adequacy of the NFA's facilities, and examines the funding levels for NFA programs. The Board submits a written annual report through the United States Fire Administrator to the Administrator of FEMA. The report provides detailed comments and recommendations regarding the operation of the NFA.

Agenda

On the first day of the meeting, there will be five sessions, with deliberations and voting at the end of each session as necessary. The Board will also select a Chairperson and Vice Chairperson for Fiscal Year 2016.

1. The Board will receive updates on U.S. Fire Administration data, research, and response support initiatives.

2. The Board will then deliberate and vote on recommendations on NFA program activities, including:

- The Managing Officer Program, a multiyear curriculum that introduced emerging emergency services leaders to personal and professional skills in change management, risk reduction, and adaptive leadership; a progress report on this new program will be discussed;
- Report of the Executive Fire Officer Program (EFOP) Symposium held September 10–12, 2015; an annual event for alumni which recognizes outstanding applied research completed by present EFOP participants, recognizes recent EFOP graduates, provides high-quality presentations offered by private and public sector representatives, facilitates networking between EFOP graduates, promotes further dialog between EFOP graduates and U.S. Fire Administrator and National Fire Academy faculty and staff.
- Curriculum and Instruction program activities;
- Status of Staff Vacancies and Challenges;
- Resident class enrollment increase.
- Report of the Annual National Professional Development Symposium and Support Initiatives, held June 10–12, 2015, which brought national training and education audiences together for their annual conference and support initiatives.

3. The Board will then discuss deferred maintenance and capital improvements on the National Emergency Training Center campus and Fiscal Year 2015 Budget Request/Budget Planning.

4. The Board will then receive annual ethics training.

5. The Board will also conduct classroom visits.

On the second day, the Board will continue classroom visits, as well as tour the campus facility. The Board will then engage in an annual report writing session. Deliberations or voting may occur as needed during the report writing session.

There will be a 10-minute comment period after each agenda item; each speaker will be given no more than 2 minutes to speak. Please note that the public comment period may end before the time indicated, following the last call for comments. Contact Ruth MacPhail to register as a speaker.

Dated: August 28, 2015.

Terry P. Gladhill,

Executive Officer, National Fire Academy, United States Fire Administration, Federal Emergency Management Agency.

[FR Doc. 2015–21835 Filed 9–2–15; 8:45 am]

BILLING CODE 9111–45–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2570–15; DHS Docket No. USCIS–2015–0005]

RIN 1615–ZB41

Designation of the Republic of Yemen 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) has designated the Republic of Yemen (Yemen) for Temporary Protected Status (TPS) for a period of 18 months, effective September 3, 2015, through March 3, 2017. Under section 244(b)(1)(A) of the Immigration and Nationality Act (INA), 8 U.S.C. 1254a(b)(1)(A), the Secretary is authorized to designate a foreign state (or any part thereof) for TPS upon finding that there is an ongoing armed conflict within the foreign state and, due to such conflict, requiring the return of nationals of the state would pose a serious threat to their personal safety.

This designation allows eligible Yemeni nationals (and aliens having no nationality who last habitually resided in Yemen) who have continuously resided in the United States since September 3, 2015, and have been continuously physically present in the United States since September 3, 2015 to be granted TPS. This Notice also describes the other eligibility criteria applicants must meet.

Individuals who believe they may qualify for TPS under this designation may apply within the 180-day registration period that begins on September 3, 2015, and ends on March 1, 2016. They may also apply for Employment Authorization Documents (EAD) and for travel authorization. Through this Notice, DHS also sets forth the procedures for nationals of Yemen (or aliens having no nationality who last habitually resided in Yemen) to apply for TPS, EADs, and travel authorization with U.S. Citizenship and Immigration Services (USCIS).

DATES: This designation of Yemen for TPS is effective on September 3, 2015, and will remain in effect through March 3, 2017. The 180-day registration period for eligible individuals to submit TPS applications begins September 3, 2015, and will remain in effect through March 1, 2016.

FOR FURTHER INFORMATION CONTACT:

- 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 Yemen's TPS designation by selecting ''TPS Designated Country: Yemen'' from the menu on the left 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
EAD—Employment Authorization Document
FNC—Final Nonconfirmation
Government—U.S. Government
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
UN—United Nations
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 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 to obtain EADs, so long as they continue to meet the requirements of TPS.
- TPS beneficiaries may be granted travel authorization as a matter of discretion.
- The granting of TPS does not result in or lead to lawful permanent resident status.
- To qualify for TPS, beneficiaries must meet the eligibility standards at INA section 244(c)(2), 8 U.S.C. 1254a(c)(2).
- 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.

What authority does the Secretary have to designate Yemen for TPS?

Section 244(b)(1) of the INA, 8 U.S.C. 1254a(b)(1), authorizes the Secretary, after consultation with appropriate U.S. Government (Government) agencies, to designate a foreign state (or part thereof) for TPS if the Secretary finds that certain country conditions exist.[1] The Secretary can designate a foreign state for TPS if the Secretary determines that one or more of three bases exist. One basis is if the Secretary finds that ''. . . that there is an ongoing armed conflict within the state and, due to such conflict, requiring the return of aliens who are nationals of that state to that state (or to the part of the state) would pose a serious threat to their personal safety . . .'' INA section 244(b)(1)(A), 8 U.S.C. 1254a(b)(1)(A).

Following the designation of a foreign state for TPS, the Secretary may then grant TPS to eligible nationals of that foreign state (or eligible aliens having no nationality who last habitually resided

[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).

in that state). *See* INA section 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A). Applicants must demonstrate that they satisfy all eligibility criteria, including that they have been ''continuously physically present'' in the United States since the effective date of the designation, which is either the date of the **Federal Register** Notice announcing the designation or such later date as the Secretary may determine, and that they have ''continuously resided'' in the United States since such date as the Secretary may designate. *See* INA sections 244(a)(1)(A), (b)(2)(A), (c)(1)(A)(i–ii); 8 U.S.C. 1254a(a)(1)(A), (b)(2)(A), (c)(1)(A)(i–ii).

Why is the Secretary designating Yemen for TPS through March 3, 2017?

The Secretary has determined, after consultation with the Department of State and other appropriate Government agencies, that there is an ongoing armed conflict within Yemen and, due to such conflict, requiring the return of Yemeni nationals to Yemen would pose a serious threat to their personal safety.

In July 2014, the Houthis, a northern opposition group, began a violent territorial expansion across Yemen. The Houthis took over the capital, Sana'a, in September 2014, and placed the President, Prime Minister, and cabinet officials under house arrest in January 2015. President Abdo Rabo Mansur Hadi left Sana'a for Yemen's southern port city of Aden in February 2015 to resume his presidential duties. As the Houthis continued their military campaign, however, they eventually closed in on Aden and by the end of March 2015, President Hadi and many other members of the government relocated to the Kingdom of Saudi Arabia (Saudi Arabia).

On March 26, 2015, a coalition of more than ten countries, led by Saudi Arabia and at the request of President Hadi, initiated air strikes against the Houthis. Air strikes have occurred across the country, but have been concentrated in Sa'dah, Hajjah, Sana'a, Taiz, Marib, Al Dhale'e, and Aden. Houthi ground forces simultaneously engaged in fierce battles in Aden and Marib against local ethnic groups and pro-government fighters. The conflict has affected 21 out of Yemen's 22 governorates.

The conflict has caused an acute and rapidly deteriorating humanitarian crisis. The airstrikes and ground fighting have killed, wounded, and displaced noncombatants and destroyed and damaged hospitals, schools, roads, airports, the electric power grid, the water supply, and other critical infrastructure. The humanitarian situation is compounded by access constraints. Relief efforts and supplies have been hindered by the limited capacity of airports, seaports, and roadblocks. Furthermore, ongoing violence and airstrikes are restricting the movement of civilians to safe areas and restricting their ability to receive needed basic services and supplies.

While the exact number of housing units that have been destroyed or damaged by the airstrikes and ground fighting has not been determined, the United Nations (UN) is reporting that approximately 42,000 people, in 7,000 households, were identified as needing shelter as a direct result of the conflict since March 2015. The UN has reported that nearly 1.3 million people in Yemen have become internally displaced since the start of the conflict.

Movement through or around the conflict zones is fraught with extreme danger. A full assessment by those reporting on the ground has been hindered by security concerns and infrastructure damage, but the UN has reported that as of July 2015, there have been approximately 3,700 registered deaths and over 18,000 registered injuries attributed to the conflict.

Because Yemen relies on imports for 90 percent of its food, the combination of severely reduced imports, low food stocks, and a shortage of fuel has increased the number of people experiencing food insecurity to 12.9 million, nearly half of the total population of Yemen, including 5 million who are classified as severely food insecure. Due to the conflict, 470,000 children under the age of 5 have lost access to nutrition services previously provided to them through 158 Outpatient Therapeutic Feeding Programs.

The impact on key logistical and civilian infrastructure across Yemen from the airstrikes and ground fighting has been devastating. Yemen has suffered heavy damage to its airports, harbors, bridges and roads, which presents significant obstacles to relief efforts. Damage to health facilities has also been substantial and the UN has reported that, as a result of the fighting, at least five hospitals were destroyed or suffered catastrophic damage in Sana'a, Al Dhale'e, and Aden. Nearly 3,600 schools remain closed due to insecurity, with over 330 schools directly affected by the conflict. Of these, 86 schools were reported damaged due to airstrikes or armed confrontations and a further 246 were reported as occupied by internally displaced persons.

The destruction and closure of numerous hospitals and medical facilities is resulting in increased fatalities, including among women, due to miscarriages and a lack of delivery and postnatal care. Hospitals that remain open are operating at limited capacity and are unable to cope with the scale of needs, while others have shut down due to insecurity and a lack of fuel, staff and supplies. Internally displaced persons across Yemen indicate that among their most pressing needs are medicine and treatment for malaria, diarrhea, malnutrition, unspecified chronic diseases, and respiratory diseases.

Based upon this review and after consultation with appropriate Government agencies, the Secretary has determined that:

- There is an ongoing armed conflict in Yemen and, due to such conflict, requiring the return of Yemeni nationals to Yemen would pose a serious threat to their personal safety. *See* INA section 244(b)(1)(A), 8 U.S.C. 1254a(b)(1)(A);
- The designation of Yemen for TPS will be for an 18-month period from September 3, 2015, through March 3, 2017. *See* INA section 244(b)(2), 8 U.S.C. 1254a(b)(2);
- The date by which applicants for TPS under the designation of Yemen must demonstrate that they have continuously resided in the United States is September 3, 2015. *See* INA section 244(c)(1)(A)(ii), 8 U.S.C. 1254a(c)(1)(A)(ii);
- The date by which applicants for TPS under the designation of Yemen must demonstrate that they have been continuously physically present in the United States is September 3, 2015, the effective date of this designation of Yemen for TPS. INA sections 244(b)(2)(A), (c)(1)(A)(i); 8 U.S.C. 1254a(b)(2)(A), (c)(1)(A)(i); and
- An estimated 500 to 2,000 nationals of Yemen (and persons without nationality who last habitually resided in Yemen) are (or are likely to become) eligible for TPS under this designation. This estimate is based on the total number of Yemeni nationals believed to be in the United States in a nonimmigrant status or without lawful immigration status.

Notice of the Designation of Yemen for TPS

By the authority vested in me as Secretary under INA section 244, 8 U.S.C. 1254a, after consultation with the appropriate Government agencies, I designate Yemen for TPS under INA section 244(b)(1)(A), 8 U.S.C. 1254a(b)(1)(A), for a period of 18

months from September 3, 2015, through March 3, 2017.

Jeh Charles Johnson,

Secretary.

Required Application Forms and Application Fees To Register for TPS

To register for TPS for Yemen, an applicant must submit each of the following two applications:

1. Application for Temporary Protected Status (Form I–821) with the form fee; and

2. Application for Employment Authorization (Form I–765).

For administrative purposes, an applicant must submit an Application for Employment Authorization (Form I–765) even if no Employment Authorization Document (EAD) is requested.

If you want an EAD you must pay the Application for Employment Authorization (Form I–765) fee only if you are age 14 through 65.

No fee for Application for Employment Authorization (Form I–765) is required if you are not requesting an EAD with an initial TPS application. Additionally, no fee is required if you are requesting an EAD and you are under the age of 14 or over the age of 65.

You must submit both completed application forms together. If you are unable to pay the required fees, you may apply for a waiver of these application fees and/or the biometrics services fee described below by completing a Request for Fee Waiver (Form I–912), or submitting a personal letter requesting a fee waiver, and 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 Application for Temporary Protected Status (Form I–821), Application for Employment Authorization (Form I–765), and biometric services are also described in 8 CFR 103.7(b).

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 request 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 TPS Application After Receiving a Denial of a Fee Waiver Request

If you request a fee waiver when filing your TPS and EAD application forms and your request is denied, you may refile your application packet with the correct fees before the filing deadline of March 1, 2016. If you attempt to submit your application with a fee waiver request before the initial filing deadline, but you receive your application back with the USCIS fee waiver denial, and there are fewer than 45 days before the filing deadline (or the deadline has passed), you may still refile your application within the 45-day period after the date on the USCIS fee waiver denial notice. You must include the correct fees, or file a new fee waiver request. Your application will not be rejected even if the deadline has passed, provided it is mailed within those 45 days and all other required information for the application is included. Please be aware that if you re-file your TPS application packet with a new fee waiver request after the deadline based on this guidance and that new fee waiver request is denied, you cannot re-file again. Note: Alternatively, you may pay the TPS application fee and biometrics fee (if age 14 or older) but wait to request an EAD and pay the EAD application fee after USCIS grants your TPS application.

Mailing Information

Mail your application for TPS to the proper address in Table 1.

TABLE 1—MAILING ADDRESSES

If you:	Then mail your application to:
Would like to send your application by U.S. Postal Service	USCIS, P.O. Box 7555, Chicago, IL 60680.
Would like to send your application by non-U.S. Postal Service courier	Attn: Yemen TPS, 131 S. Dearborn 3rd Floor, Chicago, IL 60603.

If you were granted TPS by an Immigration Judge (IJ) or the Board of Immigration Appeals (BIA), and you wish to request an EAD, please mail your application to the appropriate mailing address in Table 1. After you submit your EAD application and receive a USCIS receipt number, please send an email to the Service Center handling your application. The email should include the receipt number and state that you submitted a request for an EAD based on an IJ/BIA grant of TPS. This will aid in the verification of your grant and processing of your application, as USCIS may not have received records of your grant of TPS by either an IJ or the BIA. To obtain additional information, including the email address of the appropriate Service Center, you may go to the USCIS TPS Web page at *http://www.uscis.gov/tps.*

E-Filing

You cannot electronically file your application packet when applying for initial registration for TPS. Please mail your application packet to the mailing address listed in Table 1.

Supporting Documents

What type of basic supporting documentation must I submit?

To meet the basic eligibility requirements for TPS, you must submit evidence that you:

- Are a national of Yemen or an alien having no nationality who last habitually resided in Yemen. Such documents may include a copy of your passport if available, other documentation issued by the Government of Yemen showing your nationality (*e.g.,* national identity card, official travel documentation issued by the Government of Yemen), and/or your birth certificate with English translation accompanied by photo identification. USCIS will also consider certain forms of secondary evidence supporting your Yemeni nationality. If the evidence presented is insufficient for USCIS to make a determination as to your nationality, USCIS may request additional evidence. If you cannot provide a passport, birth certificate with photo identification, or a national identity document with your photo or fingerprint, you must submit an affidavit showing proof of your unsuccessful efforts to obtain such documents and affirming that you are a

national of Yemen. However, please be aware that an interview with an immigration officer will be required if you do not present any documentary proof of identity or nationality or if USCIS otherwise requests a personal appearance. *See* 8 CFR 103.2(b)(9), 244.9(a)(1);

- Have continuously resided in the United States since September 3, 2015. *See* INA section 244(c)(1)(A)(ii); 8 U.S.C. 1254a(c)(1)(A)(ii); 8 CFR 244.9(a)(2); and
- Have been continuously physically present in the United States since September 3, 2015, the effective date of the designation of Yemen for TPS. *See* INA sections 244(b)(2)(A), (c)(1)(A)(i); 8 U.S.C. 1254a(b)(2)(A), (c)(1)(A)(i).

You must also submit two color passport-style photographs of yourself. The filing instructions on the Application for Temporary Protected Status (Form I–821) list all the documents needed to establish basic eligibility for TPS. You may also find information on the acceptable documentation and other requirements for applying for TPS on the USCIS Web site at *www.uscis.gov/tps* under ''TPS Designated Country: Yemen.''

Do I need to submit additional supporting documentation?

If one or more of the questions listed in Part 4, Question 2 of the Application for Temporary Protected Status (Form I–821) applies to you, then you must submit an explanation on a separate sheet(s) of paper and/or additional documentation. Depending on the nature of the question(s) you are addressing, additional documentation alone may suffice, but usually a written explanation will also be needed.

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 Application for Employment Authorization (Form I–765) 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.

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 the 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 the 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). As described in the Employment Eligibility Verification (Form I–9) Instructions, you may present an acceptable receipt for List A, List B, or List C documents including the receipt for the application for replacement of a lost, stolen or damaged document. A receipt for the application for an initial or renewal employment authorization is not an acceptable receipt. An EAD is an acceptable document under ''List A.'' Employers may not reject a document based on a future expiration date.

Can my employer require that I produce any other documentation to prove my current TPS status, such as proof of my Yemeni citizenship or proof that I have registered for TPS?

No. When completing the Employment Eligibility Verification (Form I–9), including re-verifying 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 Yemeni citizenship or proof of TPS registration when completing the Employment Eligibility Verification (Form I–9) for new hires or reverifying the employment authorization of current employees. If presented with EADs that are unexpired on their face, employers should accept such EADs as valid ''List A'' documents so long as the EADs reasonably appear to be genuine and to relate to the employee. Refer to the ''Note to All Employees'' section for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you because of your citizenship or immigration status, or national origin.

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 Federal or state government records.

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 confirm 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 who 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 EAD that has a valid expiration date;

(2) A copy of your Notice of Action (Form I–797C) showing approval for TPS, if you receive one from USCIS.

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 confirm 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. 2015–21881 Filed 9–2–15; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2015–N173; FXIA16710900000–156–FF09A30000]

Endangered Species; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibit activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before October 5, 2015.

ADDRESSES: Monica Thomas, U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041; fax (703) 358–2281; or email *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Monica Thomas, (703) 358–2104 (telephone); (703) 358–2281 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see DATES) or comments delivered to an address other than those listed above (see ADDRESSES).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that

your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken.

III. Permit Applications

A. Endangered Species

Applicant: Zoological Society of Cincinnati/Cincinnati Zoo & Botanical Garden, Cincinnati, OH; PRT–53920B

The applicant requests a permit to export one male captive born Sumatran rhinoceros (*Dicerorhinus sumatrensis*) to Yayasan Badak Indonesia (YABI), West Java, Indonesia, for the purpose of enhancement of the survival of the species through captive propagation.

Applicant: Mountain Gorilla Veterinary Project, Inc., Baltimore, MD; PRT–64246B

The applicant requests a permit to re-export biological samples obtained from salvaged wild specimens of Eastern gorilla (*Gorilla beringei*) to the United Kingdom for the purpose of scientific research.

Applicant: University of Tennessee, Knoxville, TN; PRT–63281B

The applicant requests a permit to export biological samples obtained from captive-bred tigers *(Panthera tigris)* to the United Kingdom for the purpose of scientific research.

Applicant: Festival Fun Parks, LLC, Miami, FL; PRT–66062B

The applicant requests a permit for interstate transport of 10 jackass penguins (*Spheniscus demersus*) from the Six Flags Discovery Kingdom, Vallejo, California, to Miami Seaquarium, Miami, Florida, for the purpose of enhancement of the survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Crocodile Encounter, Angleton, TX; PRT–54414B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species to enhance species propagation or survival: Nile Crocodile (*Crocodylus niloticus*), Siamese crocodile (*C. siamensis*), Saltwater crocodile (*C. porosus*), Chinese alligator (*Alligator sinensis*), and common caiman (*Caiman crocodylus*). This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Tomich, Ian, Phoenix, AZ; PRT–59955B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species to enhance species propagation or survival: Radiated tortoise (*Astrochelys radiata*). This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: James Gresham, Richmond, TX; PRT–73576B

The applicant requests a permit to import a sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Monica Thomas,

Management Analyst, Branch of Permits, Division of Management Authority.

[FR Doc. 2015–21889 Filed 9–2–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[XXXD5198NI DS61100000 DNINR0000.000000 DX61104]

EXXON VALDEZ Oil Spill Public Advisory Committee Meeting

AGENCY: Office of the Secretary, Interior.

ACTION: Meeting notice.

SUMMARY: The Department of the Interior, Office of the Secretary is announcing a public meeting of the EXXON VALDEZ Oil Spill Public Advisory Committee.

DATES: September 22, 2015, at 9:30 a.m.

ADDRESSES: First floor conference room, Glenn Olds Hall, 4210 University Drive, Anchorage, AK 99508.

FOR FURTHER INFORMATION CONTACT: Dr. Philip Johnson, Department of the Interior, Office of Environmental Policy and Compliance, 1689 ''C'' Street, Suite 119, Anchorage, Alaska, (907) 271–5011.

SUPPLEMENTARY INFORMATION: The EXXON VALDEZ Oil Spill Public Advisory Committee was created by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America and the State of Alaska on August 27, 1991, and approved by the United States District Court for the District of Alaska in settlement of *United States of America* v. *State of Alaska,* Civil Action No. A91–081 CV.

The EXXON VALDEZ Oil Spill Public Advisory Committee Meeting agenda will focus on review of FY16 Work Plan projects, Annual Program Development and Implementation Budget (APDI), draft FY17–21 Invitation, and Habitat matters, as applicable. An opportunity for public comments will be provided. The final agenda and materials for the meeting will be posted on the EXXON VALDEZ Oil Spill Trustee Council Web site at *www.evostc.state.ak.us.* All EXXON VALDEZ Oil Spill Public Advisory Committee meetings are open to the public.

Willie Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 2015–21907 Filed 9–2–15; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–AKRO–ANIA–LACL–WRST–19121; PPAKAKROR4; PPMPRLE1Y.LS0000]

Notice of Open Public Meetings and Teleconferences for the National Park Service Alaska Region Subsistence Resource Commission Program

AGENCY: National Park Service, Interior.

ACTION: Meeting notices.

SUMMARY: As required by the Federal Advisory Committee Act (16 U.S.C. Appendix 1–16), the National Park Service (NPS) is hereby giving notice that the Aniakchak National Monument Subsistence Resource Commission (SRC), the Lake Clark National Park SRC and the Wrangell-St. Elias National Park SRC will hold public meetings to develop and continue work on NPS subsistence program recommendations, and other related regulatory proposals and resource management issues. The NPS SRC program is authorized under

Section 808 of the Alaska National Interest Lands Conservation Act, (16 U.S.C. 3118), title VIII.

Aniakchak National Monument SRC Meeting/Teleconfernce Date and Location: The Aniakchak National Monument SRC will meet from 1:30 p.m. to 5 p.m. or until business is completed on Thursday, September 24, 2015, at the Chignik Lagoon Subsistence Hall in Chignik Lake, AK. Teleconference participants must call the National Park Service office in King Salmon, AK at (907) 246–2154 or (907) 246–3305, by Thursday, September 17, 2015, prior to the meeting to receive teleconference passcode information. For more detailed information regarding this meeting, or if you are interested in applying for SRC membership contact Designated Federal Official Diane Chung, Superintendent, at (907) 442–3890, or via email at *diane_chung@nps.gov* or Linda Chisholm, Subsistence Coordinator, at (907) 246–2154, or via email at *linda_chisholm* or Clarence Summers, Subsistence Manager, at (907) 644–3603 or via email at *clarence_summers@nps.gov.*

Lake Clark National Park SRC Meeting/Teleconfernce Date and Location: The Lake Clark National Park SRC will meet from 1 p.m. to 5 p.m. or until business is completed on Wednesday, October 7, 2015, at the National Park Service Visitor Center in Port Alsworth, AK. Teleconference participants must call the National Park Service office at (907) 644–3626 or (907) 781–2218, by Wednesday, September 30, 2015, prior to the meeting to receive teleconference passcode information. For more detailed information regarding this meeting, or if you are interested in applying for SRC membership, contact Designated Federal Official Margaret L. Goodro, Superintendent, at (907) 644–3627, or via email at *margaret_goodro@nps.gov,* or Liza Rupp, Subsistence Manager, at (907) 644–3603, or via email at *liza_rupp@nps.gov* or Clarence Summers, Subsistence Manager, at (907) 644–3603 or via email at *clarence_summers@nps.gov.*

Wrangell-St. Elias National Park SRC Meeting/Teleconference Date and Location: The Wrangell-St. Elias National Park SRC will meet from 9 a.m. to 5 p.m. on Monday, October 19, 2015, and Tuesday, October 20, 2015, or until business is completed at the Tazlina Village Hall in Tazlina, AK. Evening sessions may take place on these dates at the call of the chair. If the work of the SRC is completed on Monday, October 19, 2015, the SRC will not meet on Tuesday, October 20, 2015. Teleconference participants must call National Park Service at (907) 822–7236 or (907) 822–5234, by Wednesday, October 14, 2015, to receive teleconference information. For more detailed information regarding this meeting, or if you are interested in applying for SRC membership, contact Barbara Cellarius, Subsistence Manager, at (907) 822–7236 or via email at *barbara_cellarius@nps.gov* or Clarence Summers, Subsistence Manager, at (907) 644–3603 or via email at *clarence_summers@nps.gov.*

Proposed Meeting Agenda: The agenda may change to accommodate SRC business. The proposed meeting agenda for each meeting includes the following:

1. Call to Order—Confirm Quorum
2. Welcome and Introduction
3. Review and Adoption of Agenda
4. Approval of Minutes
5. Superintendent's Welcome and Review of the SRC Purpose
6. SRC Membership Status
7. SRC Chair and Members' Reports
8. Superintendent's Report
9. Old Business
10. New Business
11. Federal Subsistence Board Update
12. Alaska Boards of Fish and Game Update
13. National Park Service Reports
    a. Ranger Update
    b. Resource Manager's Report
    c. Subsistence Manager's Report
14. Public and Other Agency Comments
15. Work Session
16. Set Tentative Date and Location for Next SRC Meeting
17. Adjourn Meeting

SRC meeting locations and dates may change based on inclement weather or exceptional circumstances. If the meeting date and location are changed, the Superintendent will issue a press release and use local newspapers and radio stations to announce the rescheduled meeting.

SUPPLEMENTARY INFORMATION: SRC meetings are open to the public and will have time allocated for public testimony. The public is welcome to present written or oral comments to the SRC. SRC meetings will be recorded and meeting minutes will be available upon request from the Superintendent for public inspection approximately six weeks after the meeting. Before including your address, telephone 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 may 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.

Dated: August 31, 2015.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2015–21949 Filed 9–2–15; 8:45 am]

BILLING CODE 4310–EE–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR84420000, 15XR0680R4, RX.19520003.9WOLMIS]

Privacy Act of 1974, as Amended; Notice To Delete an Existing System of Records

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice to delete an existing system of records.

SUMMARY: The Department of the Interior is issuing public notice of its intent to delete the Bureau of Reclamation Privacy Act system of records, Interior–WBR–50, Reclamation Law Enforcement Management Information System, from its existing inventory.

DATES: This deletion will be effective on September 3, 2015.

FOR FURTHER INFORMATION CONTACT: Deborah Suehr, Privacy Act Officer, Bureau of Reclamation, Denver Federal Center, 6th and Kipling, Bldg. 67, Denver, Colorado 80225; by telephone at (303) 445–3292; or by email at *dsuehr@usbr.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, as amended, the Bureau of Reclamation (Reclamation) is deleting Interior–WBR–50 from its system of records inventory. A **Federal Register** notice was last published for this system of records on October 20, 2008 (73 FR 62314).

Reclamation has decommissioned records previously maintained within this system and migrated those records into the DOI–10, Incident Management, Analysis, and Reporting System, system of records as indicated in the public notice published in the **Federal Register** on June 3, 2014 (79 FR 31974). Deleting the Interior–WBR–50 system of records notice will have no adverse impacts on individuals as the records are covered under the Department-wide law enforcement system notice. Individuals may continue to seek access or correction to their records under the DOI–10 system of records notice. This deletion will also promote the overall streamlining and management of

Department of the Interior Privacy Act systems of records.

Dated: July 9, 2015.

Bruce C. Muller, Jr.,

Director, Security, Safety, and Law Enforcement.

[FR Doc. 2015–21924 Filed 9–2–15; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR83570000, 156R5065C6, RX.59389832.1009676]

Agency Information Collection; Renewal of a Currently Approved Information Collection; Comment Request

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice and request for comments.

SUMMARY: We, the Bureau of Reclamation, intend to submit a request for renewal of an existing approved information collection to the Office of Management and Budget (OMB): Recreation Use Data Report, OMB Control Number 1006–0002. As part of its continuing effort to reduce paperwork and respondent burdens, Reclamation invites other Federal agencies, State, local, or tribal governments that manage recreation sites at Reclamation projects; concessionaires, and not-for-profit organizations who operate concessions on Reclamation lands; and the public, to comment on this information collection.

DATES: Submit written comments on this information collection request on or before November 2, 2015.

ADDRESSES: Send written comments or requests for copies of the forms to Mr. Jerome Jackson, Bureau of Reclamation, Office of Policy and Administration, 84–57000, P.O. Box 25007, Denver, CO 80225–0007; or via email to *jjackson@usbr.gov.* Please reference OMB No. 1006–0002 in your comments.

FOR FURTHER INFORMATION CONTACT: Mr. Jerome Jackson at (303) 445–2712.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Bureau of Reclamation (Reclamation) collects agency-wide recreation and concession information to fulfill congressional reporting requirements pursuant to current public laws, including the Land and Water Conservation Fund Act (Pub. L. 88–578), the Federal Water Project Recreation Act (Pub. L. 89–72), and the Federal Lands Recreation Enhancement Act (Pub. L. 108–477). In addition, collected information will permit relevant program assessments of resources managed by Reclamation, its recreation managing partners, and/or concessionaires for the purpose of contributing to the implementation of Reclamation's mission. More specifically, the collected information enables Reclamation to (1) evaluate the effectiveness of program management based on existing recreation and concessionaire resources and facilities, and (2) validate the efficiency of resources for public use within partner managed recreation resources, located on Reclamation project lands in the 17 Western States.

II. Data

OMB Control Number: 1006–0002.

Title: Recreation Use Data Report.

Form Numbers: Form 7–2534—Part I, Managing Partners and Direct Managed Recreation Areas; Form 7–2535—Part II, Concessionaires.

Frequency: Annually.

Respondents: State, local, or tribal governments; agencies who manage Reclamation's recreation resources and facilities; and commercial concessions, subconcessionaires, and nonprofit organizations located on Reclamation lands with associated recreation services.

Estimated Total Number of Respondents: 270.

Estimated Number of Responses per Respondent: 1.

Estimated Total Number of Annual Responses: 270.

Estimated Total Annual Burden on Respondents: 136 hours.

Estimate of Burden for Each Form:

Form number	Burden estimate per form (in minutes)	Annual number of respondents	Annual burden on respondents (in hours)
Form 7–2534 (Part 1, Managing Partners)	30	155	78
Form 7–2535 (Part 2, Concessionaires)	30	115	58
Total Burden Hours	.....	.....	136

III. Request for Comments

We invite your comments on:

(a) Whether the collection of information is necessary for the proper performance of our functions, including whether the information will have practical use;

(b) the accuracy of our estimated time and cost burden of the collection of information, including the validity of the methodology and assumptions used;

(c) ways to enhance the quality, usefulness, and clarity of the information to be collected; and

(d) ways to minimize the burden of the collection of information on respondents, including increased use of automated collection techniques or other forms of information technology.

We will summarize all comments received regarding this notice. We will publish that summary in the **Federal Register** when the information collection request is submitted to OMB for review and approval.

IV. Public Disclosure

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.

Dated: August 12, 2015.

Roseann Gonzales,

Director, Policy and Administration.

[FR Doc. 2015–21919 Filed 9–2–15; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–613 REMAND]

Certain 3G Mobile Handsets and Components Thereof: Commission Determination Finding No Violation of Section 337; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found no violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (''section 337'') in the above-referenced investigation. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2301. Copies of non-confidential documents filed in connection with this investigation are or 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 *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* 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 instituted Inv. No. 337–TA–613 on September 11, 2007, based on a complaint filed by InterDigital Communications Corp. of King of Prussia, Pennsylvania and InterDigital Technology Corp. of Wilmington, Delaware (collectively, ''InterDigital'') on August 7, 2007. 72 FR 51838 (Sept. 11, 2007). The complaint, as amended, alleged 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 3G mobile handsets and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 7,117,004 (''the '004 patent''); 7,190,966 (''the '966 patent''); 7,286,847 (''the '847 patent''); and 6,693,579 (''the '579 patent''). The Notice of Investigation named Nokia Corporation of Espoo, Finland (''Nokia'') and Nokia Inc. of Irving, Texas (''Nokia Inc.'') as respondents. The Office of Unfair Import Investigations (''OUII'') was named as a participating party. The Commission later amended the Notice of Investigation to substitute complainant InterDigital Communications, Inc. for InterDigital Communications Corp. Notice (Feb. 15, 2015); Order No. 53 (Jan. 14, 2015). The Commission also later amended the Notice of Investigation to add Microsoft Mobile OY (''MMO'') as a party. 79 FR 43068–69 (July 24, 2014).

On February 13, 2009, InterDigital moved for summary determination that a domestic industry exists because its licensing activities in the United States satisfy the domestic industry requirement under 19 U.S.C. § 1337(a)(3)(C). On March 10, 2009, the presiding Administrative Law Judge (''ALJ'') issued an initial determination (''ID'') (Order No. 42) granting the motion. On April 9, 2009, the Commission determined not to review the ID. Notice (Apr. 9, 2009).

On August 14, 2009, the ALJ issued his final ID, finding no violation of section 337. In particular, he found that the asserted claims of the patents-in-suit are not infringed and that they are not invalid. The ALJ further found no prosecution laches relating to the '004, '966, and '847 patents and that the '579 patent is not unenforceable.

On October 16, 2009, the Commission determined to review the final ID in part. 74 FR 55068–69 (Oct. 26, 2009) (''Notice of Review''). In particular, although the Commission affirmed the ID's determination of no violation of section 337 and terminated the investigation, the Commission reviewed and modified the ID's claim construction of the term ''access signal'' found in the asserted claims of the '847 patent. The Commission also reviewed, but took no position on, the ID's construction of the term ''synchronize'' found in the asserted claims of the '847 patent. The Commission further reviewed, but took no position on, validity with respect to all of the asserted patents. The Commission did not review the ID's construction of the claim limitations ''code'' and ''increased power level'' in the asserted claims of the '966 and '847 patents.

InterDigital timely appealed the Commission's final determination of no violation of section 337 as to claims 1, 3, 8, 9, and 11 of the '966 patent and claim 5 of the '847 patent to the Federal Circuit. Specifically, InterDigital appealed the final ID's unreviewed constructions of the claim limitations ''code'' and ''increased power level'' in the '966 and '847 patents. Respondent Nokia, the intervenor on appeal, raised as an alternate ground of affirmance the issue of whether the Commission correctly determined that InterDigital has a license-based domestic industry.

On August 1, 2012, the Federal Circuit reversed the Commission's construction of the claim limitations ''code'' and ''increased power level'' in the '966 and '847 patents, reversed the Commission's determination of non-infringement as to the asserted claims of those patents, and remanded to the Commission for further proceedings. *InterDigital Commc'ns, LLC* v. *Int'l Trade Comm'n.*, 690 F.3d 1318 (Fed. Cir. 2012). In particular, the Court rejected the final ID's construction of the ''code'' limitation as being limited to ''a spreading code or a portion of a spreading code'' and, instead, construed ''code'' as ''a sequence of chips'' and as ''broad enough to cover both a spreading code and a non-spreading code.'' *Id.* at 1323–27. The Court affirmed the Commission's determination that InterDigital has a domestic industry. *Id.* at 1329–30. Nokia subsequently filed a combined petition for panel rehearing and rehearing en banc on the issue of domestic industry. On January 10, 2013, the Court denied the petition and issued an additional opinion addressing several issues raised in Nokia's petition for rehearing. *InterDigital Commc'ns, LLC* v. *Int'l Trade Comm'n*, 707 F.3d 1295 (Fed. Cir. 2013). The Court's mandate issued on January 17, 2013, returning jurisdiction to the Commission.

On February 4, 2013, the Commission issued an Order directing the parties to submit comments regarding what further proceedings must be conducted to comply with the Federal Circuit's remand. Commission Order (Feb. 4, 2013). On February 12, 2014, the Commission issued an Order and Opinion deciding certain aspects of the investigation and remanding other aspects to the Chief ALJ. 79 FR 9277–79 (Feb. 18, 2014); *see also* Comm'n Op. Remanding Investigation (Feb. 12, 2014); Comm'n Order Remanding Investigation (Feb. 12, 2014). On February 24, 2014, Nokia petitioned for reconsideration of the Commission's remand Order and Opinion. On March 24, 2014, the Commission granted in part the petition for reconsideration and issued a revised remand notice, order, and opinion, correcting the identification of the claims of the asserted patents at issue on remand. 79 FR 17571–73 (Mar. 28, 2014).

On April 27, 2015, the ALJ issued his final initial determination on remand (''RID''). The ALJ found that the accused Nokia handsets meet the limitations ''generated using a same code'' and ''the message being transmitted only subsequent to the subscriber unit receiving the indication'' recited in the asserted claims of the '966 and '847 patents. The ALJ also found that the pilot signal (P–CPICH) in the 3GPP standard practiced by the accused Nokia handsets satisfies the limitation ''synchronize to the pilot signal'' recited in the asserted claim of the '847 patent. The ALJ further found that the currently imported Nokia handsets, which contain chips that were not previously adjudicated, infringe the asserted claims of the '966 and '847 patents. The ALJ also found that there is no evidence of patent hold-up by InterDigital, but that there is evidence of reverse hold-up by the respondents. The ALJ found that the public interest does not preclude issuance of an exclusion order. The ALJ did not issue a Recommended Determination on remedy or bonding.

On May 11, 2015, MMO and Nokia Inc. (collectively, ''MMO'') filed a petition for review of certain aspects of the RID, including infringement, domestic industry, and the public interest. Also on May 11, 2015, Nokia filed a petition for review of the RID with respect to infringement, domestic industry, and whether the Commission has jurisdiction over Nokia following the sale of its handset business to MMO. Further on May 11, 2015, the Commission investigative attorney (''IA'') filed a petition for review of the RID's finding of infringement.

On May 19, 2015, InterDigital filed a response to MMO's and the IA's petitions for review. Also on May 19, 2015, MMO filed a response to the IA's petition for review. Further on May 19, 2015, the IA filed a response to MMO's and Nokia's petitions for review.

On June 3, 2015, InterDigital filed a statement on the public interest pursuant to Commission Rule 210.50(a)(4). Also on June 3, 2015, several non-parties filed responses to the Commission Notice issued on May 4, 2015, including: United States Senator Robert Casey, Jr. of Pennsylvania; Microsoft Corporation; Intel Corporation, Cisco Systems, Inc., Dell Inc., and Hewlett-Packard Company; Innovation Alliance; and Ericsson Inc. *See* 80 FR 26295–96 (May 7, 2015). On June 24, 2015, United States Senator Patrick J. Toomey of Pennsylvania also filed a response to the Commission's May 4, 2015, notice.

On June 25, 2015, the Commission determined to review the RID in part. 80 FR 37656–658 (July 1, 2015). Specifically, the Commission determined to review the RID's findings concerning the application of the Commission's prior construction of the claim limitation ''successively [transmits/transmitted] signals'' in *Certain Wireless Devices with 3G Capabilities and Components Thereof*, Inv. No. 337–TA–800 (''the 800 investigation'') and *Certain Wireless Devices with 3G and/or 4G Capabilities and Components Thereof*, Inv. No. 337–TA–868 (''the 868 investigation''). The Commission also determined to review the RID with respect to whether the accused products satisfy the claim limitation ''successively [transmits/transmitted] signals'' as construed by the Commission in the 800 and 868 investigations. The Commission further determined to review the RID's public interest findings. 80 FR at 37657–658.

On July 10, 2015, InterDigital, Respondents, and the IA submitted initial briefs in response to the Commission's notice of review concerning issues of violation, remedy, bonding, and the public interest. On July 20, 2015, the parties submitted response briefs.

In response to the Commission's request for briefing on remedy, bonding, and the public interest, the following submitted briefing on July 10, 2015: Edith Ramirez, Federal Trade Commission Chairwoman; Ericsson Inc.; and Intel Corporation, Dell Inc., and Hewlett-Packard Company. On July 20, 2015, the following submitted responsive briefing: Maureen K. Ohlhausen and Joshua D. Wright, Commissioners of the Federal Trade Commission; and J. Gregory Sidak, Chairman of Criterion Economics.

On July 20, 2015, Respondents filed a motion to strike the declaration of Dr. Jackson that InterDigital submitted as an attachment to its response to the Commission's notice. On July 23, 2015, the IA filed a response in support of the motion to strike. On July 30, 2015, InterDigital filed a response opposing the motion to strike.

Having examined the record of this investigation, including the RID, the petitions for review, the responses thereto, and the parties' submissions on review, the Commission has determined to find no violation of section 337 with respect to the '966 and '847 patents.

Specifically, the Commission finds that issue preclusion applies with respect to the proper construction of the claim limitation ''successively [transmits/transmitted] signals'' based on the Commission's determination in Certain Wireless Devices with 3G and/or 4G Capabilities and Components Thereof, Inv. No. 337–TA–868, which relies substantively on the Commission's determination in Certain Wireless Devices with 3G Capabilities and Components Thereof, Inv. No. 337–TA–800, as affirmed by the United States Court of Appeals for the Federal Circuit (*InterDigital Commc'ns, Inc.* v. *Int'l Trade Comm'n*, 2015 WL 669305 (Fed. Cir. Feb. 18. 2015)). The Commission further finds its prior constructions of the claim limitation ''successively [transmits/transmitted] signals'' in the 868 and 800 investigations are persuasive authority which the Commission should apply uniformly to the asserted patents.

The Commission also finds that issue preclusion requires a finding of non-infringement with respect to the asserted claims of the '966 and '847 patents, and that the evidence in the record independently supports a finding of non-infringement with respect to the claim limitation ''successively [transmits/transmitted] signals as previously construed by the Commission in the 868 investigation.

The Commission denies as moot Respondents motion to strike the declaration of Dr. Jackson.

The investigation is terminated.

The Commission will issue an opinion reflecting its decision within seven days of this notice.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: August 28, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–21896 Filed 9–2–15; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. TA–131–040]

WTO Environmental Goods Trade Negotiations: Advice on the Probable Economic Effect of Providing Duty-Free Treatment, Second List of Articles

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation, scheduling of public hearing, and opportunity to provide written submissions.

SUMMARY: Following receipt of a request dated August 20, 2015 (received August

21, 2015) from the United States Trade Representative (USTR) under section 131 of the Trade Act of 1974 (19 U.S.C. 2151), the U.S. International Trade Commission (Commission) instituted investigation No. TA–131–040, *WTO Environmental Goods Trade Negotiations: Advice on the Probable Economic Effect of Providing Duty-Free Treatment, Second List of Articles.*

DATES:

October 5, 2015: Deadline for filing requests to appear at the public hearing.
October 6, 2015: Deadline for filing pre-hearing briefs and statements.
October 14, 2015: Public hearing.
October 19, 2015: Deadline for filing post-hearing briefs and statements.
October 19, 2015: Deadline for filing all other written submissions.
December 4, 2015: Transmittal to USTR of Commission's report.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://www.usitc.gov/secretary/edis.htm.*

FOR FURTHER INFORMATION CONTACT: Project Leader Mahnaz Khan (202–205–2046 or *mahnaz.khan@usitc.gov),* or Deputy Project Leader Karl Tsuji (202–708–3434 or *karl.tsuji@usitc.gov*) for information specific to this investigation. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Background: In his letter, the USTR noted that he had notified Congress on March 21, 2014, of the President's intent to enter into negotiations with a group of World Trade Organization (WTO) Members to eliminate tariffs on environmental goods, and that on July 8, 2014, the United States and thirteen other WTO members launched negotiations on the Environmental Goods Agreement (EGA). The USTR also noted that, in preparation for the EGA negotiations, he had requested, and the Commission provided, two reports in 2014 with advice and information on U.S. environmental goods trade. He also noted that the product coverage submitted for preparation of those reports was provisional, given the absence of a universally accepted definition of an ''environmental good.'' He said that during the course of the EGA negotiations and USTR's preparatory consultations, a range of additional potential products have been identified.

As requested by the USTR, the Commission will, pursuant to section 131 of the Trade Act of 1974, provide a report containing its advice as to the probable economic effect of providing duty-free treatment for imports of these additional potential products (as identified in the list attached to the USTR's letter) from all U.S. trading partners on (i) industries in the United States producing like or directly competitive products, and (ii) consumers. As requested, the report will provide analysis for each of the additional potential products for which U.S. tariffs remain, taking into account implementation of U.S. commitments in the WTO. The Commission's advice will be based on the U.S. tariff nomenclature in effect during 2015 and trade data for 2014. As requested, the Commission will provide its report to the USTR by December 4, 2015.

The USTR stated that portions of the Commission's report will be classified as national security information and that the USTR considers the report to be an inter-agency memorandum that will contain pre-decisional advice and be subject to the deliberative process privilege.

Public Hearing: A public hearing in connection with this investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC, beginning at 9:40 a.m. on October 14, 2015. Requests to appear at the public hearing should be filed with the Secretary, no later than 5:15 p.m., October 5, 2015, in accordance with the requirements in the ''Submissions'' section below. All pre-hearing briefs and statements should be filed not later than 5:15 p.m., October 6, 2015; and all post-hearing briefs and statements should be filed not later than 5:15 p.m., October 19, 2015.

Written Submissions: In lieu of or in addition to participating in the hearing, interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., October 19, 2015. All written submissions must conform with the provisions of section 201.8 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures require that interested parties file documents electronically on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. eastern time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Office of the Secretary (202–205–2000).

Any submissions that contain confidential business information (CBI) must also conform with the requirements of section 201.6 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission may include some or all of the confidential business information submitted in the course of this investigation in the report it sends to the USTR. The Commission will not otherwise publish any confidential business information in a manner that would reveal the operations of the firm supplying the information.

Summaries of Written Submissions: The Commission intends to publish summaries of the positions of interested persons in an appendix to its report. Persons wishing to have a summary of their position included in the appendix should include a summary with their written submission. The summary may not exceed 500 words, should be in MSWord format or a format that can be easily converted to MSWord, and should not include any confidential business information. The summary will

be published as provided if it meets these requirements and is germane to the subject matter of the investigation. In the appendix the Commission will identify the name of the organization furnishing the summary, and will include a link to the Commission's Electronic Document Information System (EDIS) where the full written submission can be found.

Issued: August 28, 2015.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–21879 Filed 9–2–15; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2012–0014]

The Lead in Construction Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

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

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements contained in the Lead in Construction Standard (29 CFR 1926.62).

DATES: Comments must be submitted (postmarked, sent, or received) by November 2, 2015.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2012–0014, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA–2012–0014) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You also may contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing collection of information requirements in accord with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The purpose of the Lead in Construction Standard and its collection of information (paperwork) requirements is to reduce occupational lead exposure in the construction industry. Lead exposure can result in both acute and chronic effects and can be fatal in severe cases of lead toxicity. Some of the health effects associated with lead exposure include brain disorders which can lead to seizures, coma, and death; anemia; neurological problems; high blood pressure; kidney problems; reproductive problems; and decreased red blood cell production. The major collection of information requirements of the Standard are: Conducting worker exposure assessments; notifying workers of their lead exposures; establishing, implementing and reviewing a written compliance program annually; labeling containers of contaminated protective clothing and equipment; providing medical surveillance to workers; providing examining physicians with specific information; ensuring that workers receive a copy of their medical surveillance results; posting warning signs; establishing and maintaining exposure monitoring, medical surveillance, medical removal and objective data records; and providing workers with access to these records. The records are used by employees, physicians, employers and OSHA to determine the effectiveness of the employer's compliance efforts.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed collection of information requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the collection of information requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

The Agency is requesting an adjustment decrease of 216,744 burden hours (from 1,460,430 to 1,243,686 burden hours). The decrease in burden hours is due to an estimated overall decrease in the number of covered establishments, based on updated data and estimates. There is also an estimated increase in operation and maintenance costs of $6,849,923, from $60,093,015 to $66,942,938. The increase in operation and maintenance costs is mainly due to the increased cost of lab analysis of samples and the increase in cost of the monitoring equipment.

Type of Review: Extension of a currently approved collection.

Title: Lead in Construction Standard (29 CFR 1926.62).

OMB Control Number: 1218–0189.

Affected Public: Businesses or other for-profits.

Number of Respondents: 119,853.

Frequency of Response: On occasion; Quarterly; Bi-monthly; Semi-annually; Annually.

Total Responses: 8,284,730.

Average Time per Response: Varies from 1 minute (.02 hour) for a clerical employee to notify employees of their right to seek a second medical opinion to 8 hours to develop a compliance plan.

Estimated Total Burden Hours: 1,243,686.

Estimated Cost (Operation and Maintenance): $66,942,938.

IV. Public Participation—Submission of Comments on This Notice and Internet

Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile; or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for this ICR (Docket No. OSHA–2012–0014). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627). Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as their social security number and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link.

Contact the OSHA Docket Office for information about materials not available from the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on August 31, 2015.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2015–21913 Filed 9–2–15; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Biological Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Biological Sciences (#1110).

Date and Time: September 28, 2015 8:30 a.m.–5:00 p.m.; September 29, 2015 8:30 a.m.–4:00 p.m.

Place: National Science Foundation 4201 Wilson Boulevard, Room 1235, Arlington, VA 22230.

Please contact Maria Sutton at *msutton@nsf.gov* to obtain a visitor badge. All visitors to the NSF will be required to show photo ID to obtain a badge.

Type of Meeting: OPEN.

Contact Person: Charles Liarakos, Program Director, National Science Foundation, 4201 Wilson Boulevard, Room 605, Arlington, VA 22230; Tel No. (703) 292–8400.

Purpose of Meeting: The Advisory Committee for the Directorate for Biological Sciences (BIO) provides advice, recommendations, and oversight concerning major program emphases, directions, and goals for the research-related activities of the divisions that make up BIO.

Agenda: Agenda items will include BIO programs that contribute to biological research at the nexus of food, energy and water (INFEWS), NEON science, the Division of Environmental Biology COV Report, diversity in biology graduate education, and other matters relevant to the Directorate for Biological Sciences.

Dated: August 31, 2015.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2015–21927 Filed 9–2–15; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Geosciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Geosciences (1755).

DATES: October 21, 2015, 8:30 a.m.–5:00 p.m.; October 22, 2015, 8:30 a.m.–2:00 p.m.

Place: National Science Foundation, 4201Wilson Blvd., Stafford II, Room 555, Arlington, Virginia 22230.

Type of Meeting: Open.

Contact Person: Melissa Lane, National Science Foundation, Suite 705, 4201 Wilson Blvd., Arlington, Virginia 22230. Phone 703–292–8500.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice, recommendations, and oversight on support for geoscience research and education including atmospheric, geospace, earth, ocean and polar sciences.

Agenda

Wednesday, October 21, 2015; 8:30 a.m.–5:00 p.m.

Directorate and NSF activities and plans
Review of 2015 COV Reports
Meeting with the Director of the Office of Legislative and Public Affairs
Update on I–USE and INCLUDES

Thursday, October 22, 2015; 8:30 a.m.–2:00 p.m.

Meeting with the NSF Director and CIO
Division Subcommittee Meetings
Action Items/Planning for Fall Meeting

Dated: August 31, 2015.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2015–21926 Filed 9–2–15; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–754; NRC–2015–0189]

GE Hitachi Nuclear Energy Americas, LLC, Vallecitos Nuclear Center

AGENCY: Nuclear Regulatory Commission.

ACTION: License renewal application; receipt, opportunity to request a hearing and to petition for leave to intervene; order.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received a revised license renewal application from GE Hitachi Nuclear Energy Americas, LLC (GEH), requesting renewal of Special Nuclear Material License No. SNM–960 for the Vallecitos Nuclear Center. This license authorizes GEH to conduct laboratory analysis and engineering studies of licensed material and to store onsite material previously used in analysis. The request, if granted, would authorize GEH to continue licensed activities at the Vallecitos Nuclear Center for 10 years.

DATES: Requests for a hearing or petition for leave to intervene must be filed by November 2, 2015. Any potential party as defined in § 2.1 of Title 10 of the *Code of Federal Regulations* (10 CFR) who believes access to Sensitive Unclassified Non-Safeguards Information (SUNSI) is necessary to respond to this notice must request document access by September 14, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0189 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0189. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it available in ADAMS) is provided the first time that a document is referenced. For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Breeda Reilly, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7553; email: *Breeda.Reilly@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

By letter dated March 18, 2015 (ADAMS Accession No. ML15077A495), GEH submitted to the NRC a revised license renewal application for the Vallecitos Nuclear Center, located near Sunol, California. Special Nuclear Material License No. SNM–960 authorizes GEH to conduct laboratory analysis and engineering studies of licensed material and to store onsite material previously used in analysis. The request, if granted, would authorize GEH to continue licensed activities at the Vallecitos Nuclear Center for 10 years.

The current license expired on June 30, 2010. Because GEH filed an original renewal application on September 30, 2009, and subsequent revisions, the license is under timely renewal as provided in 10 CFR 2.109(a). The revised license renewal application submitted on March 18, 2015, supersedes previous license renewal applications submitted to the NRC.

An NRC administrative review, documented in a letter to GEH dated May 1, 2015 (ADAMS Accession No. ML15077A406), found the March 18, 2015, renewal application acceptable to begin a formal technical review. If the NRC approves the request, the approval will be documented in NRC License No. SNM–960. However, before approving the request, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. These findings will be documented in a Safety Evaluation Report. Because the licensed material will be used in research and development, renewal of SNM–960 is an action that is categorically excluded from the requirement to prepare an environmental assessment pursuant to 10 CFR 51.22(c)(14)(v).

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to the revised license renewal application. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the NRC's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located in One White Flint North, Room O1–F21 (first floor), 11555 Rockville Pike, Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition. The Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted,

with particular reference to the following general requirements: (1) The name, address, and telephone number of the requester or petitioner; (2) the nature of the requester's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requester's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requester's/petitioner's interest. The petition must also set forth the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a motion for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by November 2, 2015. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions for leave to intervene set forth in this section, except that under § 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to the proceeding may, in the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by November 2, 2015.

The Commission requests that each contention be given a separate numeric or alpha designation within one of the following groups: (1) Technical (primarily related to safety concerns; (2) Environmental; or (3) Miscellaneous.

As specified in 10 CFR 2.309, if two or more requestors/petitioners seek to co-sponsor a contention or propose substantially the same contention, the requestors/petitioners will be required to jointly designate a representative who shall have the authority to act for the requestors/petitioners with respect to the contention.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-filing rule (72 FR 49139; August 28, 2007). The E-filing process requires participants to submit and serve all adjudicatory documents over the Internet or, in some cases, to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-filing, at least 10 days prior to the filing deadline, the petitioner should contact the Office of the Secretary by email at *Hearing.Docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E–Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the

participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate, and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submission should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m., Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First-class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville, Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers, in their filings unless an NRC regulation or other law requires submission of such information. However, in some instances, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

IV. Availability of Documents

Documents related to this action, including the license renewal application and other supporting documentation, are available to interested persons as indicated.

Document	ADAMS Accession No.
License Renewal Application, March 18, 2015	ML15077A495.
Vallecitos Decommissioning Funding Plan, January 31, 2014	ML14045A339.
Inventory Consolidation Status Report, November 24, 2014.	ML14328A766.
Acceptance of Application for Technical Review, May 1, 2015	ML15077A406.

Portions of the license renewal application and its supporting documents contain SUNSI. These portions will not be available to the public in the NRC's ADAMS. Any person requesting to obtain the SUNSI information will need to follow the procedures described in the Order below.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing SUNSI.

B. Within 10 days after publication of this notice of docketing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request such access. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requester shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville,

Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requester's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly-available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after the requestor is granted access to that information. However, if more than 25 days remain between the dates the petitioner is granted access to the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline. This provision does not extend the time for filing a request for a hearing and petition to intervene, which must comply with the requirements of 10 CFR 2.309.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and need for access, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requester may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) another officer, if that officer has been designated to rule on information access issues.

H. Review of Grants of Access. A party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 27th day of August, 2015.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING

Day	Event/activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[3] Requesters should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING—Continued

Day	Event/activity
20	The U.S. Nuclear Regulatory Commission (NRC) staff informs the requester of the staff's determination of whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (The NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If the NRC staff makes the finding of need for SUNSI and likelihood of standing, the NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no ''need'' or no likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; the NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If the NRC staff finds ''need'' for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If the NRC staff finds standing and need for SUNSI, deadline for the NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for Protective Order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2015–21801 Filed 9–2–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 052–00027 and 052–00028; NRC–2008–0441]

Virgil C. Summer Nuclear Station, Units 2 and 3

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Combined Licenses (NPF–93 and NPF–94), issued to South Carolina Electric and Gas (SCE&G) and South Carolina Public Service Authority (Santee Cooper) (the licensee), for construction and operation of the Virgil C. Summer Nuclear Station (VCSNS), Units 2 and 3 located in Fairfield County, South Carolina.

The proposed amendment departs from Tier 2* and associated Tier 2 information in the VCSNS Units 2 and 3 Updated Final Safety Analysis Report (UFSAR) (which includes the plant specific Design Control Document Tier 2 information) to demonstrate that the mechanical weldable couplers to structural steel weld capacity required by the American Concrete Institute (ACI) 349–01 is satisfied using the American Institute of Steel Construction (AISC) N690–1994 analysis and testing provisions.

DATES: Submit comments by October 5, 2015. Requests for a hearing or petition for leave to intervene must be filed by November 2, 2015.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0441. 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: Paul Kallan, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2809; email: *Paul.Kallan@nrg.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2008–0441 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–2008–0441.
- *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 application for amendment, dated August 24, 2015, is available in ADAMS under Accession No. ML15236A344.
- *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–2008–0441 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 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. Introduction

The NRC is considering issuance of an amendment to Facility Operating License Nos. NPF–93 and NPF–94, issued to SCE&G and Santee Cooper for operation of the Virgil C. Summer Nuclear Station, Units 2 and 3, located in Fairfield County, South Carolina.

The proposed amendment would revise the plant-specific Design Control Document (DCD) Tier 2 and involved Tier 2* material incorporated into the Updated Final Safety Analysis Report (UFSAR), by revising the requirement to utilize American Welding Society (AWS) D1.1–1992, Structural Welding Code—Steel, when meeting the American Institute of Steel Construction (AISC) N690–1994 requirements. The change is to demonstrate that the mechanical weldable couplers to structural steel weld capacity required by ACI 349–01 is satisfied using AISC N690–21994 analysis and testing provisions.

Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in § 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change does not affect the operation of any systems or equipment that initiate an analyzed accident or alter any structures, systems, and components (SSC) accident initiator or initiating sequence of events. The change revises how analysis and testing are used to demonstrate the capacity of partial joint penetration (PJP) welds with fillet weld reinforcement joining weldable rebar couplers to structural steel to meet the strength requirements of American Concrete Institute (ACI) 349–01, ''Code Requirements for Nuclear Safety Related Concrete Structures,'' and to establish a minimum fillet reinforcement size for the C2/C3J couplers.

The change has no adverse effect of the design function of the mechanical couplers or the SSCs to which the mechanical couplers are welded. The probabilities of the accidents evaluated in the Updated Final Safety Analysis Report (UFSAR) are not affected.

The change does not impact the support, design, or operation of mechanical and fluid systems. There is no change to plant systems or the response of systems to postulated accident conditions. There is no change to the predicted radioactive releases due to normal operation or postulated accident conditions. The plant response to previously evaluated accidents or external events is not adversely affected, nor does the proposed change create any new accident precursors.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not affect the operation of any systems or equipment that may initiate a new or different kind of accident, or alter any SSC such that a new accident initiator or initiating sequence of events is created. The proposed change specifies how the analysis and testing requirements of ACI 349–01 are applied to demonstrate the capacity of combined PJP welds with fillet weld reinforcement joining rebar couplers to structural steel and to establish a minimum fillet reinforcement size for the C2/C3J couplers.

The proposed change does not adversely affect the design function of the mechanical couplers, the structures in which the couplers are used, or any other SSC design functions or methods of operation in a manner that results in a new failure mode, malfunction, or sequence of events that affect safety-related or non-safety-related equipment. This activity does not allow for a new fission product release path, result in a new fission product barrier failure mode, or create a new sequence of events that result in significant fuel cladding failures.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change maintains existing safety margin and provides adequate protection through continued application of the existing requirements in the UFSAR and clarifying the existing requirements in ACI 349–01 for welds of mechanical couplers joining rebar to structural steel. The proposed change satisfies the same design functions in accordance with the same codes and standards as stated in the UFSAR. This change does not adversely affect any design code, function, design analysis, safety analysis input or result, or design/safety margin. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed change.

Because no safety analysis or design basis acceptance limit/criterion is challenged or exceeded by this change, no significant margin of safety is reduced.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves a No Significant Hazards Consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day notice period if the Commission concludes the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act

in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this **Federal Register** notice, any person whose interest may be affected by this proceeding and who desires to participate as a party in the proceeding must file a written request for hearing or a petition for leave to intervene specifying the contentions which the person seeks to have litigated in the hearing with respect to the license amendment request. Requests for hearing and petitions for leave to intervene shall be filed in accordance with the NRC's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.*

As required by 10 CFR 2.309, a request for hearing or petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The hearing request or petition must specifically explain the reasons why intervention should be permitted, with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The hearing request or petition must also include the specific contentions that the requestor/petitioner seeks to have litigated at the proceeding.

For each contention, the requestor/petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the requestor/petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings that the NRC must make to support the granting of a license amendment in response to the application. The hearing request or petition must also include a concise statement of the alleged facts or expert opinion that support the contention and on which the requestor/petitioner intends to rely at the hearing, together with references to those specific sources and documents. The hearing request or petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes and the supporting reasons for each dispute. If the requestor/petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the requestor/petitioner must identify each failure and the supporting reasons for the requestor's/petitioner's belief. Each contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who does not satisfy these requirements for at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Hearing requests or petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the

Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, in some instances, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated August 24, 2015.

Attorney for licensee: Ms. Kathryn M. Sutton, Morgan, Lewis & Bockius LLC, 1111 Pennsylvania Avenue NW, Washington, DC 20004–2514.

NRC Branch Chief: Lawrence Burkhart.

Dated at Rockville, Maryland, this 26th day of August 2015.

For the Nuclear Regulatory Commission.

Brian Hughes,

Acting Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2015–21817 Filed 9–2–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Application for a License To Export High-Enriched Uranium

Pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 110.70 (b) ''Public Notice of Receipt of an Application,'' please take notice that the U.S. Nuclear Regulatory Commission (NRC) has received the following request for an export license. Copies of the request are available electronically through the Agencywide Documents Access and Management System and can be accessed through the Public Electronic Reading Room link *http://www.nrc.gov/reading-rm.html* at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

A request for a hearing or petition for leave to intervene may be filed with the NRC electronically in accordance with NRC's E-Filing rule promulgated in August 2007, 72 FR 49139; August 28, 2007. Information about filing

electronically is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* To ensure timely electronic filing, at least five days prior to the filing deadline, the petitioner/requestor should contact the Office of the Secretary by email at *HEARINGDOCKET@NRC.GOV,* or by calling (301) 415–1677, to request a digital ID certificate and allow for the creation of an electronic docket.

In addition to a request for hearing or petition for leave to intervene, written comments, in accordance with 10 CFR 110.81, should be submitted within thirty days after publication of this notice in the **Federal Register** to Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Rulemaking and Adjudications.

The information concerning this application for an export license follows.

NRC EXPORT LICENSE APPLICATION

[Description of Material]

Name of applicant date of application date received application No. docket No.	Material type	Total quantity	End use	Destination
Cambridge Isotope Laboratories Inc. June 15, 2015 June 24, 2015 XMAT435 11006205	Non-radioactive Deuterium gas, Deuterium oxide, Deuterium compounds.	10,000 kilograms	Non-nuclear end use in the medical, pharmaceutical, chemical, and industrial markets.	Qatar.

Dated this 27th day of March 2015 at Rockville, Maryland.

For the U.S. Nuclear Regulatory Commission.

David L. Skeen,

Deputy Director, Office of International Programs.

Editorial Note: This document was received for publication by the Office of Federal Register on August 28, 2015.

[FR Doc. 2015–21802 Filed 9–2–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 052–00025 and 052–00026; NRC–2008–0252]

Vogtle Electric Generating Station, Units 3 and 4

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Combined Licenses (NPF–91 and NPF–92), issued to Southern Nuclear Operating Company, Inc. (SNC), Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC., MEAG Power SPVJ, LLC., MEAG POWER SPVP, LLC., and the City of Dalton, Georgia (together ''the licensees''), for construction and operation of the Vogtle Electric Generating Plant (VEGP), Units 3 and 4, located in Burke County, Georgia.

DATES: Submit comments by October 5, 2015. Requests for a hearing or petition for leave to intervene must be filed by November 2, 2015.

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

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0252. 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: Chandu Patel, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3025; email: *Chandu.Patel@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2008–0252 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–2008–0252.
- 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 application for amendment, dated August 21, 2015, is available in ADAMS under Accession No. ML15233A588.
- 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–2008–0252 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 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. Introduction

The NRC is considering issuance of an amendment to Facility Operating License Nos. NPF–91 and NPF–92, issued to Southern Nuclear Operating Company, Inc. (SNC), Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC., MEAG POWER SPVP, LLC., and the City of Dalton, Georgia for operation of the Vogtle Electric Generating Plant Units 3 and 4, located in Burke County, Georgia.

The proposed amendment departs from Tier 2* and associated Tier 2 information in the VEGP Units 3 and 4 UFSAR (which includes the plant specific Design Control Document Tier 2 information) to demonstrate that the mechanical weldable couplers to structural steel weld capacity required by American Concrete Institute (ACI) 349–01, ''Code Requirements for Nuclear Safety Related Concrete Structure,'' is satisfied using American Institute of Steel Construction (AISC) N690–1994, ''Specifications for Design, Fabrication, and Erection of Steel Safety-Related Structures for Nuclear Facilities,'' analysis and testing provisions.

Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in § 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change does not affect the operation of any systems or equipment that initiate an analyzed accident or alter any structures, systems, and components (SSC) accident initiator or initiating sequence of events. The change revises how analysis and testing are used to demonstrate the capacity of partial joint penetration (PJP) welds with fillet weld reinforcement joining weldable rebar couplers to structural steel to meet the strength requirements of American Concrete Institute (ACI) 349–01, ''Code Requirements for Nuclear Safety Related Concrete Structures,'' and to establish a minimum fillet reinforcement size for the C2/C3J couplers.

The change has no adverse effect on the design function of the mechanical couplers or the SSCs to which the mechanical couplers are welded. The probabilities of the accidents evaluated in the Updated Final Safety Analysis Report (UFSAR) are not affected.

The change does not impact the support, design, or operation of mechanical and fluid systems. There is no change to plant systems or the response of systems to postulated accident conditions. There is no change to the predicted radioactive releases due to normal operation or postulated accident conditions. The plant response to previously evaluated accidents or external events is not adversely affected, nor does the proposed change create any new accident precursors.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not affect the operation of any systems or equipment that may initiate a new or different kind of accident, or alter any SSC such that a new accident initiator or initiating sequence of events is created. The proposed change specifies how the analysis and testing requirements of ACI 349–01 are applied to demonstrate the capacity of combined PJP welds with fillet weld reinforcement joining rebar couplers to structural steel and to establish a minimum fillet reinforcement size for the C2/C3J couplers.

The proposed change does not adversely affect the design function of the mechanical couplers, the structures in which the couplers are used, or any other SSC design functions or methods of operation in a manner that results in a new failure mode, malfunction, or sequence of events that affect safety-related or non-safety-related equipment. This activity does not allow for a new fission product release path, result in a new fission product barrier failure mode, or create a new sequence of events that result in significant fuel cladding failures.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change maintains existing safety margin and provides adequate protection through continued application of the existing requirements in the UFSAR and clarifying the existing requirements in ACI 349–01 for welds of mechanical couplers joining rebar to structural steel. The proposed change satisfies the same design functions in accordance with the same codes and standards as stated in the UFSAR. This change does not adversely affect any design code, function, design analysis, safety analysis input or result, or design/safety margin. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed change.

Because no safety analysis or design basis acceptance limit/criterion is challenged or exceeded by this change, no significant margin of safety is reduced.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves a No Significant Hazards Consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day notice period if the Commission concludes the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that

the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this **Federal Register** notice, any person whose interest may be affected by this proceeding and who desires to participate as a party in the proceeding must file a written request for hearing or a petition for leave to intervene specifying the contentions which the person seeks to have litigated in the hearing with respect to the license amendment request. Requests for hearing and petitions for leave to intervene shall be filed in accordance with the NRC's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.*

As required by 10 CFR 2.309, a request for hearing or petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The hearing request or petition must specifically explain the reasons why intervention should be permitted, with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The hearing request or petition must also include the specific contentions that the requestor/petitioner seeks to have litigated at the proceeding.

For each contention, the requestor/petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the requestor/petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings that the NRC must make to support the granting of a license amendment in response to the application. The hearing request or petition must also include a concise statement of the alleged facts or expert opinion that support the contention and on which the requestor/petitioner intends to rely at the hearing, together with references to those specific sources and documents. The hearing request or petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes and the supporting reasons for each dispute. If the requestor/petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the requestor/petitioner must identify each failure and the supporting reasons for the requestor's/petitioner's belief. Each contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who does not satisfy these requirements for at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC's regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Hearing requests or petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-*

submittals.html. Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, in some instances, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated August 21, 2015.

Attorney for licensee: Ms. Kathryn M. Sutton, Morgan, Lewis & Bockius LLC, 1111 Pennsylvania Avenue NW, Washington, DC 20004–2514.

NRC Branch Chief: Lawrence Burkhart.

Dated at Rockville, Maryland, this 26th day of August 2015.

For the Nuclear Regulatory Commission.

Chandu Patel,

Senior Project Manager, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–128; NRC–2015–0210]

Texas Engineering Experiment Station/Texas A&M University System Nuclear Science Center Reactor

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering renewal of Facility Operating License No. R–83, held by the Texas Engineering Experiment Station/Texas A&M University System (TEES/TAMUS or the licensee) for the continued operation of its Nuclear Science Center (NSC or the facility) Training, Research, Isotope Production, General Atomics (TRIGA) reactor (NSCR or the reactor). The NRC is issuing an environmental assessment and finding of no significant impact associated with the renewal of the license.

DATES: The environmental assessment and finding of no significant impact are available as of September 3, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0210 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0210. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System

(ADAMS): You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.

- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Geoffrey A. Wertz, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0893; email: *Geoffrey.Wertz@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering renewal of Facility Operating License No. R–83, held by TEES/TAMUS, which would authorize continued operation of its NSCR, located in College Station, Brazos County, Texas. Therefore, as required by § 51.21 of Title 10 of the *Code of Federal Regulations* (10 CFR), the NRC performed an environmental assessment. Based on the results of the environmental assessment that follows, the NRC has determined not to prepare an environmental impact statement for the renewed license, and is issuing a finding of no significant impact.

II. Environmental Assessment

Description of the Proposed Action

The proposed action would renew Facility Operating License No. R–83 for an additional 20 years from the date of issuance of the renewed license. The proposed action is in accordance with the licensee's letter dated February 27, 2003, as supplemented by letters dated July 22, 2009; July 28, August 30, August 31, and December 9, 2010; May 27, June 9, and November 21, 2011; January 12, April 11, and November 14, 2012; January 31, 2013; February 3, February 11, and November 13, 2014; and March 2, June 5, June 11, and June 30, 2015 (the renewal application). In accordance with § 2.109, ''Effect of timely renewal application,'' the existing license remains in effect until the NRC takes final action on the renewal application.

Need for the Proposed Action

The proposed action is needed to allow the continued operation of the TEES/TAMUS NSCR to routinely provide teaching, research, and services to numerous institutions for a period of 20 years.

Environmental Impacts of the Proposed Action

The NRC has completed its safety evaluation of the proposed action to issue a renewed TEES/TAMUS NSC Facility Operating License No. R–83 to allow continued operation of the TEES/TAMUS NSCR for an additional 20 years and concludes there is reasonable assurance that the licensee will continue to operate the TEES/TAMUS NSCR safely for the additional period of time. The details of the NRC's safety evaluation will be provided with the renewed license that will be issued as part of the letter to the licensee approving its license renewal application. This document contains the environmental assessment of the proposed action.

The TEES/TAMUS NSC is located on a rectangular 6-acre site on the west end of the Texas A&M University (TAMU) campus in College Station, Texas. The NSC is located 460 meters (1500 feet) west of the north-south runway of Easterwood Airport. The NSC is surrounded by land owned and controlled by TAMU and Easterwood Airport. No industrial, transportation or military facilities within the vicinity of the NSC pose sufficient risk to the NSC NSCR to render the site unusable for operation of the reactor facility. Although the airport is nearby, the trajectory of the runways make the probability of a casualty resulting from an aircraft collision low. The NSCR is located within a steel and concrete confinement building, below ground level, and is protected by thick stainless steel-lined concrete pool walls, which would minimize the radiological risk of a potential aircraft collision.

The NSC is comprised of the reactor confinement building, entry/reception area, laboratory building and other equipment rooms, and storage/support buildings. The main entrance into the NSC is located at the east end of the site. The NSC is located 9.6 kilometers (6 miles) south of the city center of Bryan, 4.8 kilometers (3 miles) southwest of the TAMU main campus, and 4.1 kilometers (2.5 miles) west-southwest of the City of College Station. The nearest permanent residences are greater than 1 kilometer (0.6 miles) from the NSC and the nearest dormitories are 4 to 6 kilometers (2.5 to 3.5 miles) away.

The NSC is approximately 6 kilometers (3.5 miles) south of TAMU's Zachry Engineering Center complex. The Zachry Engineering Center is the location of TAMU's second research reactor, an Aerojet General Nucleonics (AGN)-201M research reactor (the AGN). The license for the AGN is currently under review for renewal which will also include an environmental assessment similar in nature to this environmental assessment for the NSC.

The NSCR is a pool-type, light water moderated and cooled TRIGA research reactor licensed to operate at a steady-state power level of 1.0 megawatt (thermal). The reactor is also licensed to operate in a pulse mode. The fuel is located at the bottom of a stainless steel-lined concrete pool, which has two sections with a total volume of 401,500 liters (106,000 gallons) of water. The main section of the pool is 10 meters (33 feet) deep and 5.5 meters (18 feet) wide. The stall section of the pool is 2.8 meters (9 feet) wide with a rounded end, which can be isolated from the main section of the pool by an aluminum gate. The reactor is fueled with standard TRIGA low-enriched uranium fuel and the core is normally covered by 8 meters (26 feet) of water. A detailed description of the reactor is publicly available and can be found in the Safety Analysis Report (SAR) for the NSCR. There have been two major modifications to Facility Operating License No. R–83 since the last renewal of the license on March 30, 1983. An order was issued in 2006 amending the license by: (1) Allowing an increase in the possession limits for uranium-235 to bring a low-enriched uranium core on site for converting the reactor from the use of high-enriched uranium fuel to low-enriched uranium fuel (possession limits were reduced when the high-enriched uranium core was removed from the facility after conversion); and (2) converting the reactor from the use of high-enriched uranium fuel to low-enriched uranium fuel.

A. Radiological Impact

Environmental Effects of Reactor Operations:

Gaseous radioactive effluents are discharged from the NSCR facility exhaust system through a single release point, a 26-meter (85 feet) high building stack, at a volumetric flow rate of approximately 233 cubic meters (8,000 cubic feet) per minute. The only significant radionuclide found in the gaseous effluent stream is argon-41 (Ar-41). The Ar-41 release rate for the NSCR is limited to 30 curies per year (Ci/yr), as required by TS 3.5.2.

The licensee states that all modes of operation at the NSCR, including thermal column operations, produce air concentrations and total Ar-41 release much less than the TS 3.5.2 limit of 30-Ci/yr. However, using the 30-Ci/yr TS 3.5.2 limit and the stack flow rate provided above, the licensee calculated that the average Ar-41 release concentration would be $2.5x10^{-7}$ microcuries per milliliter (μCi/mL), which is 8.3 percent of the derived air concentration (DAC) limiting value of $3x10^{-6}$ μCi/mL, established in Table 1 of appendix B, ''Annual Limits on Intake (ALIs) and Derived Air Concentrations (DACs) of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sewerage,'' to 10 CFR part 20. Using the building concentration as the average stack flow concentration provided above, the licensee calculated the occupational dose to an NSC worker staying in the confinement for 2,000 hours per year at 416 millirem (mrem). The license also evaluated the dose to a worker given the assumption that the concentration of Ar-41, based on the 30 Ci/yr release limit, was generated during 2,000 hours of reactor operation and the resulting dose was 1.84 rem, which is well below the 5,000 mrem limit established in § 20.1201, ''Occupational dose limits for adults.''

The licensee calculated, using an atmospheric dilution factor of 5×10^{-3} for the distance to the fence line at 100 m (boundary of the restricted area), the potential dose to a member of the public to be 12.6 mrem for a continuous Ar-41 exposure over the entire year. This dose value is below the limit of 100 mrem/yr in § 20.1301, ''Dose limits for individual members of the public.'' In order to ensure that the actual dose remains below the 10 mrem annual as low as is reasonably achievable (ALARA) constraint of § 20.1101, ''Radiation protection programs,'' the licensee indicated that the Ar-41 releases are monitored monthly, and the Radiation Safety Officer (RSO) reviews the results of any abnormal releases to ensure that the Ar-41 doses remain below the 10 mrem ALARA constraint. Additionally, a review of the Ar-41 releases from the licensee's annual reports shows that the annual release of Ar-41 is well below the 30 Ci limit. The 2013 Annual Report, as supplemented, is publicly available and indicated that the total release of Ar-41 was 10.4 Ci. The NRC estimates this release could result in a potential dose to a member of the public to be approximately 4.3 mrem over a year.

The licensee disposes of liquid radioactive wastes by discharge to the sanitary sewer. Liquid radioactive waste is collected from various locations within the facility and transferred to one of three 140,060 liters (37,000 gallons) hold-up tanks. When a tank is full, its contents are filtered to remove any particulates, and sampled for radioactive content. Procedures are used to control the discharge process to ensure that discharges meet the requirements of § 20.2003, ''Disposal by release into sanitary sewerage,'' for disposal into the sanitary sewerage. For many years, the licensee discharged liquid waste from the hold-up tanks directly to a small creek running through the site. The waste was analyzed and sufficiently diluted before each release. Sampling of creek sediment was routinely done as part of the overall environmental monitoring program. In September 2008, the licensee reconfigured its liquid effluent system such that the hold-up tanks now discharge to the sanitary sewer. Since that time, no releases have been made to the creek and none are planned.

The licensee oversees the handling of solid low-level radioactive waste generated at the NSC. The bulk of the waste consists of gloves, paper, plastic, and small pieces of metal. The licensee disposes of the waste by decay-in-storage or shipment to a low-level waste broker in accordance with all applicable regulations for transportation of radioactive materials.

To comply with the Nuclear Waste Policy Act of 1982, the licensee has entered into a contract with the U.S. Department of Energy (DOE) that provides that DOE retains title to the fuel utilized at the NSC and that DOE is obligated to take the fuel from the site for final disposition.

As described in Chapter 11 of the publicly available NSC SAR, personnel exposures are well within the limits set by § 20.1201, ''Occupational dose limits for adults,'' and are ALARA. The licensee tracks exposures of personnel monitored with dosimeters, which are usually less than 10 percent of the occupational limit of 50 milliSieverts (5,000 mrem) per year. Area thermo-luminescent dosimeter (TLD) monitors mounted in the control room and other strategic locations provide an additional monthly measurement of total radiation exposures at those locations. No changes in reactor operation that would lead to an increase in occupational dose are expected as a result of the proposed action.

The licensee conducts an environmental monitoring program to assess the radiological impact of reactor operations on the surrounding areas. The program consists of measuring and recording the integrated radiation exposure obtained from environmental TLDs located at various positions around the site boundary and at two control locations away from any direct influence from the NSC. The licensee administers the program and maintains the appropriate records. Over the past five years, the survey program indicated that radiation exposures at the monitoring locations were not significantly higher than those measured at the control locations. Year-to-year trends in exposures are consistent between monitoring locations. Also, no correlation exists between total annual reactor operation and annual exposures measured at the monitoring locations. Based on its review of the past five years of data, the NRC staff concludes that operation of the NSC does not have any significant radiological impact on the surrounding environment. No changes in reactor operation that would affect off-site radiation levels are expected as a result of the proposed action.

Environmental Effects of Accidents

Accident scenarios are discussed in Chapter 13 of the NSC SAR. The maximum hypothetical accident is the simultaneous loss of coolant and rupture of a single fuel element in air. The licensee conservatively calculated doses to facility personnel and the maximum potential dose to a member of the public. The NRC performed independent calculations to verify that the doses represent conservative estimates for the maximum hypothetical accident. Occupational doses resulting from this accident would be well below the 10 CFR part 20 annual limit of 50 milliSievert (5.0 rem). Maximum doses for members of the public resulting from this accident would be well below the 10 CFR part 20 annual limit of 1.0 milliSievert (100 mrem). The proposed action will not increase the probability or consequences of accidents.

The licensee has not requested any changes to the facility design or operating conditions as part of the application for license renewal. No changes are being made in the types or quantities of effluents that may be released off site. The licensee has systems in place for controlling the release of radiological effluents and implements a radiation protection program to monitor personnel exposures and releases of radioactive effluents. As discussed in the safety evaluation, the systems and radiation protection program are appropriate for the types and quantities of effluents expected to be generated by continued operation of the NSCR. Accordingly, there would be

no increase in routine occupational or public radiation exposure as a result of license renewal. As discussed in the safety evaluation, the proposed action would not significantly increase the probability or consequences of accidents. Therefore, license renewal would not change the environmental impact of facility operation. The NRC evaluated information contained in the licensee's renewal application and reviewed data reported to the NRC by the licensee for the last five years of operation to determine the projected radiological impact of the facility on the environment during the period of the renewed license. The NRC found that releases of radioactive material and personnel exposures were all well within applicable regulatory limits. Based on its evaluation, the NRC concludes that continued operation of the NSCR would not have a significant environmental impact.

B. Non-Radiological Impacts

The NSCR core is cooled by a light water primary system consisting of the reactor pool, a heat removal system, and a processing system. Cooling occurs by natural convection with the heated coolant rising out of the core and into the bulk pool water. The large heat sink provided by the volume of primary coolant allows several hours of full-power operation without any secondary cooling. The heat removal system transfers heat to the secondary system via a heat exchanger. The secondary system uses water supplied by the municipal water system. The licensee monitors both systems for purity and to detect significant leakage. The licensee does not chemically treat the primary coolant. Three chemicals (sulfuric acid, sodium hypochlorite (bleach), and a commercial cooling water treatment) are used to maintain the secondary coolant pH, control growth of organisms, and control the buildup of scale, respectively. These chemicals are highly diluted and possess minimal hazards to the operating staff. Secondary cooling tower water is occasionally ''blown-down'' to maintain acceptable conductivity (purity), and the blow-down water is disposed of in accordance with the permit limits of the University's waste water treatment plant. The licensee uses small volumes of standard laboratory-grade chemicals in their chemical laboratories. These chemicals are disposed through an established procedure with the University's Environmental Health Office. The licensee implements a non-radiological environmental monitoring program with the Texas Department of State Health Services. This program helps to ensure that impacts are kept within acceptable limits.

Given that the proposed action does not involve any change in the operation of the reactor, the minimal heat load dissipated to the environment and limited chemical usage, the NRC concludes that the proposed action will not have a significant non-radiological impact on the environment.

National Environmental Policy Act Considerations

The NRC has responsibilities that are derived from the National Environmental Policy Act and from other environmental laws, which include the Endangered Species Act (ESA), Coastal Zone Management Act, National Historic Preservation Act (NHPA), Fish and Wildlife Coordination Act (FWCA) and Executive Order 12898—Environmental Justice. The following presents a brief discussion of impacts associated with these laws and other requirements.

1. Endangered Species Act

No effects on the aquatic or terrestrial habitat in the vicinity of the NSC, or to threatened, endangered, or protected species under the ESA, would be expected.

2. Coastal Zone Management Act

The NSC is not located within any managed coastal zone, nor would the effluents and emissions from the NSCR impact any managed coastal zones.

3. National Historic Preservation Act

The NHPA requires Federal agencies to consider the effects of their undertakings on historic properties. The National Register of Historic Places lists several historical sites in Brazos County. However, none of the sites are located within 1 kilometer (0.6 miles) of the NSC and, given their respective locations, continued operation of the NSCR will not impact any historical sites. The NRC staff contacted the State of Texas Historical Preservation Officer (SHPO) and discussed the proposed action. The SHPO indicated that there was no objection to the proposed action and that it did not require a formal review by that office. Based on this information, the NRC staff finds that the potential impacts of the proposed action would have no adverse effect on historic and archaeological resources.

4. Fish and Wildlife Coordination Act

With regard to the NSC, TEES/TAMUS is not planning any water resource development projects, including any modifications relating to impounding a body of water, damming, diverting a stream or river, deepening a channel, irrigation, or altering a body of water for navigation or drainage. Therefore, this action has no significant impact related to the FWCA.

5. Executive Order 12898—Environmental Justice

The environmental justice impact analysis evaluates the potential for disproportionately high and adverse human health and environmental effects on minority and low-income populations that could result from the relicensing and the continued operation of the NSC. Such effects may include human health, biological, cultural, economic, or social impacts.

Minority Populations in the Vicinity of the NSC—According to the 2010 census data, 36 percent of the total population (approximately 512,000 individuals) residing within a 50-mile radius of the NSC identified themselves as minority individuals. The largest minority were people of Hispanic, Latino, or Spanish origin of any race (approximately 100,000 persons or 19.5 percent), followed by Black or African American (65,000 or 12.7 percent). According to the U.S. Census Bureau, about 41 percent of the Brazos County population identified themselves as minorities, with persons of Hispanic, Latino, or Spanish origin comprising the largest minority group (23 percent). According to U.S. Census Bureau's 2013 American Community Survey 1-Year Estimates, the minority population of Brazos County, as a percent of the total population, had increased to about 42 percent.

Low-income Populations in the Vicinity of the NSC—According to the U.S. Census Bureau's 2008–2012 American Community Survey 5-Year Estimates, approximately 100,000 individuals (20 percent) residing within a 50-mile radius of the NSC were identified as living below the Federal poverty threshold. The 2012 Federal poverty threshold was $23,492 for a family of four.

According to the U.S. Census Bureau's 2013 American Community Survey 1-Year Estimates, the median household income for Texas was $51,704, while 13.6 percent of families and 17.5 percent of the state population were found to be living below the Federal poverty threshold. Brazos County had a lower median household income average ($37,913) and a higher percent of families (16.1 percent) and individuals (29.5 percent) living below the poverty level, respectively.

Impact Analysis—Potential impacts to minority and low-income populations would mostly consist of radiological effects; however, radiation doses from continued operations associated with the license renewal are expected to

continue at current levels, and would be well below regulatory limits.

Based on this information and the analysis of human health and environmental impacts presented in this environmental assessment, the proposed license renewal would not have disproportionately high and adverse human health and environmental effects on minority and low-income populations residing in the vicinity of the NSC.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to license renewal, the NRC considered denying the proposed action. If the NRC denied the request for license renewal, reactor operations at the NSC would cease and decommissioning would be required. The NRC notes that, even with a renewed license, the NSC will eventually require decommissioning, at which time the environmental effects of decommissioning would occur. Decommissioning would be conducted in accordance with an NRC-approved decommissioning plan which would require a separate environmental review under § 51.21, ''Criteria for and identification of licensing and regulatory actions requiring environmental assessments.'' Cessation of reactor operations at the NSC would reduce or eliminate radioactive effluents and emissions. However, as previously discussed in this environmental assessment, radioactive effluents resulting from reactor operations are only a small fraction of the applicable regulatory limits. Therefore, the environmental impacts of renewing the license and the denial of the request for license renewal would be similar. In addition, denying the request for license renewal would eliminate the benefits of teaching, research, and services provided by the NSCR.

Alternative Use of Resources

The proposed action does not involve the use of any different resources or significant quantities of resources beyond those previously considered in the issuance of License Amendment No. 9 to Facility Operating License No. R–83 for the NSC dated March 30, 1983, which renewed the Facility Operating License No. R–83 for an additional period of 20 years.

Agencies and Persons Consulted

In accordance with the agency's stated policy, on June 11, 2010, the NRC staff consulted with the Texas State Liaison Officer regarding the environmental impact of the proposed action. The consultation involved a thorough explanation of the environmental review, the details of this environmental assessment, and the NRC's findings. The State official stated the he understood the NRC review and had no comments regarding the proposed action.

III. Finding of No Significant Impact

The NRC staff has prepared this EA as part of its review of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. On the basis of the environmental assessment included in Section II of this document, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined that a finding of no significant impact is appropriate.

IV. Availability of Documents

This finding and related environmental documents are available to interested persons through ADAMS via the following ADAMS accession numbers:

Document	ADAMS Accession No./Web link/**Federal Register** Citation
February 27, 2003	ADAMS Accession No. ML102920025.
July 22, 2009	ADAMS Accession No. ML092530306.
July 28, 2010	ADAMS Accession No. ML102150544.
August 30, 2010	ADAMS Accession No. ML102510154.
August 31, 2010	ADAMS Accession No. ML102650318.
December 9, 2010	ADAMS Accession No. ML103470278.
May 27, 2011	ADAMS Accession No. ML111950372.
June 9, 2011	ADAMS Accession No. ML111950376.
November 21, 2011	ADAMS Accession Nos. ML113410067 and ML11327A083.
January 12, 2012	ADAMS Accession No. ML120260016.
April 11, 2012	ADAMS Accession No. ML12110A116.
November 14, 2012	ADAMS Accession No. ML12321A321.
January 31, 2013	ADAMS Accession No. ML13037A307.
February 3, 2013	ADAMS Accession No. ML14038A106.
February 11, 2013	ADAMS Accession No. ML14076A112.
November 13, 2014	ADAMS Accession No. ML15009A297.
March 2, 2015	ADAMS Accession No ML15065A068.
June 5, 2015	ADAMS Accession No ML15160A023.
June 11, 2015	ADAMS Accession No. ML15187A256.
June 30, 2015	ADAMS Accession No. ML15182A449.

Dated at Rockville, Maryland, this 24th day of August, 2015.

For the Nuclear Regulatory Commission

Alexander Adams, Jr.,

Chief, Research and Test Reactors Licensing Branch. Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–21820 Filed 9–2–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–295, 50–304, and 72–1037; NRC–2015–0190]

ZionSolutions, LLC; Zion Nuclear Power Station, Units 1 and 2 Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an exemption in response to a request submitted by Zion*Solutions* on August 25, 2014, to its general license to operate an independent spent fuel storage installation (ISFSI) at the Zion Nuclear Power Station (ZNPS). The exemption permits Zion*Solutions* to deviate from the requirements in Certificate of

Compliance No. 1031, Amendment No. 3, Appendix A, Technical Specifications and Design Features for the Modular Advanced Generation Nuclear All-purpose STORage (MAGNASTOR®) System, Section 5.7, Training Program. Zion*Solutions* is currently loading MAGNASTOR® storage casks and maintains that relief from certain training requirements will reduce costs associated with applying a more complex and labor intensive training process than required by regulation.

DATES: Notice of issuance of exemption given on September 3, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0190 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

• Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0190. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document. Some documents referenced are located in the NRC's ADAMS Legacy Library. To obtain these documents, contact the NRC's PDR for assistance.

• NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: John Vera, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–5790; email: *John.Vera@nrc.gov.*

I. Background

In February 1998, ZNPS, Units 1 and 2, were permanently shut down. On February 13, 1998, Commonwealth Edison Company, the ZNPS licensee at that time, submitted a letter certifying the permanent cessation of operations at ZNPS, Units 1 and 2. On March 9, 1998, Commonwealth Edison Company submitted a letter certifying the permanent removal of fuel from the reactor vessels at ZNPS. On May 4, 2009, the NRC issued the order to transfer the ownership of the permanently shut down ZNPS facility and responsibility for its decommissioning to Zion*Solutions.* This transfer was effectuated on September 1, 2010. Zion*Solutions* was established solely for the purpose of acquiring and decommissioning the ZNPS facility for release for unrestricted use, while transferring the spent nuclear fuel and Greater-Than-Class C radioactive waste to the ZNPS ISFSI. Zion*Solutions* holds Facility Operating License Nos. DPR–39 and DPR–48, which authorize possession of spent fuel from the operation of ZNPS, Units 1 and 2, in Zion, Illinois, pursuant to part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Production and Utilization Facilities.'' The licenses provide, among other things, that the facility must comply with all applicable NRC requirements.

Consistent with 10 CFR part 72, subpart K, ''General License for Storage of Spent Fuel at Power Reactor Sites,'' a general license is issued for the storage of spent fuel in an ISFSI at power reactor sites to persons authorized to possess or operate nuclear power reactors under 10 CFR part 50. Zion*Solutions* is currently authorized to store spent fuel at the ZNPS ISFSI under the 10 CFR part 72 general license provisions.

The conditions of the 10 CFR part 72 general license, specifically 10 CFR 72.212(a)(2), 72.212(b)(3), 72.212(b)(5)(i), and 72.212(b)(11), require a general licensee to store spent fuel in an approved spent fuel storage cask listed in 10 CFR 72.214, and to comply with the conditions specified in the cask's CoC. The ZNPS ISFSI is currently loading and storing spent fuel in MAGNASTOR® storage casks, approved by the NRC under CoC No. 1031, Amendment No. 3.

The MAGNASTOR® system provides for the vertical dry storage of spent fuel assemblies in a welded transportable storage canister (TSC). The storage system components for the MAGNASTOR® system consist of a vertical concrete cask (VCC), a TSC with an internal basket assembly that holds the spent fuel assemblies, and a transfer cask, which contains the TSC during loading, transfer, and unloading operations. The VCC is constructed of reinforced concrete designed to withstand all normal condition loads, as well as abnormal condition loads created by natural phenomena such as earthquakes and tornados. The storage system is also designed to withstand design-basis accident conditions.

II. Request/Action

By letter dated August 25, 2014, Zion*Solutions* submitted a request for exemptions from specific portions of the requirements of 10 CFR 72.212, ''Conditions of general license issued under § 72.210,'' specifically 10 CFR 72.212(a)(2), 72.212(b)(5), 72.212(b)(11), and 10 CFR 72.214, ''List of approved spent fuel storage casks.'' Specifically, Zion*Solutions* has requested an exemption from the requirements of Certificate of Compliance No. 1031, Amendment 3, Appendix A, Technical Specifications and Design Features for the MAGNASTOR® System, Section 5.7 ''Training Program.''

Section 5.7 in Appendix A requires the following: ''A training program for the MAGNASTOR® system shall be developed under the general licensee's systematic approach to training (SAT). Training modules shall include comprehensive instructions for the operation and maintenance of the MAGNASTOR® system and the independent spent fuel storage installation (ISFSI).'' Zion*Solutions* has stated that the training program for the MAGNASTOR® system was developed using the SAT methods. The training modules included comprehensive instructions for the operation and maintenance of the MAGNASTOR® system. The exemption request applies only to developing a training program under SAT for operation and maintenance of ISFSI Structures, Systems and Components (SSCs), which are not important to safety as defined in 10 CFR 72.3. If granted, Zion*Solutions* will provide training/instructions for such SSCs in accordance with manufacturer's instructions and Zion*Solutions* approved procedures, instead of developing such training and instructions using the SAT methods.

The NRC has the authority under 10 CFR 72.7 to grant specific exemptions from 10 CFR part 72 requirements if it determines that the exemption is authorized by law and will not endanger life or property or the common defense and security and the exemption is otherwise in the public interest. For the

reasons described below, the NRC is granting an exemption to Zion*Solutions.*

III. Discussion

Pursuant to 10 CFR 72.7, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 72 when it determines that the exemptions are authorized by law, will not endanger life or property or the common defense and security, and are otherwise in the public interest.

A. Authorized by Law

Under 10 CFR 72.7, the NRC may grant exemptions from the requirements of 10 CFR part 72 if the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. As explained below, the proposed exemption will not endanger life or property, or the common defense and security, and is otherwise in the public interest. The ISFSI regulations cited in this exemption request are 10 CFR 72.212(a)(2), 72.212(b)(5)(i), 72.212(b)(11), and 10 CFR 72.214, which, in general, provide that the licensee shall comply with the terms, conditions, and specifications of the CoC. The Commission has the legal authority to issue exemptions from the requirements of 10 CFR part 72 pursuant to 10 CFR 72.7. Issuance of this exemption is consistent with the Atomic Energy Act of 1954, as amended, and is not otherwise inconsistent with NRC regulations or other applicable laws. Therefore, issuance of the exemption is authorized by law.

B. The Exemption Will Not Endanger Life or Property or the Common Defense and Security

Approval of this exemption request will only allow Zion*Solutions* to provide training that has not been developed under a SAT program for non-safety related ISFSI SSCs. There are no changes to design or operations of the ISFSI, and no changes whatsoever to safety or security-related components. If granted, Zion*Solutions* will provide training/instructions for such SSCs in accordance with manufacturer's instructions and Zion*Solutions* approved procedures, instead of developing such training and instructions using the SAT methods. Therefore, issuance of the exemption will not endanger life or property or the common defense and security.

C. The Exemption Is Otherwise in the Public Interest

Approval of this exemption request will only allow Zion*Solutions* to provide training that was not developed under a SAT program for non-safety-related ISFSI SSCs. The costs associated with these activities are paid from the decommissioning trust fund for ZNPS. Decommissioning trust funds are funds set aside during plant operation and do not belong to the utility but are retained in the public interest solely to pay for eventual decommissioning of the plant. ZNPS is currently in a decommissioning process. As such, there is a finite amount of funds which exists to complete decommissioning activities. With regard to the subject request, exemption from implementation of this training process relieves an economic burden. Zion*Solutions* stated in their exemption request that the exemption ''is in the public interest in that it will reduce costs associated with applying a more complex and labor intensive training process than required by regulation with no commensurate safety benefit.'' Furthermore, NRC staff finds the exemption in the public interest, because the resources saved from developing training activities under SAT can be utilized for other decommissioning activities including, for example, reducing the time to complete decommissioning and thus reducing risk of radiological effects to workers and the public and ameliorating an unexpected event, such as an accident.

D. Environmental Considerations

In reviewing this exemption request, the staff also considered whether there would be any significant environmental impacts associated with the exemption. For this proposed action, the staff reviewed the categorical exclusion criteria in 10 CFR 51.22(c)(25). The regulations in 10 CFR 51.22(c)(25) provide a categorical exclusion for the granting of licensee exemption requests. In order for the 10 CFR 51.22(c)(25) categorical exclusions to apply, the proposed action must meet the criteria listed in 10 CFR 51.22(c)(25)(i)–(vi). An analysis of these provisions is provided below.

i. 10 CFR 51.22(c)(25)(i)—There is no significant hazards consideration (NSHC).

The elements of a NSHC are set forth in 10 CFR 50.92(c)(1)–(3). The proposed action involves NSHC if approval of the proposed action would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As the requested exemption does not involve changes to the design or operation of the safety systems for the MAGNASTOR® system or ISFSI, the above elements are not affected; therefore, no significant hazards will result from issuance of this exemption.

ii. 10 CFR 51.22(c)(25)(ii)—There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite.

The proposed exemption, which applies only to developing a training program not under SAT for operation and maintenance of ISFSI SSCs that are not defined in 10 CFR 72.3 as important to safety, would not involve any changes to effluents. Therefore, there is no significant change in the types or increase in the amounts of effluents that may be released offsite.

iii. 10 CFR 51.22(c)(25)(iii)—There is no significant increase in individual or cumulative public or occupational radiation exposure.

The proposed exemption, which applies only to developing a training program not under SAT for operation and maintenance of ISFSI SSCs that are not defined in 10 CFR 72.3 as important to safety, would not involve any changes to public or occupational radiation exposures. Therefore, there is no significant increase in individual or cumulative public or occupational radiation exposure.

iv. 10 CFR 51.22(c)(25)(iv)—There is no significant construction impact.

The proposed exemption, which applies only to developing a training program not under SAT for operation and maintenance of ISFSI SSCs that are not defined in 10 CFR 72.3 as important to safety, would not involve any construction activities. Therefore, there is no significant construction impact.

v. 10 CFR 51.22(c)(25)(v)—There is no significant increase in the potential for or consequences from radiological accidents.

The proposed exemption, which applies only to developing a training program not under SAT for operation and maintenance of ISFSI SSCs that are not defined in 10 CFR 72.3 as important to safety, would not involve any changes to the design, safety limits, or safety analysis assumptions associated with the cask system and would not create any new accident precursors. Therefore, there is no significant increase in the potential for or consequences from radiological accidents.

vi. 10 CFR 51.22(c)(25)(vi)—The requirements from which an exemption is sought involve:

(A) Recordkeeping requirements;

(B) Reporting requirements;

(C) Inspection or surveillance requirements;

(D) Equipment servicing or maintenance scheduling requirements;

(E) Education, training, experience, qualification, requalification or other employment suitability requirements;

(F) Safeguard plans, and materials control and accounting inventory scheduling requirements;

(G) Scheduling requirements;

(H) Surety, insurance or indemnity requirements; or

(I) Other requirements of an administrative, managerial, or organizational nature.

The proposed exemption applies only to developing a training program not under SAT for operation and maintenance of ISFSI SSCs that are not defined in 10 CFR 72.3 as important to safety. The requirements from which an exemption is sought involve only training, and the exemption is thus applicable for a categorical exclusion under 10 CFR 51.22(c)(25)(vi)(E).

Based on the above considerations, the NRC staff concludes that the proposed exemption meets the eligibility criteria for categorical conclusion set forth in 10 CFR 51.22(c)(25). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment is required to be prepared in connection with the proposed issuance of the exemption.

IV. Conclusions

Based on the above considerations, the NRC has determined, pursuant to 10 CFR 72.7, that this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants Zion*Solutions* an exemption from 10 CFR parts 72.212(a)(2), 72.212(b)(5)(i), 72.212(b)(11) and 72.214, which state that the licensee shall comply with the terms, conditions, and specifications of the CoC, only with regard to the requirements of Certificate of Compliance No. 1031, Amendment No. 3, Appendix A, Technical Specifications and Design Features for the MAGNASTOR® System, Section 5.7 ''Training Program.'' The exemption only exempts Zion*Solutions* from the requirement to develop training modules under the SAT that include comprehensive instructions for the operation and maintenance of the ISFSI SSCs that are not important to safety. The SAT training requirements are still applicable to all important to safety components, as required by the CoC.

V. Availability of Documents

The documents identified in the following table are publicly available to interested persons in ADAMS. For information on accessing ADAMS see the **ADDRESSES** section of this document.

Document	ADAMS Accession No.
Commonwealth Edison Company letter certifying the permanent cessation of operations at ZNPS, Units 1 and 2	ML15232A492
Commonwealth Edison Company letter certifying the permanent removal of fuel from the reactor vessels at ZNPS	ML15232A487
NRC order and conforming amendments transferring ownership of ZNPS facility	ML090930037
Letter issuing conforming amendments relating to transfer of licenses for ZNPS	ML102290437
Zion exemption request	ML14241A424

The exemption is effective upon issuance.

Dated at Rockville, Maryland, this 21st day of August, 2015.

For the Nuclear Regulatory Commission.

William C. Allen,

Acting Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2015–21794 Filed 9–2–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 72–40, 50–269, 50–270 and 50–287; NRC–2015–0191]

Duke Energy Carolinas, LLC, Oconee Nuclear Station, Units 1, 2, and 3; Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption to Duke Energy Carolinas, LLC (Duke Energy or the applicant) related to the operation of Oconee Nuclear Station (Oconee) Independent Spent Fuel Storage Installation (ISFSI) (Docket No. 72–40). The request is for an exemption from the requirement to comply with Technical Specification 1.2.4a of Attachment A of Certificate of Compliance (CoC or Certificate) No. 1004, Amendment No. 9, for the Standardized NUHOMS® Horizontal Modular Storage System.

DATES: The environmental assessment and finding of no significant impact are available as of September 3, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0191 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0191. 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.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: John Vera, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–

0001; telephone: 301–415–5790, email: *John.Vera@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering issuance of an exemption to Duke Energy, for operation of Oconee ISFSI, located in Seneca, South Carolina. Pursuant to § 72.7 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Specific Exemptions,'' on August 28, 2014, as supplemented on December 8, 2014, and June 12, 2015 (ADAMS Accession Nos. ML14255A005, ML14346A008, and ML15169B103, respectively), Duke Energy submitted its request for exemption from the requirements of 10 CFR 72.212(b)(3), 10 CFR 72.212(b)(5)(i), and the portion of 10 CFR 72.212(b)(11) that requires compliance with the terms, conditions, and specifications of CoC No. 1004, Amendment No. 9, for the Standardized NUHOMS® Horizontal Modular Storage System. In evaluating the request, the NRC also considered exemption from the requirements of 10 CFR 72.212(a)(2) and 10 CFR 72.214 that are applicable to the request, and the NRC has weighed these regulations in its review.

Duke Energy loaded spent nuclear fuel into several 24PHB dry shielded canisters (DSCs). Subsequent to the loading, the applicant identified a discrepancy on a test report processed from the helium leak rate instrument vendor. The discrepancy was that the temperature coefficient was stated as four (4) percent per degree Celsius (%/°C), when previously this value was three (3) %/°C. The applicant stated that the instrument vendor confirmed that the three (3) %/°C coefficient was incorrect for this instrument and that canisters loaded at ambient temperatures greater than (>) 23 °C would have had a non-conservative temperature coefficient applied to the helium leak rate measurement. The applicant stated that the incorrect value had been used to calculate the leak rates of forty-seven (47) dry shielded canisters DSCs.

According to the applicant, forty-two (42) of the forty-seven (47) DSCs affected were verified to meet the TS. The applicant's re-evaluation involved verifying the ambient temperature when the DSCs were loaded and applying the appropriate temperature coefficient. However, the applicant stated that the actual temperature correction value datasheets could not be found for DSCs 93, 94, 100, 105, and 106 and that these canisters were loaded in the summer months when ambient conditions during helium leak testing would likely have exceeded 23 °C, so the revised temperature correction factor would have been applicable. The applicant stated that confirmation that the TS was met with the revised temperature coefficient for these DSCs, without evidence of the actual ambient temperature or test value, was not possible.

II. Environmental Assessment

Background

Oconee Nuclear Station is located on Lake Keowee in Oconee County, South Carolina, 8 miles north of Seneca, South Carolina. Unit 1 began commercial operation in 1973, followed by Units 2 and 3 in 1974. Since 1997, Oconee has been storing spent fuel in an ISFSI operating under a general license as authorized by 10 CFR part 72, subpart K, ''General License for Storage of Spent Fuel at Power Reactor Sites.'' The licensee also has a site-specific ISFSI license, which is not affected by this exemption request and associated environmental assessment (EA).

Identification of Proposed Action

The CoC is the NRC-approved design for each dry cask storage system. The proposed action would grant Duke Energy an exemption from the requirements of 10 CFR 72.212(a)(2), 10 CFR 72.212(b)(3), 10 CFR 72.212(b)(5)(i), 10 CFR 72.214, and the portion of 10 CFR 72.212(b)(11) that requires compliance with the terms, conditions, and specifications of CoC No. 1004, Amendment No. 9, for the Standardized NUHOMS® Horizontal Modular Storage System to the extent necessary for Duke Energy to maintain DSCs numbers 93, 94, 100, 105, and 106 in their current position at the ISFSI associated with the operation of Oconee, Units 1, 2, and 3. These regulations require storage of spent nuclear fuel under a general license in dry storage casks approved under the provisions of 10 CFR part 72 and compliance with the terms and conditions set forth in the CoC for each dry storage spent fuel cask used by an ISFSI general licensee. Specifically, the exemption would relieve Duke Energy from meeting Technical Specification 1.2.4a of Attachment A of CoC No. 1004, which limits the leak rate of the inner seal weld to $1.0 \times 10–7$ reference cubic centimeters per second (ref cc/s) at the highest DSC limiting pressure.

Need for the Proposed Action

The exemption would relieve the applicant from meeting Technical Specification (TS) 1.2.4a of Attachment A of CoC No. 1004, which limits the leak rate of the inner seal weld to 1.0×10^{-7} ref cc/s at the highest DSC limiting pressure, allowing for continued storage of DSCs numbers 93, 94, 100, 105, and 106 at the Oconee Nuclear Station ISFSI. According to the applicant's exemption request, confirmation that the technical specification is met is not possible. Without the exemption, the applicant would be in violation of the technical specification with no possibility of demonstrating compliance.

Environmental Impacts of the Proposed Action

The potential impact of using the TN Standardized NUHOMS® dry cask storage system was initially evaluated in the EA for the rulemaking to add the TN Standardized NUHOMS® Horizontal Modular Storage System for Irradiated Nuclear Fuel to the list of approved spent fuel storage casks in 10 CFR 72.214.

The exemption proposed to Amendment No. 9 to CoC No. 1004 would permit Duke Energy to maintain DSCs numbers 93, 94, 100, 105, and 106 in their current position at the ISFSI associated with the operation of Oconee, Units 1, 2, and 3. The applicant addressed environmental impacts in the application, stating that for the five (5) DSCs involved, results of the initial inner seal weld dye penetrant test were found to be acceptable, and welded outer top cover plates were installed. Additionally, radiological protection group surveys of affected HSMs confirmed that there is no leakage occurring from the affected canisters. Based on its review of the licensee's application, the NRC staff concludes that the proposed action does not result in any changes to the types or amounts of any radiological effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure as a result of the proposed action. Therefore, the staff further concludes there are no significant environmental impacts associated with the proposed action, which only affects the requirements associated with the leak testing of the DSCs and does not affect plant effluents, or any other aspects of the environment.

Accordingly, the NRC staff concludes that there are no significant environmental impacts associated with the proposed action.

Alternative to the Proposed Action

Because there is no significant environmental impact associated with the proposed action, alternatives with equal or greater environmental impact were not evaluated. As an alternative to the proposed action, the NRC staff considered denial of the proposed

action, which would force Duke Energy to take actions that would involve unloading the DSCs from the horizontal storage modules, transporting them to the cask handling area, opening, rewelding, and retesting the welds, and transporting the DSCs back to the HSMs. Denial of the exemption would result in an increase in radiological exposure to workers, a small potential for radioactive releases to the environment due to radioactive material handling accidents, and increased costs to the licensee. Therefore, the NRC staff has determined that approving the proposed action has a lesser environmental impact than denying the proposed action.

Agencies and Persons Consulted

The EA associated with this exemption request was sent to the appropriate official of the South Carolina Department of Health and Environmental Control (SCDHEC) by email dated January 22, 2015 (ADAMS Accession No. ML15055A604). The state response was received by email dated February 23, 2015 (ADAMS Accession No. ML15055A620). The email states that the SCDHEC has no comments. The NRC staff has determined that a consultation under Section 7 of the Endangered Species Act is not required, because the proposed action will not affect listed species or critical habitat. The NRC staff has also determined that the proposed action is not a type of activity that has the potential to impact historic properties, because the proposed action would occur only within the established Oconee site boundary. Therefore, no consultation is required under Section 106 of the National Historic Preservation Act.

III. Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.'' Based upon the previously mentioned EA, the Commission finds that the proposed action of granting an exemption from the requirements of 10 CFR 72.212(a)(2), 10 CFR 72.212(b)(3), 10 CFR 72.212(b)(5)(i), 10 CFR 72.214, the portion of 10 CFR 72.212(b)(11) that states the licensee shall comply with the terms, conditions, and specifications of the CoC, in order to allow Duke Energy to maintain DSCs numbers 93, 94, 100, 105, and 106 in their current position at the ISFSI associated with the operation of Oconee, Units 1, 2, and 3, will not significantly impact the quality of the human environment. Accordingly, the Commission has determined that an environmental impact statement for the proposed exemption is not warranted and that a finding of no significant impact is appropriate.

Dated at Rockville, Maryland, this 14 day of August, 2015.

For the Nuclear Regulatory Commission.

Michele Sampson,

Branch Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2015–21819 Filed 9–2–15; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF SPECIAL COUNSEL

Survey Renewal for FY 2015—Request for Comment

AGENCY: Office of Special Counsel.

ACTION: Second notice for public comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter35), and implementing regulations at 5 CFR part 1320, the U.S. Office of Special Counsel (OSC), plans to request approval from the Office of Management and Budget (OMB) for use of a previously approved information collection consisting of an electronic survey form. The current OMB approval for the OSC Survey expires 10/31/15. We are submitting the electronic survey for renewal, based on its pending expiration. There are several changes being submitted with this request for renewal of the use of the OSC survey. Current and former Federal employees, employee representatives, other Federal agencies, state and local government employees, and the general public are invited to comment on this for the second time. Comments are invited on: (a) Whether the proposed collection consisting of our survey is necessary for the proper performance of OSC functions, including whether the information will have practical utility; (b) the accuracy of OSC's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; 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.

DATES: Comments should be received by October 5, 2015.

FOR FURTHER INFORMATION CONTACT: Karl Kammann, Chief Financial Officer, at the address shown above; by facsimile at (202) 254–3711.

SUPPLEMENTARY INFORMATION: OSC is an independent agency responsible for, among other things, (1) investigation of allegations of prohibited personnel practices defined by law at 5 U.S.C. 2302(b), protection of whistleblowers, and certain other illegal employment practices under titles 5 and 38 of the U.S. Code, affecting current or former Federal employees or applicants for employment, and covered state and local government employees; and (2) the interpretation and enforcement of Hatch Act provisions on political activity in chapters 15 and 73 of title 5 of the U.S. Code.

Title of Collection: Office of Special Counsel (OSC) Annual Survey; OMB Control Number 3255–0003, Expiration 10/31/2015.

OSC is required to conduct an annual survey of individuals who seek its assistance. Section 13 of Public Law 103–424 (1994), codified at 5 U.S.C. 1212 note, states, in part: ''[T]he survey shall—(1) Determine if the individual seeking assistance was fully apprised of their rights; (2) determine whether the individual was successful either at the Office of Special Counsel or the Merit Systems Protection Board; and (3) determine if the individual, whether successful or not, was satisfied with the treatment received from the Office of Special Counsel.''

The same section also provides that survey results are to be published in OSC's annual reports to Congress. Copies of prior years' annual reports are available on OSC's Web site, at *https://osc.gov/Pages/Resources-ReportsAndInfo.aspx* or by calling OSC at (202) 254–3600. The survey form for the collection of information is available by calling OSC at (202) 254–3600. Type of Information Collection Request: Approval of previously approved collection of information that expires on 10/31/2015, with some revisions. The Disclosure Unit was added for the first time to the electronic survey of individuals with cases resolved in FY 2014. The second major change is that the survey is hosted by Survey Monkey, (*https://www.surveymonkey.com*) rather than being an in-house supported IT tool. A future enhancement will add an additional question to the survey about the user's experience with our new OSC Form 14 Wizard and electronic complaint form, which is currently in development.

Affected public: Current and former Federal employees, applicants for Federal employment, state and local government employees, and their representatives, and the general public.

Respondent's Obligation: Voluntary.

Estimated Annual Number of Survey Form Respondents: 320.

Frequency of Survey form use: Annual.

Estimated Average Amount of Time for a Person to Respond to survey: 12 minutes.

Estimated Annual Survey Burden: 109 hours.

This survey form is used to survey current and former Federal employees and applicants for Federal employment who have submitted allegations of possible prohibited personnel practices or other prohibited activity for investigation and possible prosecution by OSC, and whose matter has been closed or otherwise resolved during the prior fiscal year, on their experience with OSC. Specifically, the survey asks questions relating to whether the respondent was: (1) Apprised of his or her rights; (2) successful at the OSC or at the Merit Systems Protection Board; and (3) satisfied with the treatment received at the OSC.

Dated: August 25th, 2015.

Carolyn N. Lerner,

Special Counsel.

[FR Doc. 2015–21780 Filed 9–2–15; 8:45 am]

BILLING CODE 7405–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2015–131; Order No. 2688]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an additional Global Expedited Package Services 3 negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 4, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

On August 27, 2015, the Postal Service filed notice that it has entered into an additional Global Expedited Package Services 3 (GEPS 3) negotiated service agreement (Agreement).[1]

To support its Notice, the Postal Service filed a copy of the Agreement, a copy of the Governors' Decision authorizing the product, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket No. CP2015–131 for consideration of matters raised by the Notice.

The Commission invites comments on whether the Postal Service's filing is consistent with 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than September 4, 2015. The public portions of the filing can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Derrick D. Dennis to serve as Public Representative in this docket.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2015–131 for consideration of the matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, Derrick D. Dennis is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than September 4, 2015.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2015–21787 Filed 9–2–15; 8:45 am]

BILLING CODE 7710–FW–P

[1] Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, August 27, 2015 (Notice).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75786; File No. SR–BYX–2015–36]

Self-Regulatory Organizations; BATS Y-Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees a Market Data Product Known as BYX Book Viewer

August 28, 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 24, 2015, BATS Y-Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the Market Data section of its fee schedule to adopt fees for a market data product called BYX Book Viewer.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Market Data section of its fee schedule to adopt fees for a market data product called BYX Book Viewer. BYX Book Viewer is a data feed that disseminates, on a real-time basis, the aggregated two-side quotations for up to five (5) price levels for all displayed orders for securities traded on the Exchange and for which the Exchanges reports quotes under the Consolidated Tape Association (''CTA'') Plan or the Nasdaq/UTP Plan. BYX Book Viewer also contains the last ten (10) trades including time of trade, price and share quantity.[5] BYX Book Viewer is currently available via *www.batstrading.com* without charge.

The Exchange now proposes to amend its fee schedule to incorporate fees for distribution of BYX Book Viewer to subscribers.[6] BYX Book Viewer will remain available via *www.batstrading.com* for viewing without charge. The proposed fees include the following, each of which are described in detail below: (i) Distribution Fees for both Internal and External Distributors; [7] (ii) Usage Fees for both Professional [8] and Non-Professional [9] Users; [10] (iii) an Enterprise Fee; [11] and (iv) a Digital Media Enterprise Fee.

Distribution Fees. As proposed, each Internal Distributor that receives BYX Book Viewer shall pay a fee of $500 per month. The Exchange does not propose to charge any User fees for BYX Book Viewer where the data is received and subsequently internally distributed to Professional or Non-Professional Users. In addition, the Exchange proposes to charge External Distributors that receives BYX Book Viewer a fee of $2,500 per month.

User Fees. The Exchange proposes to charge those who receive BYX Book Viewer from External Distributors different fees for both their Professional Users and Non-Professional Users. The Exchange will assess a monthly fee for Professional Users of $3.00 per User. Non-Professional Users will be assessed a monthly fee of $0.10 per User. The Exchange does not propose to charge per User fees to Internal Distributors.

External Distributors that receives BYX Book Viewer would be required to count every Professional User and Non-Professional User to which they provide BYX Book Viewer, the requirements for which are identical to that currently in place for the BATS One Feed.[12] Thus, the External Distributor's count will include every person and device that accesses the data regardless of the purpose for which the individual or device uses the data. External Distributors must report all Professional and Non-Professional Users in accordance with the following:

- In connection with an External Distributor's distribution of BYX Book Viewer, the Distributor should count as one User each unique User that the Distributor has entitled to have access to BYX Book Viewer. However, where a device is dedicated specifically to a single individual, the Distributor should count only the individual and need not count the device.
- The External Distributor should identify and report each unique User. If a User uses the same unique method to gain access to BYX Book Viewer, the Distributor should count that as one User. However, if a unique User uses multiple methods to gain access to BYX Book Viewer (*e.g.,* a single User has multiple passwords and user identifications), the External Distributor should report all of those methods as an individual User.
- External Distributors should report each unique individual person who receives access through multiple devices as one User so long as each device is dedicated specifically to that individual.
- If an External Distributor entitles one or more individuals to use the same device, the External Distributor should include only the individuals, and not the device, in the count.

Each External Distributor will receive a credit against its monthly Distributor Fee for BYX Book Viewer equal to the amount of its monthly Usage Fees up to a maximum of the Distributor Fee for BYX Book Viewer. For example, an External Distributor will be subject to a $2,500 monthly Distributor Fee where they receive BYX Book Viewer. If that External Distributor reports User quantities totaling $2,500 or more of monthly usage of BYX Book Viewer, it will pay no net Distributor Fee, whereas if that same External Distributor were to report User quantities totaling $1,000 of monthly usage, it will pay a net of $1,500 for the Distributor Fee. External Distributors will remain subject to the per User fees discussed above.

Enterprise Fee. The Exchange also proposes to establish a $20,000 per month Enterprise Fee that will permit a recipient firm who receives BYX Book Viewer from an External Distributor to

[5] *See* Securities Exchange Act Release No. 75717 (August 18, 2015) (SR–BYX–2015–35) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend Rule 11.22 to Describe the Market Data Product BYX Book Viewer).

[6] The Exchange notes that its affiliated exchanges, EDGX Exchange, Inc. (''EDGX''), EDGA Exchange, Inc. (''EDGA'') and BATS Exchange, Inc. (''BZX'', together with the Exchange, EDGX and EDGA, the ''BATS Exchanges''), also intent to file proposed rule changes with Commission to adopt similar fees for their respective Book Viewer market data product.

[7] A ''Distributor'' is defined as ''any entity that receives the Exchange Market Data product directly from the Exchange or indirectly through another entity and then distributes it internally or externally to a third party.'' *See* the Exchange Fee Schedule *available at http://batstrading.com/support/fee_schedule/byx/.* An ''Internal Distributor'' is defined as ''a Distributor that receives the Exchange Market Data product and then distributes that data to one or more Users within the Distributor's own entity.'' *Id.* An ''External Distributor'' is defined as ''a Distributor that receives the Exchange Market Data product and then distributes that data to a third party or one or more Users outside the Distributor's own entity.'' *Id.*

[8] A ''Professional User'' is defined as ''any User other than a Non-Professional User.'' *See* the Exchange Fee Schedule *available at http://batstrading.com/support/fee_schedule/byx/.*

[9] A ''Non-Professional User'' is defined as ''a natural person who is not: (i) Registered or qualified in any capacity with the Commission, the Commodity Futures Trading Commission, any state securities agency, any securities exchange or association, or any commodities or futures contract market or association; (ii) engaged as an ''investment adviser'' as that term is defined in Section [202(a)(11)] of the Investment Advisers Act of 1940 (whether or not registered or qualified under that Act); or (iii) employed by a bank or other organization exempt from registration under federal or state securities laws to perform functions that would require registration or qualification if such functions were performed for an organization not so exempt.'' *Id.*

[10] The Exchange notes that User fees as well as the distinctions based on professional and non-professional users have been previously filed with or approved by the Commission by the BATS Exchanges and the Nasdaq Stock Market LLC (''Nasdaq''). *See* Securities Exchange Act Release No. 59582 (March 16, 2009), 74 FR 12423 (March 24, 2009) (Order approving SR–Nasdaq–2008–102). *See also See* Securities Exchange Act Release Nos. 74285 (February 18, 2015), 80 FR 9828 (February 24, 2015) (SR–BATS–2015–11); 74283 (February 18, 2015), 80 FR 9809 (February 24, 2015) (SR–EDGA–2015–09); 74282 (February 17, 2015), 80 FR 9487 (February 23, 2015) (SR–EDGX–2015–09); *and* 74284 (February 18, 2015), 80 FR 9792 (February 24, 2015) (SR–BYX–2015–09) (''Initial BATS One Feed Fee Filings'').

[11] The Exchange notes that Enterprise fees have been previously filed with or approved by the Commission by the Exchange, EDGA, EDGX, BZX, Nasdaq, NYSE, and the CTA/CQ Plans. *See* Nasdaq Rule 7047. Securities Exchange Act Release Nos. 71507 (February 7, 2014), 79 FR 8763 (February 13, 2014) (SR–NASDAQ–2014–011); 70211 (August 15, 2013), 78 FR 51781 (August 21, 2013) (SR–NYSE–2013–58); *and* 70010 (July 19, 2013) (File No. SR–CTA/CQ–2013–04). *See also* the Initial BATS One Feed Fee Filings, *supra* note 10.

[12] *See* the Initial BATS One Feed Fee Filings, *supra* note 10.

receive the data for an unlimited number of Professional and Non-Professional Users. For example, if a recipient firm had 15,000 Professional Users who each receive BYX Book Viewer at $3.00 per month, then that recipient firm will pay $45,000 per month in Professional Users fees. Under the proposed Enterprise Fee, the recipient firm will pay a flat fee of $20,000 for an unlimited number of Professional and Non-Professional Users for BYX Book Viewer. A recipient firm must pay a separate Enterprise Fee for each External Distributor that controls the display of BYX Book Viewer if it wishes such User to be covered by an Enterprise Fee rather than by per User fees. A recipient firm that pays the Enterprise Fee will not have to report its number of such Users on a monthly basis. However, every six months, a recipient firm must provide the Exchange with a count of the total number of natural person users of each product, including both Professional and Non-Professional Users. Lastly, the proposed Enterprise Fee would be counted towards the Distributor Fee credit described above, under which an External Distributor receives a credit towards its Distributor Fee equal to the amount of its monthly BYX Book Viewer User fees.

Digital Media Enterprise Fee. The Exchange proposes to adopt a Digital Media Enterprise Fee of $5,000 per month for BYX Book Viewer. As an alternative to proposed User fees discussed above, a recipient firm may purchase a monthly Digital Media Enterprise license to receive BYX Book Viewer from an External Distributor to distribute to an unlimited number of Professional and Non-Professional Users for viewing via television, Web sites, and mobile devices for informational and non-trading purposes only without having to account for the extent of access to the data or the report the number of Users to the Exchange. Lastly, the proposed Digital Media Enterprise Fee would be counted towards the Distributor Fee credit described above, under which an External Distributor receives a credit towards its Distributor Fee equal to the amount of its monthly BYX Book Viewer User fees.

Implementation Date

The Exchange proposes to implement the proposed changes to its fee schedule on September 8, 2015.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[13] in general, and furthers the objectives of Section 6(b)(4),[14] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other recipients of Exchange data. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all recipients of Exchange data. The Exchange believes the proposed fees are competitive with those charged by other venues and, therefore, reasonable and equitably allocated to recipients. Lastly, the Exchange also believes that the proposed fees are reasonable and non-discriminatory because they will apply uniformly to all recipients of Exchange data.

The Exchange also believes that the proposed rule change is consistent with Section 11(A) of the Act [15] in that it supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Furthermore, the proposed rule change is consistent with Rule 603 of Regulation NMS,[16] which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory. In adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data.

In addition, the proposed fees would not permit unfair discrimination because all of the Exchange's customers and market data vendors will be subject to the proposed fees on an equivalent basis. BYX Book Viewer is distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data available. Accordingly, Distributors and Users can discontinue use at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Firms have a wide variety of alternative market data products from which to choose, such as similar proprietary data products offered by other exchanges and consolidated data. Moreover, the Exchange is not required to make any proprietary data products available or to offer any specific pricing alternatives to any customers.

In addition, the fees that are the subject of this rule filing are constrained by competition. As explained below in the Exchange's Statement on Burden on Competition, the existence of alternatives to BYX Book Viewer further ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect such alternatives. That is, the Exchange competes with other exchanges (and their affiliates) that provide similar market data products. If another exchange (or its affiliate) were to charge less to distribute its similar product than the Exchange charges to consolidate and distribute BYX Book Viewer, prospective Users likely would not subscribe to, or would cease subscribing to, BYX Book Viewer.

The Exchange notes that the Commission is not required to undertake a cost-of-service or rate-making approach. The Exchange believes that, even if it were possible as a matter of economic theory, cost-based pricing for non-core market data would be so complicated that it could not be done practically.[17]

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(4).

[15] 15 U.S.C. 78k–1.

[16] *See* 17 CFR 242.603.

[17] The Exchange believes that cost-based pricing would be impractical because it would create enormous administrative burdens for all parties, including the Commission, to cost-regulate a large number of participants and standardize and analyze extraordinary amounts of information, accounts, and reports. In addition, it is impossible to regulate market data prices in isolation from prices charged by markets for other services that are joint products. Cost-based rate regulation would also lead to litigation and may distort incentives, including those to minimize costs and to innovate, leading to further waste. Under cost-based pricing, the Commission would be burdened with determining a fair rate of return, and the industry could experience frequent rate increases based on escalating expense levels. Even in industries historically subject to utility regulation, cost-based ratemaking has been discredited. As such, the Exchange believes that cost-based ratemaking would be inappropriate for proprietary market data and inconsistent with Congress's direction that the Commission use its authority to foster the development of the national market system, and that market forces will continue to provide appropriate pricing discipline. *See* Appendix C to NYSE's comments to the Commission's 2000 Concept Release on the Regulation of Market Information Fees and Revenues, which can be found on the Commission's Web site at *http://www.sec.gov/rules/concept/s72899/buck1.htm*. *See also* Securities Exchange Act Release No. 73816 (December 11, 2014), 79 FR 75200 (December 17, 2014) (SR–NYSE–2014–64) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change

Continued

Distributor Fee. The Exchange believes that the proposed Distributor Fees are also reasonable, equitably allocated, and not unreasonably discriminatory. The fees for Members and non-Members are uniform except with respect to reasonable distinctions with respect to internal and external distribution.[18] The Exchange believes that the Distributor Fees for BYX Book Viewer are reasonable and fair in light of alternatives offered by other market centers. For example, BYX Book Viewer provides investors with alternative market data and competes with similar market data product currently offered by the New York Stock Exchange, Inc. (''NYSE'') and the Nasdaq Stock Market LLC (''Nasdaq'').[19] Specifically, the NYSE charges an access fee of $5,000 per month for NYSE OpenBook,[20] which is higher than the External Distributor fee proposed herein for BYX Book Viewer.

User Fees. The Exchange believes that implementing the Professional and Non-Professional User fees for BYX Book Viewer are equitable and reasonable because they will result in greater availability to Professional and Non-Professional Users. Moreover, introducing a modest Non-Professional User fee for BYX Book Viewer is reasonable because it provides an additional method for retail investors to access BYX Book Viewer data by providing the same data that is available to Professional Users. The Exchange believes that the proposed fees are equitable and not unfairly discriminatory because they will be charged uniformly to recipient firms and Users. The fee structure of differentiated Professional and Non-Professional fees is utilized by the Exchange for the BATS One Feed and has long been used by other exchanges for their proprietary data products, and by the Nasdaq UTP and the CTA and CQ Plans in order to reduce the price of data to retail investors and make it more broadly available.[21] Offering BYX Book Viewer to Non-Professional Users with the same data available to Professional Users results in greater equity among data recipients.

In addition, the proposed fees are reasonable when compared to similar fees for comparable products offered by the NYSE and Nasdaq. Specifically, NYSE offers NYSE OpenBook for a monthly fee of $60.00 per professional subscriber and $15 per non-professional subscriber.[22] Nasdaq offers Nasdaq BookViewer for the same fees as Nasdaq TotalView, which is a monthly fee of $70.00 per professional subscriber and $14 per non-professional subscriber.[23] The Exchange's proposed per User Fees for BYX Book Viewer are less than the NYSE and Nasdaq fees.

Enterprise Fee. The proposed Enterprise Fee for BYX Book Viewer is equitable and reasonable as the fees proposed are less than the enterprise fees currently charged for Nasdaq Book Viewer, which is subject to the exact same fees as Nasdaq TotalView. Nasdaq charges an enterprise fee of $100,000 per month for Nasdaq TotalView,[24] which is far greater than the proposed Enterprise Fee of $20,000 per month for BYX Book Viewer. In addition, the Enterprise Fee proposed by the Exchange could result in a fee reduction for recipient firms with a large number of Professional and Non-Professional Users. If a recipient firm has a smaller number of Professional Users of BYX Book Viewer, then it may continue using the per User structure and benefit from the per User Fee reductions. By reducing prices for recipient firms with a large number of Professional and Non-Professional Users, the Exchange believes that more firms may choose to receive and to distribute BYX Book Viewer, thereby expanding the distribution of this market data for the benefit of investors.

The Exchange further believes that the proposed Enterprise Fee is reasonable because it will simplify reporting for certain recipients that have large numbers of Professional and Non-Professional Users. Firms that pay the proposed Enterprise Fee will not have to report the number of Users on a monthly basis as they currently do, but rather will only have to count natural person users every six months, which is a significant reduction in administrative burden. Finally, the Exchange believes that it is equitable and not unfairly discriminatory to establish an Enterprise Fee because it reduces the Exchange's costs and the Distributor's administrative burdens in tracking and auditing large numbers of Users.

Digital Media Enterprise Fee. The Exchange believes that the proposed Digital Media Enterprise Fee for BYX Book Viewer provides for an equitable allocation of reasonable fees among recipients of the data and is not designed to permit unfair discrimination among customers, brokers, or dealers. In establishing the Digital Media Enterprise Fee, the Exchange recognizes that there is demand for a more seamless and easier-to-administer data distribution model that takes into account the expanded variety of media and communication devices that investors utilize today. The Exchange believes the Digital Media Enterprise Fee will be easy to administer because data recipients that purchase it would not be required to differentiate between Professional and Non-Professional Users, account for the extent of access to the data, or report the number of Users. This is a significant reduction on a recipient firm's administrative burdens and is a significant value to investors. For example, a television broadcaster could display BYX Book Viewer data during market-related programming and on its Web site or allow viewers to view the data via their mobile devices, creating a more seamless distribution model that will allow investors more choice in how they receive and view market data, all without having to account for and/or measure who accesses the data and how often they do so.

The proposed Digital Media Enterprise Fee is equitable and reasonable because it will also enable

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to Establish an Access Fee for the NYSE Best Quote and Trades Data Feed, Operative December 1, 2014).

[18] The Exchange notes that distinctions based on external versus internal distribution have been previously filed with the Commission by Nasdaq, Nasdaq OMX BX, and Nasdaq OMX PSX. *See* Nasdaq Rule 019(b); *see also* Securities Exchange Act Release No. 62876 (September 9, 2010), 75 FR 56624 (September 16, 2010) (SR–PHLX–2010–120); Securities Exchange Act Release No. 62907 (September 14, 2010), 75 FR 57314 (September 20, 2010) (SR–NASDAQ–2010–110); Securities Exchange Act Release No. 63442 (December 6, 2010), 75 FR 77029 (December 10, 2010) (SR–BX–2010–081). *See also* the Initial BATS One Feed Fee Filings, *supra* note 10.

[19] *See* Nasdaq Rule 7023(a)(1)(C) (describing Nasdaq TotalView is a depth-of-book data feed that includes all orders and quotes from all Nasdaq members displayed in the Nasdaq Market Center as well as the aggregate size of such orders and quotes at each price level in the execution functionality of the Nasdaq Market Center). *See also* Nasdaq Book Viewer, a description of which is *available at https://data.nasdaq.com/Book* Viewer.aspx (last visited July 29, 2015). *See* NYSE OpenBook *available at http://www.nyxdata.com/openbook* (last visited July 29, 2015) (providing real-time view of the NYSE limit order book).

[20] *See* NYSE Market Data Pricing dated May 2015 *available at http://www.nyxdata.com/.* Nasdaq charges distribution fees ranging from $300 for 1–10 subscribers to $75,000 for more than $250 [sic] subscribers. *See* Nasdaq Rule 7023(b)(4).

[21] *See* the Initial BATS One Feed Fee Filings, *supra* note 10. *See also, e.g.,* Securities Exchange Act Release No. 20002, File No. S7–433 (July 22, 1983) (establishing nonprofessional fees for CTA data); Nasdaq Rules 7023(b), 7047.

[22] *See* NYSE Market Data Pricing dated May 2015 *available at http://www.nyxdata.com/.*

[23] *See* Nasdaq Rule 7023(b)(2).

[24] *See* Nasdaq Rule 7023(c)(2) (stating that a distributor that is also a broker-dealer pays a monthly fee of $100,000 for the right to provide Nasdaq TotalView and for display usage for internal distribution, or for external distribution to both professional and non-professional subscribers with whom the firm has a brokerage relationship.) Nasdaq also charges an enterprise fee of $25,000 to provide Nasdaq TotalView to an unlimited number of non-professional subscribers only. *See* Nasdaq Rule 7023(c)(1).

recipient firms to more widely distribute data from BYX Book Viewer to investors for informational purposes at a lower cost than is available today. For example, a recipient firm may purchase an Enterprise license in the amount of $20,000 per month for to receive BYX Book Viewer from an External Distributor for an unlimited number of Professional and Non-Professional Users, which is greater than the proposed Digital Media Enterprise Fee. The Exchange also believes the amount of the Digital Media Enterprise Fee is reasonable as compared to the existing enterprise fees discussed above because the distribution of BYX Book Viewer data is limited to television, Web sites, and mobile devices for informational purposes only, while distribution of BYX Book Viewer data pursuant to an Enterprise license contains no such limitation. The Exchange also believes that the proposed Digital Media Enterprise Fee is equitable and reasonable because it is less than similar fees charged by other exchanges.[25]

(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 Exchange's ability to price BYX Book Viewer is constrained by: (i) Competition among exchanges, other trading platforms, and Trade Reporting Facilities (''TRF'') that compete with each other in a variety of dimensions; (ii) the existence of inexpensive real-time consolidated data and market-specific data and free delayed data; and (iii) the inherent contestability of the market for proprietary data.

The Exchange and its market data products are subject to significant competitive forces and the proposed fees represent responses to that competition. To start, the Exchange competes intensely for order flow. It competes with the other national securities exchanges that currently trade equities, with electronic communication networks, with quotes posted in FINRA's Alternative Display Facility, with alternative trading systems, and with securities firms that primarily trade as principal with their customer order flow.

In addition, BYX Book Viewer competes with a number of alternative products. For instance, BYX Book Viewer does provide a complete picture of all trading activity in a security. Rather, the other national securities exchanges, the several TRFs of FINRA, and Electronic Communication Networks (''ECN'') that produce proprietary data all produce trades and trade reports. Each is currently permitted to produce last sale information products, and many currently do, including Nasdaq and NYSE. In addition, market participants can gain access to BYX last sale and depth-of-book quotations, though integrated with the prices of other markets, on feeds made available through the SIPs.

In sum, the availability of a variety of alternative sources of information imposes significant competitive pressures on Exchange data products and the Exchange's compelling need to attract order flow imposes significant competitive pressure on the Exchange to act equitably, fairly, and reasonably in setting the proposed data product fees. The proposed data product fees are, in part, responses to that pressure. The Exchange believes that the proposed fees would reflect an equitable allocation of its overall costs to users of its facilities.

In addition, when establishing the proposed fees, the Exchange considered the competitiveness of the market for proprietary data and all of the implications of that competition. The Exchange believes that it has considered all relevant factors and has not considered irrelevant factors in order to establish fair, reasonable, and not unreasonably discriminatory fees and an equitable allocation of fees among all Users. The existence of alternatives to BYX Book Viewer, including existing similar feeds by other exchanges, consolidated data, and proprietary data from other sources, ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect these alternatives or choose not to purchase a specific proprietary data product if its cost to purchase is not justified by the returns any particular vendor or subscriber would achieve through the purchase.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[26] and paragraph (f) of Rule 19b–4 thereunder.[27] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal 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 No. SR–BYX–2015–36 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 No. SR–BYX–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

[25] The Nasdaq Stock Market offers proprietary data products for distribution over the internet and television under alternative fee schedules that are subject to maximum fee of $50,000 per month. *See* Nasdaq Rule 7039(b). The NYSE charges a Digit Media Enterprise fee of $40,000 per month for the NYSE Trade Digital Media product. *See* Securities Exchange Act Release No. 69272 (April 2, 2013), 78 FR 20983 (April 8, 2013) (SR–NYSE–2013–23).

[26] 15 U.S.C. 78s(b)(3)(A).

[27] 17 CFR 240.19b–4(f).

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 No. SR–BYX–2015–36 and should be submitted on or before September 24, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–21871 Filed 9–2–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of China Fruits Corporation, Order of Suspension of Trading

September 1, 2015.

It appears to the Securities and Exchange Commission (the ''Commission'') that there is a lack of current and accurate information concerning the securities of China Fruits Corporation (''CHFR'') because, among other things, of questions regarding the accuracy and completeness of CHFR's representations to investors and prospective investors in CHFR's public filings with the Commission and CHFR's publicly-available press releases and other public statements.

In particular, CHFR is delinquent in filing its Form 10–Q quarterly report for its second quarter ended June 30, 2015, and CHFR does not appear to have publicly responded to news reports concerning CHFR relating to, among other things, (i) the whereabouts of Mr. Quan Long Chen, CHFR's current or former Chief Executive Officer, President, sole director, and controlling shareholder; (ii) the status of any investor funds that may have been collected by or through Mr. Chen in connection with CHFR; and, (iii) the financial condition of the company, including the status of CHFR's business operations.

Based on CHFR's amended Form 10–K/A annual report filed for its fiscal year ended December 31, 2014, CHFR is a Nevada corporation based in Beijing, People's Republic of China. The company's common stock is quoted on OTC Link operated by OTC Markets Group, Inc. under the symbol ''CHFR.'' As of August 20, 2015, the company's common stock had six market makers and was eligible for the ''piggyback'' exception of Rule 15c2–11(f)(3).

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of CHFR.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of CHFR is suspended for the period from 9:30 a.m. EDT on September 1, 2015, through 11:59 p.m. EDT on September 15, 2015.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–21975 Filed 9–1–15; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75781; File No. SR–CME–2015–016]

Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Reduce the Minimum IRS Guaranty Fund Contribution of IRS Clearing Members

August 28, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 24, 2015, Chicago Mercantile Exchange Inc. (''CME'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II and III below, which Items have been prepared primarily by CME. CME filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(4)(ii) thereunder,[4] so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CME is filing the proposed rule change that is limited to its business as a derivatives clearing organization. More specifically, the proposed rule change would reduce the minimum IRS Guaranty Fund Contribution of IRS Clearing Members to $15,000,000 for all IRS Clearing Members (including affiliates).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CME included statements concerning the purpose 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. CME 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

CME is registered as a derivatives clearing organization with the Commodity Futures Trading Commission (''CFTC'') and currently offers clearing services for many different futures and swaps products. With this filing, CME proposes to make rulebook changes that are limited to its business clearing futures and swaps under the exclusive jurisdiction of the CFTC. More specifically, the proposed rules would reduce the minimum IRS Guaranty Fund Contribution of IRS Clearing Members to $15,000,000 for all IRS Clearing Members (including affiliates).

CME periodically reviews its requirements for clearing membership and has determined that it is appropriate to change the minimum contribution to $15,000,000 as the current minimum, established at the time of launch of the IRS clearing service to ensure a robust financial safeguards for IRS products, can be reduced due to the growth of IRS clearing activity at CME and corresponding growth of the IRS Guaranty Fund size.[5] The change could also encourage more entities to apply for

[28] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4)(ii).

[5] As of March 31, 2015, the IRS Guaranty Fund was approximately $2.473 billion.

IRS clearing membership which would further the diversification of IRS Clearing Members and provide additional liquidity to the default management process. No other changes to IRS clearing membership requirements are being proposed.

The proposed rule change that is described in this filing is limited to CME's business as a derivatives clearing organization clearing products under the exclusive jurisdiction of the CFTC. CME has not cleared security based swaps and does not plan to and therefore the proposed rule change does not impact CME's security-based swap clearing business in any way. The proposed rule change would become effective upon filing but will be operationalized on August 31, 2015. CME notes that it has also submitted the proposed rule change that is the subject of this filing to its primary regulator, the CFTC, in CME Submission 15–346.

CME believes the proposed rule change is consistent with the requirements of the Exchange Act including Section 17A.[6] The proposed rules change the minimum IRS Guaranty Fund Contribution of IRS Clearing Members to $15,000,000 as the current minimum, established at the time of launch of the IRS clearing service to ensure a robust financial safeguards for IRS products, can be reduced due to the growth of IRS clearing activity at CME and corresponding growth of the IRS Guaranty Fund size. The change could also encourage more entities to apply for IRS clearing membership which would further the diversification of IRS Clearing Members and provide additional liquidity to the default management process. The proposed rule change is therefore designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivatives agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and, in general, to protect investors and the public interest consistent with Section 17A(b)(3)(F) of the Exchange Act.[7]

Furthermore, the proposed rule change is limited to CME's futures and swaps clearing businesses, which mean they are limited in their effect to products that are under the exclusive jurisdiction of the CFTC. As such, the proposed rule change is limited to CME's activities as a DCO clearing futures that are not security futures and swaps that are not security-based swaps. CME notes that the policies of the CFTC with respect to administering the Commodity Exchange Act are comparable to a number of the policies underlying the Exchange Act, such as promoting market transparency for over-the-counter derivatives markets, promoting the prompt and accurate clearance of transactions and protecting investors and the public interest.

Because the proposed rule change is limited in its effect to CME's futures and swaps clearing businesses, the proposed rule change is properly classified as effecting a change in an existing service of CME that:

(a) primarily affects the clearing operations of CME with respect to products that are not securities, including futures that are not security futures, swaps that are not security-based swaps or mixed swaps; and forwards that are not security forwards; and

(b) does not significantly affect any securities clearing operations of CME or any rights or obligations of CME with respect to securities clearing or persons using such securities-clearing service.

As such, the proposed rule change is therefore consistent with the requirements of Section 17A of the Exchange Act[8] and are properly filed under Section 19(b)(3)(A)[9] and Rule 19b–4(f)(4)(ii)[10] thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

CME does not believe that the proposed rule change will have any impact, or impose any burden, on competition. The proposed rules reduce the minimum IRS Guaranty Fund Contribution of IRS Clearing Members to $15,000,000 for all IRS Clearing Members (including affiliates) and could be expected to encourage more entities to apply for IRS clearing membership. Further, the changes are limited to CME's futures and swaps clearing businesses and, as such, do not affect the security-based swap clearing activities of CME in any way and therefore do not impose any burden on competition that is inappropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

CME has not solicited, and does not intend to solicit, comments regarding this proposed rule change. CME has not received any unsolicited written comments from interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A) of the Exchange Act[11] and Rule 19b–4(f)(4)(ii) thereunder,[12] CME has designated that this proposal constitutes a change in an existing service of CME that (a) primarily affects the clearing operations of CME with respect to products that are not securities, including futures that are not security futures, and swaps that are not security-based swaps or mixed swaps, and forwards that are not security forwards; and (b) does not significantly affect any securities clearing operations of CME or any rights or obligations of CME with respect to securities clearing or persons using such securities-clearing service, which renders the proposed change effective upon filing.

CME believes that the proposal does not significantly affect any securities clearing operations of CME because CME recently filed a proposed rule change that clarified that CME has decided not to clear security-based swaps, except in a very limited set of circumstances.[13] The rule filing reflecting CME's decision not to clear security-based swaps removed any ambiguity concerning CME's ability or intent to perform the functions of a clearing agency with respect to security-based swaps. Therefore, this proposal will have no effect on any securities clearing operations of CME.

At any time within 60 days of the filing of the proposed 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 Exchange Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

[6] 15 U.S.C. 78q–1.

[7] 15 U.S.C. 78q–1(b)(3)(F).

[8] 15 U.S.C. 78q–1.

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(4)(ii).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(4)(ii).

[13] *See* Securities Exchange Act Release No. 73615 (Nov. 17, 2014), 79 FR 69545 (Nov. 21, 2014) (SR–CME–2014–49). The only exception is with regards to Restructuring European Single Name CDS Contracts created following the occurrence of a Restructuring Credit Event in respect of an iTraxx Component Transaction. The clearing of Restructuring European Single Name CDS Contracts will be a necessary byproduct after such time that CME begins clearing iTraxx Europe index CDS.

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 No. SR–CME–2015–016 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–CME–2015–016. 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 CME and on CME's Web site at *http://www.cmegroup.com/market-regulation/rule-filings.html.*

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–CME–2015–016 and should be submitted on or before September 24, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–21867 Filed 9–2–15; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75785; File No. SR–BATS–2015–64]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for a Market Data Product Known as BZX Book Viewer

August 28, 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 24, 2015, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b-4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the Market Data section of its fee schedule to adopt fees for a market data product called BZX Book Viewer.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Market Data section of its fee schedule to adopt fees for a market data product called BZX Book Viewer. BZX Book Viewer is a data feed that disseminates, on a real-time basis, the aggregated two-side quotations for up to five (5) price levels for all displayed orders for securities traded on the Exchange and for which the Exchanges reports quotes under the Consolidated Tape Association (''CTA'') Plan or the Nasdaq/UTP Plan. BZX Book Viewer also contains the last ten (10) trades including time of trade, price and share quantity.[5] BZX Book Viewer is currently available via *www.batstrading.com* without charge.

The Exchange now proposes to amend its fee schedule to incorporate fees for distribution of BZX Book Viewer to subscribers.[6] BZX Book Viewer will remain available via *www.batstrading.com* for viewing without charge. The proposed fees include the following, each of which are described in detail below: (i) Distribution Fees for both Internal and External Distributors; [7] (ii) Usage Fees for both Professional [8] and Non-

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] *See* Securities Exchange Act Release No. 75711 (August 17, 2015), 80 FR 50900 (August 21, 2015) (SR–BATS–2015–62) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend Rule 11.22 to Describe the Market Data Product BZX Book Viewer).

[6] The Exchange notes that its affiliated exchanges, EDGX Exchange, Inc. (''EDGX''), EDGA Exchange, Inc. (''EDGA'') and BATS Y-Exchange, Inc. (''BYX'', together with the Exchange, EDGX and EDGA, the ''BATS Exchanges''), also intent to file proposed rule changes with Commission to adopt similar fees for their respective Book Viewer market data product.

[7] A ''Distributor'' is defined as ''any entity that receives the Exchange Market Data product directly from the Exchange or indirectly through another entity and then distributes it internally or externally to a third party.'' *See* the Exchange Fee Schedule *available at http://batstrading.com/support/fee_schedule/bzx/.* An ''Internal Distributor'' is defined as ''a Distributor that receives the Exchange Market Data product and then distributes that data to one or more Users within the Distributor's own entity.'' *Id.* An ''External Distributor'' is defined as ''a Distributor that receives the Exchange Market Data product and then distributes that data to a third party or one or more Users outside the Distributor's own entity.'' *Id.''*

[8] A ''Professional User'' is defined as ''any User other than a Non-Professional User.'' *See* the Exchange Fee Schedule *available at http://batstrading.com/support/fee_schedule/bzx/.*

Professional [9] Users; [10] (iii) an Enterprise Fee; [11] and (iv) a Digital Media Enterprise Fee.

Distribution Fees. As proposed, each Internal Distributor that receives BZX Book Viewer shall pay a fee of $1,000 per month. The Exchange does not propose to charge any User fees for BZX Book Viewer where the data is received and subsequently internally distributed to Professional or Non-Professional Users. In addition, the Exchange proposes to charge External Distributors that receives BZX Book Viewer a fee of $5,000 per month.

User Fees. The Exchange proposes to charge those who receive BZX Book Viewer from External Distributors different fees for both their Professional Users and Non-Professional Users. The Exchange will assess a monthly fee for Professional Users of $6.00 per User. Non-Professional Users will be assessed a monthly fee of $0.15 per User. The Exchange does not propose to charge per User fees to Internal Distributors.

External Distributors that receives BZX Book Viewer would be required to count every Professional User and Non-Professional User to which they provide BZX Book Viewer, the requirements for which are identical to that currently in place for the BATS One Feed.[12] Thus, the External Distributor's count will include every person and device that accesses the data regardless of the purpose for which the individual or device uses the data. External Distributors must report all Professional and Non-Professional Users in accordance with the following:

- In connection with an External Distributor's distribution of BZX Book Viewer, the Distributor should count as one User each unique User that the Distributor has entitled to have access to BZX Book Viewer. However, where a device is dedicated specifically to a single individual, the Distributor should count only the individual and need not count the device.
- The External Distributor should identify and report each unique User. If a User uses the same unique method to gain access to BZX Book Viewer, the Distributor should count that as one User. However, if a unique User uses multiple methods to gain access to BZX Book Viewer (*e.g.,* a single User has multiple passwords and user identifications), the External Distributor should report all of those methods as an individual User.
- External Distributors should report each unique individual person who receives access through multiple devices as one User so long as each device is dedicated specifically to that individual.
- If an External Distributor entitles one or more individuals to use the same device, the External Distributor should include only the individuals, and not the device, in the count.

Each External Distributor will receive a credit against its monthly Distributor Fee for BZX Book Viewer equal to the amount of its monthly Usage Fees up to a maximum of the Distributor Fee for BZX Book Viewer. For example, an External Distributor will be subject to a $5,000 monthly Distributor Fee where they receive BZX Book Viewer. If that External Distributor reports User quantities totaling $5,000 or more of monthly usage of BZX Book Viewer, it will pay no net Distributor Fee, whereas if that same External Distributor were to report User quantities totaling $4,000 of monthly usage, it will pay a net of $1,000 for the Distributor Fee. External Distributors will remain subject to the per User fees discussed above.

Enterprise Fee. The Exchange also proposes to establish a $40,000 per month Enterprise Fee that will permit a recipient firm who receives BZX Book Viewer from an External Distributor to receive the data for an unlimited number of Professional and Non-Professional Users. For example, if a recipient firm had 15,000 Professional Users who each receive BZX Book Viewer at $6.00 per month, then that recipient firm will pay $90,000 per month in Professional Users fees. Under the proposed Enterprise Fee, the recipient firm will pay a flat fee of $40,000 for an unlimited number of Professional and Non-Professional Users for BZX Book Viewer. A recipient firm must pay a separate Enterprise Fee for each External Distributor that controls the display of BZX Book Viewer if it wishes such User to be covered by an Enterprise Fee rather than by per User fees. A recipient firm that pays the Enterprise Fee will not have to report its number of such Users on a monthly basis. However, every six months, a recipient firm must provide the Exchange with a count of the total number of natural person users of each product, including both Professional and Non-Professional Users. Lastly, the proposed Enterprise Fee would be counted towards the Distributor Fee credit described above, under which an External Distributor receives a credit towards its Distributor Fee equal to the amount of its monthly BZX Book Viewer User fees.

Digital Media Enterprise Fee. The Exchange proposes to adopt a Digital Media Enterprise Fee of $10,000 per month for BZX Book Viewer. As an alternative to proposed User fees discussed above, a recipient firm may purchase a monthly Digital Media Enterprise license to receive BZX Book Viewer from an External Distributor to distribute to an unlimited number of Professional and Non-Professional Users for viewing via television, Web sites, and mobile devices for informational and non-trading purposes only without having to account for the extent of access to the data or the report the number of Users to the Exchange. Lastly, the proposed Digital Media Enterprise Fee would be counted towards the Distributor Fee credit described above, under which an External Distributor receives a credit towards its Distributor Fee equal to the amount of its monthly BZX Book Viewer User fees.

Implementation Date

The Exchange proposes to implement the proposed changes to its fee schedule on September 8, 2015.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with

[9] A ''Non-Professional User'' is defined as ''a natural person who is not: (i) Registered or qualified in any capacity with the Commission, the Commodity Futures Trading Commission, any state securities agency, any securities exchange or association, or any commodities or futures contract market or association; (ii) engaged as an ''investment adviser'' as that term is defined in Section [202(a)(11)] of the Investment Advisers Act of 1940 (whether or not registered or qualified under that Act); or (iii) employed by a bank or other organization exempt from registration under federal or state securities laws to perform functions that would require registration or qualification if such functions were performed for an organization not so exempt.'' *Id.*

[10] The Exchange notes that User fees as well as the distinctions based on professional and non-professional users have been previously filed with or approved by the Commission by the BATS Exchanges and the Nasdaq Stock Market LLC (''Nasdaq''). *See* Securities Exchange Act Release No. 59582 (March 16, 2009), 74 FR 12423 (March 24, 2009) (Order approving SR-Nasdaq-2008–102). *See also See* Securities Exchange Act Release Nos. 74285 (February 18, 2015), 80 FR 9828 (February 24, 2015) (SR–BATS–2015–11); 74283 (February 18, 2015), 80 FR 9809 (February 24, 2015) (SR–EDGA–2015–09); 74282 (February 17, 2015), 80 FR 9487 (February 23, 2015) (SR–EDGX–2015–09); *and* 74284 (February 18, 2015), 80 FR 9792 (February 24, 2015) (SR–BYX–2015–09) (''Initial BATS One Feed Fee Filings'').

[11] The Exchange notes that Enterprise fees have been previously filed with or approved by the Commission by the Exchange, EDGA, EDGX, BYX, Nasdaq, NYSE, and the CTA/CQ Plans. *See* Nasdaq Rule 7047. Securities Exchange Act Release Nos. 71507 (February 7, 2014), 79 FR 8763 (February 13, 2014) (SR–NASDAQ–2014–011); 70211 (August 15, 2013), 78 FR 51781 (August 21, 2013) (SR–NYSE–2013–58); *and* 70010 (July 19, 2013) (File No. SR–CTA/CQ–2013–04). *See also* the Initial BATS One Feed Fee Filings, *supra* note 10.

[12] *See* the Initial BATS One Feed Fee Filings, *supra* note 10.

the objectives of Section 6 of the Act,[13] in general, and furthers the objectives of Section 6(b)(4),[14] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other recipients of Exchange data. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all recipients of Exchange data. The Exchange believes the proposed fees are competitive with those charged by other venues and, therefore, reasonable and equitably allocated to recipients. Lastly, the Exchange also believes that the proposed fees are reasonable and non-discriminatory because they will apply uniformly to all recipients of Exchange data.

The Exchange also believes that the proposed rule change is consistent with Section 11(A) of the Act [15] in that it supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Furthermore, the proposed rule change is consistent with Rule 603 of Regulation NMS,[16] which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory. In adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data.

In addition, the proposed fees would not permit unfair discrimination because all of the Exchange's customers and market data vendors will be subject to the proposed fees on an equivalent basis. BZX Book Viewer is distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data available. Accordingly, Distributors and Users can discontinue use at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Firms have a wide variety of alternative market data products from which to choose, such as similar proprietary data products offered by other exchanges and consolidated data. Moreover, the Exchange is not required to make any proprietary data products available or to offer any specific pricing alternatives to any customers.

In addition, the fees that are the subject of this rule filing are constrained by competition. As explained below in the Exchange's Statement on Burden on Competition, the existence of alternatives to BZX Book Viewer further ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect such alternatives. That is, the Exchange competes with other exchanges (and their affiliates) that provide similar market data products. If another exchange (or its affiliate) were to charge less to distribute its similar product than the Exchange charges to consolidate and distribute BZX Book Viewer, prospective Users likely would not subscribe to, or would cease subscribing to, BZX Book Viewer.

The Exchange notes that the Commission is not required to undertake a cost-of-service or rate-making approach. The Exchange believes that, even if it were possible as a matter of economic theory, cost-based pricing for non-core market data would be so complicated that it could not be done practically.[17]

Distributor Fee. The Exchange believes that the proposed Distributor Fees are also reasonable, equitably allocated, and not unreasonably discriminatory. The fees for Members and non-Members are uniform except with respect to reasonable distinctions with respect to internal and external distribution.[18] The Exchange believes that the Distributor Fees for BZX Book Viewer are reasonable and fair in light of alternatives offered by other market centers. For example, BZX Book Viewer provides investors with alternative market data and competes with similar market data product currently offered by the New York Stock Exchange, Inc. (''NYSE'') and the Nasdaq Stock Market LLC (''Nasdaq'').[19] Specifically, the NYSE charges an access fee of $5,000 per month for NYSE OpenBook,[20] which is equal to the External Distributor fee proposed herein for BZX Book Viewer.

User Fees. The Exchange believes that implementing the Professional and Non-Professional User fees for BZX Book Viewer are equitable and reasonable because they will result in greater availability to Professional and Non-Professional Users. Moreover, introducing a modest Non-Professional User fee for BZX Book Viewer is reasonable because it provides an additional method for retail investors to access BZX Book Viewer data by providing the same data that is available to Professional Users. The Exchange believes that the proposed fees are equitable and not unfairly

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(4).

[15] 15 U.S.C. 78k–1.

[16] *See* 17 CFR 242.603.

[17] The Exchange believes that cost-based pricing would be impractical because it would create enormous administrative burdens for all parties, including the Commission, to cost-regulate a large number of participants and standardize and analyze extraordinary amounts of information, accounts, and reports. In addition, it is impossible to regulate market data prices in isolation from prices charged by markets for other services that are joint products. Cost-based rate regulation would also lead to litigation and may distort incentives, including those to minimize costs and to innovate, leading to further waste. Under cost-based pricing, the Commission would be burdened with determining a fair rate of return, and the industry could experience frequent rate increases based on escalating expense levels. Even in industries historically subject to utility regulation, cost-based ratemaking has been discredited. As such, the Exchange believes that cost-based ratemaking would be inappropriate for proprietary market data and inconsistent with Congress's direction that the Commission use its authority to foster the development of the national market system, and that market forces will continue to provide appropriate pricing discipline. *See* Appendix C to NYSE's comments to the Commission's 2000 Concept Release on the Regulation of Market Information Fees and Revenues, which can be found on the Commission's Web site at *http://www.sec.gov/rules/concept/s72899/buck1.htm*. *See also* Securities Exchange Act Release No. 73816 (December 11, 2014), 79 FR 75200 (December 17, 2014) (SR–NYSE–2014–64) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Establish an Access Fee for the NYSE Best Quote and Trades Data Feed, Operative December 1, 2014).

[18] The Exchange notes that distinctions based on external versus internal distribution have been previously filed with the Commission by Nasdaq, Nasdaq OMX BX, and Nasdaq OMX PSX. *See* Nasdaq Rule 019(b); *see also* Securities Exchange Act Release No. 62876 (September 9, 2010), 75 FR 56624 (September 16, 2010) (SR–PHLX–2010–120); Securities Exchange Act Release No. 62907 (September 14, 2010), 75 FR 57314 (September 20, 2010) (SR–NASDAQ–2010–110); Securities Exchange Act Release No. 63442 (December 6, 2010), 75 FR 77029 (December 10, 2010) (SR–BX–2010–081). *See also* the Initial BATS One Feed Fee Filings, *supra* note 10.

[19] *See* Nasdaq Rule 7023(a)(1)(C) (describing Nasdaq TotalView is a depth-of-book data feed that includes all orders and quotes from all Nasdaq members displayed in the Nasdaq Market Center as well as the aggregate size of such orders and quotes at each price level in the execution functionality of the Nasdaq Market Center). *See also* Nasdaq Book Viewer, a description of which is *available at https://data.nasdaq.com/BookViewer.aspx* (last visited July 29, 2015). *See* NYSE OpenBook *available at http://www.nyxdata.com/openbook* (last visited July 29, 2015) (providing real-time view of the NYSE limit order book).

[20] *See* NYSE Market Data Pricing dated May 2015 *available at http://www.nyxdata.com/*. Nasdaq charges distribution fees ranging from $300 for 1–10 subscribers to $75,000 for more than $250 [sic] subscribers. *See* Nasdaq Rule 7023(b)(4).

discriminatory because they will be charged uniformly to recipient firms and Users. The fee structure of differentiated Professional and Non-Professional fees is utilized by the Exchange for the BATS One Feed and has long been used by other exchanges for their proprietary data products, and by the Nasdaq UTP and the CTA and CQ Plans in order to reduce the price of data to retail investors and make it more broadly available.[21] Offering BZX Book Viewer to Non-Professional Users with the same data available to Professional Users results in greater equity among data recipients.

In addition, the proposed fees are reasonable when compared to similar fees for comparable products offered by the NYSE and Nasdaq. Specifically, NYSE offers NYSE OpenBook for a monthly fee of $60.00 per professional subscriber and $15 per non-professional subscriber.[22] Nasdaq offers Nasdaq BookViewer for the same fees as Nasdaq TotalView, which is a monthly fee of $70.00 per professional subscriber and $14 per non-professional subscriber.[23] The Exchange's proposed per User Fees for BZX Book Viewer are less than the NYSE and Nasdaq fees.

Enterprise Fee. The proposed Enterprise Fee for BZX Book Viewer is equitable and reasonable as the fees proposed are less than the enterprise fees currently charged for Nasdaq Book Viewer, which is subject to the exact same fees as Nasdaq TotalView. Nasdaq charges an enterprise fee of $100,000 per month for Nasdaq TotalView,[24] which is far greater than the proposed Enterprise Fee of $40,000 per month for BZX Book Viewer. In addition, the Enterprise Fee proposed by the Exchange could result in a fee reduction for recipient firms with a large number of Professional and Non-Professional Users. If a recipient firm has a smaller number of Professional Users of BZX Book Viewer, then it may continue using the per User structure and benefit from the per User Fee reductions. By reducing prices for recipient firms with a large number of Professional and Non-Professional Users, the Exchange believes that more firms may choose to receive and to distribute BZX Book Viewer, thereby expanding the distribution of this market data for the benefit of investors.

The Exchange further believes that the proposed Enterprise Fee is reasonable because it will simplify reporting for certain recipients that have large numbers of Professional and Non-Professional Users. Firms that pay the proposed Enterprise Fee will not have to report the number of Users on a monthly basis as they currently do, but rather will only have to count natural person users every six months, which is a significant reduction in administrative burden. Finally, the Exchange believes that it is equitable and not unfairly discriminatory to establish an Enterprise Fee because it reduces the Exchange's costs and the Distributor's administrative burdens in tracking and auditing large numbers of Users.

Digital Media Enterprise Fee. The Exchange believes that the proposed Digital Media Enterprise Fee for BZX Book Viewer provides for an equitable allocation of reasonable fees among recipients of the data and is not designed to permit unfair discrimination among customers, brokers, or dealers. In establishing the Digital Media Enterprise Fee, the Exchange recognizes that there is demand for a more seamless and easier-to-administer data distribution model that takes into account the expanded variety of media and communication devices that investors utilize today. The Exchange believes the Digital Media Enterprise Fee will be easy to administer because data recipients that purchase it would not be required to differentiate between Professional and Non-Professional Users, account for the extent of access to the data, or report the number of Users. This is a significant reduction on a recipient firm's administrative burdens and is a significant value to investors. For example, a television broadcaster could display BZX Book Viewer data during market-related programming and on its Web site or allow viewers to view the data via their mobile devices, creating a more seamless distribution model that will allow investors more choice in how they receive and view market data, all without having to account for and/or measure who accesses the data and how often they do so.

The proposed Digital Media Enterprise Fee is equitable and reasonable because it will also enable recipient firms to more widely distribute data from BZX Book Viewer to investors for informational purposes at a lower cost than is available today. For example, a recipient firm may purchase an Enterprise license in the amount of $40,000 per month for to receive BZX Book Viewer from an External Distributor for an unlimited number of Professional and Non-Professional Users, which is greater than the proposed Digital Media Enterprise Fee. The Exchange also believes the amount of the Digital Media Enterprise Fee is reasonable as compared to the existing enterprise fees discussed above because the distribution of BZX Book Viewer data is limited to television, Web sites, and mobile devices for informational purposes only, while distribution of BZX Book Viewer data pursuant to an Enterprise license contains no such limitation. The Exchange also believes that the proposed Digital Media Enterprise Fee is equitable and reasonable because it is less than similar fees charged by other exchanges.[25]

(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 Exchange's ability to price BZX Book Viewer is constrained by: (i) Competition among exchanges, other trading platforms, and Trade Reporting Facilities (''TRF'') that compete with each other in a variety of dimensions; (ii) the existence of inexpensive real-time consolidated data and market-specific data and free delayed data; and (iii) the inherent contestability of the market for proprietary data.

The Exchange and its market data products are subject to significant competitive forces and the proposed fees represent responses to that competition. To start, the Exchange competes intensely for order flow. It competes with the other national securities exchanges that currently trade equities, with electronic communication networks, with quotes posted in FINRA's Alternative Display Facility, with alternative trading systems, and with securities firms that primarily

[21] *See* the Initial BATS One Feed Fee Filings, *supra* note 1. *See also, e.g.,* Securities Exchange Act Release No. 20002, File No. S7–433 (July 22, 1983) (establishing nonprofessional fees for CTA data); Nasdaq Rules 7023(b), 7047.

[22] *See* NYSE Market Data Pricing dated May 2015 *available at http://www.nyxdata.com/.*

[23] *See* Nasdaq Rule 7023(b)(2).

[24] *See* Nasdaq Rule 7023(c)(2) (stating that a distributor that is also a broker-dealer pays a monthly fee of $100,000 for the right to provide Nasdaq TotalView and for display usage for internal distribution, or for external distribution to both professional and non-professional subscribers with whom the firm has a brokerage relationship.) Nasdaq also charges an enterprise fee of $25,000 to provide Nasdaq TotalView to an unlimited number of non-professional subscribers only. *See* Nasdaq Rule 7023(c)(1).

[25] The Nasdaq Stock Market offers proprietary data products for distribution over the internet and television under alternative fee schedules that are subject to maximum fee of $50,000 per month. *See* Nasdaq Rule 7039(b). The NYSE charges a Digit Media Enterprise fee of $40,000 per month for the NYSE Trade Digital Media product. *See* Securities Exchange Act Release No. 69272 (April 2, 2013), 78 FR 20983 (April 8, 2013) (SR–NYSE–2013–23).

trade as principal with their customer order flow.

In addition, BZX Book Viewer competes with a number of alternative products. For instance, BZX Book Viewer does provide a complete picture of all trading activity in a security. Rather, the other national securities exchanges, the several TRFs of FINRA, and Electronic Communication Networks (''ECN'') that produce proprietary data all produce trades and trade reports. Each is currently permitted to produce last sale information products, and many currently do, including Nasdaq and NYSE. In addition, market participants can gain access to BZX last sale and depth-of-book quotations, though integrated with the prices of other markets, on feeds made available through the SIPs.

In sum, the availability of a variety of alternative sources of information imposes significant competitive pressures on Exchange data products and the Exchange's compelling need to attract order flow imposes significant competitive pressure on the Exchange to act equitably, fairly, and reasonably in setting the proposed data product fees. The proposed data product fees are, in part, responses to that pressure. The Exchange believes that the proposed fees would reflect an equitable allocation of its overall costs to users of its facilities.

In addition, when establishing the proposed fees, the Exchange considered the competitiveness of the market for proprietary data and all of the implications of that competition. The Exchange believes that it has considered all relevant factors and has not considered irrelevant factors in order to establish fair, reasonable, and not unreasonably discriminatory fees and an equitable allocation of fees among all Users. The existence of alternatives to BZX Book Viewer, including existing similar feeds by other exchanges, consolidated data, and proprietary data from other sources, ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect these alternatives or choose not to purchase a specific proprietary data product if its cost to purchase is not justified by the returns any particular vendor or subscriber would achieve through the purchase.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [26] and paragraph (f) of Rule 19b–4 thereunder.[27] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal 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 No. SR–BATS–2015–64 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 No. SR–BATS–2015–64. 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 No. SR–BATS–2015–64 and should be submitted on or before September 24, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–21870 Filed 9–2–15; 8:45 am]

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[26] 15 U.S.C. 78s(b)(3)(A).

[27] 17 CFR 240.19b–4(f).

[28] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75788; File No. SR–EDGX–2015–38]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for a Market Data Product Known as EDGX Book Viewer

August 28, 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 24, 2015, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b-4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the Market Data section of its fee schedule to adopt fees for a market data product called EDGX Book Viewer.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Market Data section of its fee schedule to adopt fees for a market data product called EDGX Book Viewer. EDGX Book Viewer is a data feed that disseminates, on a real-time basis, the aggregated two-side quotations for up to five (5) price levels for all displayed orders for securities traded on the Exchange and for which the Exchanges reports quotes under the Consolidated Tape Association (''CTA'') Plan or the Nasdaq/UTP Plan. EDGX Book Viewer also contains the last ten (10) trades including time of trade, price and share quantity.[5] EDGX Book Viewer is currently available via *www.batstrading.com* without charge.

The Exchange now proposes to amend its fee schedule to incorporate fees for distribution of EDGX Book Viewer to subscribers.[6] EDGX Book Viewer will remain available via *www.batstrading.com* for viewing without charge. The proposed fees include the following, each of which are described in detail below: (i) Distribution Fees for both Internal and External Distributors; [7] (ii) Usage Fees for both Professional [8] and Non-Professional [9] Users; [10] (iii) an Enterprise Fee; [11] and (iv) a Digital Media Enterprise Fee.

Distribution Fees. As proposed, each Internal Distributor that receives EDGX Book Viewer shall pay a fee of $500 per month. The Exchange does not propose to charge any User fees for EDGX Book Viewer where the data is received and subsequently internally distributed to Professional or Non-Professional Users. In addition, the Exchange proposes to charge External Distributors that receives EDGX Book Viewer a fee of $2,500 per month.

User Fees. The Exchange proposes to charge those who receive EDGX Book Viewer from External Distributors different fees for both their Professional Users and Non-Professional Users. The Exchange will assess a monthly fee for Professional Users of $3.00 per User. Non-Professional Users will be assessed a monthly fee of $0.15 per User. The Exchange does not propose to charge per User fees to Internal Distributors.

External Distributors that receives EDGX Book Viewer would be required to count every Professional User and Non-Professional User to which they provide EDGX Book Viewer, the requirements for which are identical to that currently in place for the BATS One Feed.[12] Thus, the External Distributor's count will include every person and device that accesses the data regardless of the purpose for which the individual or device uses the data. External Distributors must report all Professional and Non-Professional Users in accordance with the following:

- In connection with an External Distributor's distribution of EDGX Book Viewer, the Distributor should count as one User each unique User that the Distributor has entitled to have access to EDGX Book Viewer. However, where a device is dedicated specifically to a single individual, the Distributor should count only the individual and need not count the device.
- The External Distributor should identify and report each unique User. If a User uses the same unique method to gain access to EDGX Book Viewer, the Distributor should count that as one User. However, if a unique User uses multiple methods to gain access to EDGX Book Viewer (*e.g.,* a single User has multiple passwords and user identifications), the External Distributor should report all of those methods as an individual User.
- External Distributors should report each unique individual person who receives access through multiple devices as one User so long as each device is dedicated specifically to that individual.
- If an External Distributor entitles one or more individuals to use the same

[5] *See* Securities Exchange Act Release No. 75713 (August 17, 2015), 80 FR 50896 (August 21, 2015) (SR–EDGX–2015–36) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend Rule 13.8 to Describe the Market Data Product EDGX Book Viewer).

[6] The Exchange notes that its affiliated exchanges, EDGA Exchange, Inc. (''EDGA''), BATS Y-Exchange, Inc. (''BYX'') and BATS Exchange, Inc. (''BZX'', together with the Exchange, EDGA and BYX, the ''BATS Exchanges''), also intent to file proposed rule changes with Commission to adopt similar fees for their respective Book Viewer market data product.

[7] A ''Distributor'' is defined as ''any entity that receives the Exchange Market Data product directly from the Exchange or indirectly through another entity and then distributes it internally or externally to a third party.'' *See* the Exchange Fee Schedule *available at http://batstrading.com/support/fee_schedule/edgx/.* An ''Internal Distributor'' is defined as ''a Distributor that receives the Exchange Market Data product and then distributes that data to one or more Users within the Distributor's own entity.'' *Id.* An ''External Distributor'' is defined as ''a Distributor that receives the Exchange Market Data product and then distributes that data to a third party or one or more Users outside the Distributor's own entity.'' *Id.''*

[8] A ''Professional User'' is defined as ''any User other than a Non-Professional User.'' *See* the Exchange Fee Schedule *available at http://batstrading.com/support/fee_schedule/edgx/.*

[9] A ''Non-Professional User'' is defined as ''a natural person who is not: (i) registered or qualified in any capacity with the Commission, the Commodity Futures Trading Commission, any state securities agency, any securities exchange or association, or any commodities or futures contract market or association; (ii) engaged as an ''investment adviser'' as that term is defined in Section [202(a)(11)] of the Investment Advisers Act of 1940 (whether or not registered or qualified under that Act); or (iii) employed by a bank or other organization exempt from registration under federal or state securities laws to perform functions that would require registration or qualification if such functions were performed for an organization not so exempt.'' *Id.*

[10] The Exchange notes that User fees as well as the distinctions based on professional and non-professional users have been previously filed with or approved by the Commission by the BATS Exchanges and the Nasdaq Stock Market LLC (''Nasdaq''). *See* Securities Exchange Act Release No. 59582 (March 16, 2009), 74 FR 12423 (March 24, 2009) (Order approving SR-Nasdaq-2008–102). *See also See* Securities Exchange Act Release Nos. 74285 (February 18, 2015), 80 FR 9828 (February 24, 2015) (SR–BATS–2015–11); 74283 (February 18, 2015), 80 FR 9809 (February 24, 2015) (SR–EDGA–2015–09); 74282 (February 17, 2015), 80 FR 9487 (February 23, 2015) (SR–EDGX–2015–09); *and* 74284 (February 18, 2015), 80 FR 9792 (February 24, 2015) (SR–BYX–2015–09) (''Initial BATS One Feed Fee Filings'').

[11] The Exchange notes that Enterprise fees have been previously filed with or approved by the Commission by the Exchange, EDGA, BYX, BZX, Nasdaq, NYSE, and the CTA/CQ Plans. *See* Nasdaq Rule 7047. Securities Exchange Act Release Nos. 71507 (February 7, 2014), 79 FR 8763 (February 13, 2014) (SR–NASDAQ–2014–011); 70211 (August 15, 2013), 78 FR 51781 (August 21, 2013) (SR–NYSE–2013–58); *and* 70010 (July 19, 2013) (File No. SR–CTA/CQ–2013–04). *See also* the Initial BATS One Feed Fee Filings, *supra* note 10.

[12] *See* the Initial BATS One Feed Fee Filings, *supra* note 10.

device, the External Distributor should include only the individuals, and not the device, in the count.

Each External Distributor will receive a credit against its monthly Distributor Fee for EDGX Book Viewer equal to the amount of its monthly Usage Fees up to a maximum of the Distributor Fee for EDGX Book Viewer. For example, an External Distributor will be subject to a $2,500 monthly Distributor Fee where they receive EDGX Book Viewer. If that External Distributor reports User quantities totaling $2,500 or more of monthly usage of EDGX Book Viewer, it will pay no net Distributor Fee, whereas if that same External Distributor were to report User quantities totaling $1,000 of monthly usage, it will pay a net of $1,500 for the Distributor Fee. External Distributors will remain subject to the per User fees discussed above.

Enterprise Fee. The Exchange also proposes to establish a $20,000 per month Enterprise Fee that will permit a recipient firm who receives EDGX Book Viewer from an External Distributor to receive the data for an unlimited number of Professional and Non-Professional Users. For example, if a recipient firm had 15,000 Professional Users who each receive EDGX Book Viewer at $3.00 per month, then that recipient firm will pay $45,000 per month in Professional Users fees. Under the proposed Enterprise Fee, the recipient firm will pay a flat fee of $20,000 for an unlimited number of Professional and Non-Professional Users for EDGX Book Viewer. A recipient firm must pay a separate Enterprise Fee for each External Distributor that controls the display of EDGX Book Viewer if it wishes such User to be covered by an Enterprise Fee rather than by per User fees. A recipient firm that pays the Enterprise Fee will not have to report its number of such Users on a monthly basis. However, every six months, a recipient firm must provide the Exchange with a count of the total number of natural person users of each product, including both Professional and Non-Professional Users. Lastly, the proposed Enterprise Fee would be counted towards the Distributor Fee credit described above, under which an External Distributor receives a credit towards its Distributor Fee equal to the amount of its monthly EDGX Book Viewer User fees.

Digital Media Enterprise Fee. The Exchange proposes to adopt a Digital Media Enterprise Fee of $5,000 per month for EDGX Book Viewer. As an alternative to proposed User fees discussed above, a recipient firm may purchase a monthly Digital Media Enterprise license to receive EDGX Book Viewer from an External Distributor to distribute to an unlimited number of Professional and Non-Professional Users for viewing via television, Web sites, and mobile devices for informational and non-trading purposes only without having to account for the extent of access to the data or the report the number of Users to the Exchange. Lastly, the proposed Digital Media Enterprise Fee would be counted towards the Distributor Fee credit described above, under which an External Distributor receives a credit towards its Distributor Fee equal to the amount of its monthly EDGX Book Viewer User fees.

Implementation Date

The Exchange proposes to implement the proposed changes to its fee schedule on September 8, 2015.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[13] in general, and furthers the objectives of Section 6(b)(4),[14] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other recipients of Exchange data. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all recipients of Exchange data. The Exchange believes the proposed fees are competitive with those charged by other venues and, therefore, reasonable and equitably allocated to recipients. Lastly, the Exchange also believes that the proposed fees are reasonable and non-discriminatory because they will apply uniformly to all recipients of Exchange data.

The Exchange also believes that the proposed rule change is consistent with Section 11(A) of the Act [15] in that it supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Furthermore, the proposed rule change is consistent with Rule 603 of Regulation NMS,[16] which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory. In adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data.

In addition, the proposed fees would not permit unfair discrimination because all of the Exchange's customers and market data vendors will be subject to the proposed fees on an equivalent basis. EDGX Book Viewer is distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data available. Accordingly, Distributors and Users can discontinue use at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Firms have a wide variety of alternative market data products from which to choose, such as similar proprietary data products offered by other exchanges and consolidated data. Moreover, the Exchange is not required to make any proprietary data products available or to offer any specific pricing alternatives to any customers.

In addition, the fees that are the subject of this rule filing are constrained by competition. As explained below in the Exchange's Statement on Burden on Competition, the existence of alternatives to EDGX Book Viewer further ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect such alternatives. That is, the Exchange competes with other exchanges (and their affiliates) that provide similar market data products. If another exchange (or its affiliate) were to charge less to distribute its similar product than the Exchange charges to consolidate and distribute EDGX Book Viewer, prospective Users likely would not subscribe to, or would cease subscribing to, EDGX Book Viewer.

The Exchange notes that the Commission is not required to undertake a cost-of-service or rate-making approach. The Exchange believes that, even if it were possible as a matter of economic theory, cost-based pricing for non-core market data would be so complicated that it could not be done practically.[17]

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(4).

[15] 15 U.S.C. 78k–1.

[16] *See* 17 CFR 242.603.

[17] The Exchange believes that cost-based pricing would be impractical because it would create enormous administrative burdens for all parties,

Distributor Fee. The Exchange believes that the proposed Distributor Fees are also reasonable, equitably allocated, and not unreasonably discriminatory. The fees for Members and non-Members are uniform except with respect to reasonable distinctions with respect to internal and external distribution.[18] The Exchange believes that the Distributor Fees for EDGX Book Viewer are reasonable and fair in light of alternatives offered by other market centers. For example, EDGX Book Viewer provides investors with alternative market data and competes with similar market data product currently offered by the New York Stock Exchange, Inc. (''NYSE'') and the Nasdaq Stock Market LLC (''Nasdaq'').[19] Specifically, the NYSE charges an access fee of $5,000 per month for NYSE OpenBook,[20] which is higher than the External Distributor fee proposed herein for EDGX Book Viewer.

User Fees. The Exchange believes that implementing the Professional and Non-Professional User fees for EDGX Book Viewer are equitable and reasonable because they will result in greater availability to Professional and Non-Professional Users. Moreover, introducing a modest Non-Professional User fee for EDGX Book Viewer is reasonable because it provides an additional method for retail investors to access EDGX Book Viewer data by providing the same data that is available to Professional Users. The Exchange believes that the proposed fees are equitable and not unfairly discriminatory because they will be charged uniformly to recipient firms and Users. The fee structure of differentiated Professional and Non-Professional fees is utilized by the Exchange for the BATS One Feed and has long been used by other exchanges for their proprietary data products, and by the Nasdaq UTP and the CTA and CQ Plans in order to reduce the price of data to retail investors and make it more broadly available.[21] Offering EDGX Book Viewer to Non-Professional Users with the same data available to Professional Users results in greater equity among data recipients.

In addition, the proposed fees are reasonable when compared to similar fees for comparable products offered by the NYSE and Nasdaq. Specifically, NYSE offers NYSE OpenBook for a monthly fee of $60.00 per professional subscriber and $15 per non-professional subscriber.[22] Nasdaq offers Nasdaq BookViewer for the same fees as Nasdaq TotalView, which is a monthly fee of $70.00 per professional subscriber and $14 per non-professional subscriber.[23] The Exchange's proposed per User Fees for EDGX Book Viewer are less than the NYSE and Nasdaq fees.

Enterprise Fee. The proposed Enterprise Fee for EDGX Book Viewer is equitable and reasonable as the fees proposed are less than the enterprise fees currently charged for Nasdaq Book Viewer, which is subject to the exact same fees as Nasdaq TotalView. Nasdaq charges an enterprise fee of $100,000 per month for Nasdaq TotalView,[24] which is far greater than the proposed Enterprise Fee of $20,000 per month for EDGX Book Viewer. In addition, the Enterprise Fee proposed by the Exchange could result in a fee reduction for recipient firms with a large number of Professional and Non-Professional Users. If a recipient firm has a smaller number of Professional Users of EDGX Book Viewer, then it may continue using the per User structure and benefit from the per User Fee reductions. By reducing prices for recipient firms with a large number of Professional and Non-Professional Users, the Exchange believes that more firms may choose to receive and to distribute EDGX Book Viewer, thereby expanding the distribution of this market data for the benefit of investors.

The Exchange further believes that the proposed Enterprise Fee is reasonable because it will simplify reporting for certain recipients that have large numbers of Professional and Non-Professional Users. Firms that pay the proposed Enterprise Fee will not have to report the number of Users on a monthly basis as they currently do, but rather will only have to count natural person users every six months, which is a significant reduction in administrative burden. Finally, the Exchange believes that it is equitable and not unfairly discriminatory to establish an Enterprise Fee because it reduces the Exchange's costs and the Distributor's administrative burdens in tracking and auditing large numbers of Users.

Digital Media Enterprise Fee. The Exchange believes that the proposed Digital Media Enterprise Fee for EDGX Book Viewer provides for an equitable allocation of reasonable fees among recipients of the data and is not designed to permit unfair discrimination among customers, brokers, or dealers. In establishing the Digital Media Enterprise Fee, the Exchange recognizes that there is demand for a more seamless and easier-to-administer data distribution model that takes into account the expanded

including the Commission, to cost-regulate a large number of participants and standardize and analyze extraordinary amounts of information, accounts, and reports. In addition, it is impossible to regulate market data prices in isolation from prices charged by markets for other services that are joint products. Cost-based rate regulation would also lead to litigation and may distort incentives, including those to minimize costs and to innovate, leading to further waste. Under cost-based pricing, the Commission would be burdened with determining a fair rate of return, and the industry could experience frequent rate increases based on escalating expense levels. Even in industries historically subject to utility regulation, cost-based ratemaking has been discredited. As such, the Exchange believes that cost-based ratemaking would be inappropriate for proprietary market data and inconsistent with Congress's direction that the Commission use its authority to foster the development of the national market system, and that market forces will continue to provide appropriate pricing discipline. *See* Appendix C to NYSE's comments to the Commission's 2000 Concept Release on the Regulation of Market Information Fees and Revenues, which can be found on the Commission's Web site at *http://www.sec.gov/rules/concept/s72899/buck1.htm. See also* Securities Exchange Act Release No. 73816 (December 11, 2014), 79 FR 75200 (December 17, 2014) (SR–NYSE–2014–64) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Establish an Access Fee for the NYSE Best Quote and Trades Data Feed, Operative December 1, 2014).

[18] The Exchange notes that distinctions based on external versus internal distribution have been previously filed with the Commission by Nasdaq, Nasdaq OMX BX, and Nasdaq OMX PSX. *See* Nasdaq Rule 019(b); *see also* Securities Exchange Act Release No. 62876 (September 9, 2010), 75 FR 56624 (September 16, 2010) (SR–PHLX–2010–120); Securities Exchange Act Release No. 62907 (September 14, 2010), 75 FR 57314 (September 20, 2010) (SR–NASDAQ–2010–110); Securities Exchange Act Release No. 63442 (December 6, 2010), 75 FR 77029 (December 10, 2010) (SR–BX–2010–081). *See also* the Initial BATS One Feed Fee Filings, *supra* note 10.

[19] *See* Nasdaq Rule 7023(a)(1)(C) (describing Nasdaq TotalView is a depth-of-book data feed that includes all orders and quotes from all Nasdaq members displayed in the Nasdaq Market Center as well as the aggregate size of such orders and quotes at each price level in the execution functionality of the Nasdaq Market Center). *See also* Nasdaq Book Viewer, a description of which is *available at https://data.nasdaq.com/Book* Viewer.aspx (last visited July 29, 2015). *See* NYSE OpenBook *available at http://www.nyxdata.com/openbook* (last visited July 29, 2015) (providing real-time view of the NYSE limit order book).

[20] *See* NYSE Market Data Pricing dated May 2015 *available at http://www.nyxdata.com/.* Nasdaq charges distribution fees ranging from $300 for 1–10 subscribers to $75,000 for more than $250 [sic] subscribers. *See* Nasdaq Rule 7023(b)(4).

[21] *See* the Initial BATS One Feed Fee Filings, *supra* note 10. *See also, e.g.,* Securities Exchange Act Release No. 20002, File No. S7–433 (July 22, 1983) (establishing nonprofessional fees for CTA data); Nasdaq Rules 7023(b), 7047.

[22] *See* NYSE Market Data Pricing dated May 2015 *available at http://www.nyxdata.com/.*

[23] *See* Nasdaq Rule 7023(b)(2).

[24] *See* Nasdaq Rule 7023(c)(2) (stating that a distributor that is also a broker-dealer pays a monthly fee of $100,000 for the right to provide Nasdaq TotalView and for display usage for internal distribution, or for external distribution to both professional and non-professional subscribers with whom the firm has a brokerage relationship.) Nasdaq also charges an enterprise fee of $25,000 to provide Nasdaq TotalView to an unlimited number of non-professional subscribers only. *See* Nasdaq Rule 7023(c)(1).

variety of media and communication devices that investors utilize today. The Exchange believes the Digital Media Enterprise Fee will be easy to administer because data recipients that purchase it would not be required to differentiate between Professional and Non-Professional Users, account for the extent of access to the data, or report the number of Users. This is a significant reduction on a recipient firm's administrative burdens and is a significant value to investors. For example, a television broadcaster could display EDGX Book Viewer data during market-related programming and on its Web site or allow viewers to view the data via their mobile devices, creating a more seamless distribution model that will allow investors more choice in how they receive and view market data, all without having to account for and/or measure who accesses the data and how often they do so.

The proposed Digital Media Enterprise Fee is equitable and reasonable because it will also enable recipient firms to more widely distribute data from EDGX Book Viewer to investors for informational purposes at a lower cost than is available today. For example, a recipient firm may purchase an Enterprise license in the amount of $20,000 per month for to receive EDGX Book Viewer from an External Distributor for an unlimited number of Professional and Non-Professional Users, which is greater than the proposed Digital Media Enterprise Fee. The Exchange also believes the amount of the Digital Media Enterprise Fee is reasonable as compared to the existing enterprise fees discussed above because the distribution of EDGX Book Viewer data is limited to television, Web sites, and mobile devices for informational purposes only, while distribution of EDGX Book Viewer data pursuant to an Enterprise license contains no such limitation. The Exchange also believes that the proposed Digital Media Enterprise Fee is equitable and reasonable because it is less than similar fees charged by other exchanges.[25]

(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 Exchange's ability to price EDGX Book Viewer is constrained by: (i) Competition among exchanges, other trading platforms, and Trade Reporting Facilities (''TRF'') that compete with each other in a variety of dimensions; (ii) the existence of inexpensive real-time consolidated data and market-specific data and free delayed data; and (iii) the inherent contestability of the market for proprietary data.

The Exchange and its market data products are subject to significant competitive forces and the proposed fees represent responses to that competition. To start, the Exchange competes intensely for order flow. It competes with the other national securities exchanges that currently trade equities, with electronic communication networks, with quotes posted in FINRA's Alternative Display Facility, with alternative trading systems, and with securities firms that primarily trade as principal with their customer order flow.

In addition, EDGX Book Viewer competes with a number of alternative products. For instance, EDGX Book Viewer does provide a complete picture of all trading activity in a security. Rather, the other national securities exchanges, the several TRFs of FINRA, and Electronic Communication Networks (''ECN'') that produce proprietary data all produce trades and trade reports. Each is currently permitted to produce last sale information products, and many currently do, including Nasdaq and NYSE. In addition, market participants can gain access to EDGX last sale and depth-of-book quotations, though integrated with the prices of other markets, on feeds made available through the SIPs.

In sum, the availability of a variety of alternative sources of information imposes significant competitive pressures on Exchange data products and the Exchange's compelling need to attract order flow imposes significant competitive pressure on the Exchange to act equitably, fairly, and reasonably in setting the proposed data product fees. The proposed data product fees are, in part, responses to that pressure. The Exchange believes that the proposed fees would reflect an equitable allocation of its overall costs to users of its facilities.

In addition, when establishing the proposed fees, the Exchange considered the competitiveness of the market for proprietary data and all of the implications of that competition. The Exchange believes that it has considered all relevant factors and has not considered irrelevant factors in order to establish fair, reasonable, and not unreasonably discriminatory fees and an equitable allocation of fees among all Users. The existence of alternatives to EDGX Book Viewer, including existing similar feeds by other exchanges, consolidated data, and proprietary data from other sources, ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect these alternatives or choose not to purchase a specific proprietary data product if its cost to purchase is not justified by the returns any particular vendor or subscriber would achieve through the purchase.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[26] and paragraph (f) of Rule 19b–4 thereunder.[27] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal 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 No. SR–EDGX–2015–38 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.

[25] The Nasdaq Stock Market offers proprietary data products for distribution over the internet and television under alternative fee schedules that are subject to maximum fee of $50,000 per month. *See* Nasdaq Rule 7039(b). The NYSE charges a Digit Media Enterprise fee of $40,000 per month for the NYSE Trade Digital Media product. *See* Securities Exchange Act Release No. 69272 (April 2, 2013), 78 FR 20983 (April 8, 2013) (SR–NYSE–2013–23).

[26] 15 U.S.C. 78s(b)(3)(A).

[27] 17 CFR 240.19b–4(f).

All submissions should refer to File No. SR–EDGX–2015–38. 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 No. SR–EDGX–2015–38 and should be submitted on or before September 24,2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–21873 Filed 9–2–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75783; File No. SR–FINRA–2015–017]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving a Proposed Rule Change To Establish the Securities Trader and Securities Trader Principal Registration Categories

August 28, 2015.

I. Introduction

On June 29, 2015, the Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to establish the Securities Trader and Securities Trader Principal registration categories. The proposed rule change was published for comment in the **Federal Register** on July 14, 2015.[3] The Commission received two comment letters on the proposed rule change.[4] This order approves the proposed rule change.

II. Description of the Proposed Rule Change

A. Securities Trader Registration Category

Pursuant to NASD Rule 1032(f), each person associated with a FINRA member who is included within the definition of ''representative'' in NASD Rule 1031 must register with FINRA as an Equity Trader if, with respect to transactions in equity (including equity options), preferred or convertible debt securities effected otherwise than on a national securities exchange, the person is engaged in proprietary trading, the execution of transactions on an agency basis, or the direct supervision of such activities.[5] Currently, before registering as an Equity Trader and taking the Series 55 examination, the associated person must be registered as either a General Securities Representative (Series 7) or a Corporate Securities Representative (Series 62) and have passed either of the exams.

The exchanges, however, currently use the Series 56 examination as a qualification standard for several registration categories relating to securities trading, including the Proprietary Trader registration category, and only NASDAQ recognizes the Series 55 examination as an acceptable qualification standard under its registration rules. Unlike the Series 55 examination, there is no prerequisite registration requirement for individuals taking the Series 56 examination. The Series 56 examination is administered by FINRA, however FINRA does not recognize the exam as an acceptable qualification examination. Associated persons of FINRA members are required to pass the Series 55 examination to engage in over-the-counter securities trading. Consequently, individuals engaged in trading activities at broker-dealers may be subject to varying qualification requirements, depending on whether their activities take place on a securities exchange or over-the-counter.[6]

In its proposal, FINRA amends NASD Rule 1032(f) to replace the Equity Trader registration category and qualification examination (Series 55) with a Securities Trader registration category and qualification examination (Series 57).[7] FINRA also amends NASD Rule 1032(f) to eliminate the prerequisite registration requirement. In addition, FINRA amends NASD Rule 1032(f) to provide that a person solely registered as a Securities Trader will not be qualified to function in any other registration category.

As proposed, a person registered as an Equity Trader in the Central Registration Depository (''CRD'') system on the effective date of the proposed rule change [8] will be grandfathered as a Securities Trader without having to take any additional examinations and without having to take any other actions.[9]

B. Securities Trader Principal Registration Category

Currently, an associated person with direct supervisory responsibility over

[28] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 75394 (July 8, 2015), 80 FR 41119 (''Notice'').

[4] *See* letters to Robert W. Errett, Deputy Secretary, Commission, from Kevin Zambrowicz, Associate General Counsel & Managing Director, Securities Industry and Financial Markets Association, dated July 10, 2015 (''SIFMA Letter'') and Michele Van Tassel, President, Association of Registration Management, dated July 19, 2015 (''ARM Letter'').

[5] There is an exception to this requirement for any person associated with a FINRA member whose trading activities are conducted principally on behalf of an investment company that is registered with the Commission pursuant to the Investment Company Act of 1940 and that controls, is controlled by, or is under common control with the member.

[6] FINRA notes that there is significant overlap in the content of the Series 55 and 56 examinations.

[7] FINRA will develop the Series 57 examination and will file the examination with the Commission as part of a separate proposed rule change. According to FINRA, while the Series 57 examination will include the core knowledge portion of the Series 7 examination, the Series 57 examination will also be based on the current job functions of securities traders and include elements of the Series 55 and 56 examination programs. In addition, FINRA will file a separate proposed rule change to establish the fee for the Series 57 examination.

[8] The exchanges have indicated that they will replace the Series 56 examination with the Series 57 examination for those registration categories, such as the Proprietary Trader registration category, where the Series 56 is currently an acceptable qualification standard. The Commission expects the exchanges to file their proposed rule changes to effectuate this change before FINRA's expected effective date for the Series 57—January 4, 2016.

[9] A person who was registered as an Equity Trader in the CRD system before the effective date of the proposed rule change will be eligible to register as a Securities Trader without having to take any additional examinations, provided that no more than two years has passed between the date the person was last registered as a representative and the date the person registers as a Securities Trader.

the securities trading activities set forth in NASD Rule 1032(f)(1) is required to qualify and register as an Equity Trader. FINRA rules do not expressly require such person to register in a specific principal registration category. On the other hand, most national securities exchanges expressly require that an individual associated with an exchange member who has supervisory responsibility over proprietary trading activities qualify and register as a Proprietary Trader Principal.

In its proposal, FINRA amends NASD Rule 1022(a) to require each person associated with a FINRA member who is included within the definition of ''principal'' in NASD Rule 1021 and who has supervisory responsibility over the securities trading activities described in NASD Rule 1032(f)(1) to qualify and register as a Securities Trader Principal. To qualify for registration as a Securities Trader Principal, a person must first qualify and register as a Securities Trader and then pass the General Securities Principal qualification examination (Series 24).[10] As proposed, a person who is qualified and registered only as a Securities Trader Principal may only have supervisory responsibility over the activities specified in NASD Rule 1032(f)(1). Moreover, a person who is registered as a General Securities Principal will not be qualified to supervise the trading activities described in NASD Rule 1032(f)(1), unless the person qualifies and registers as a Securities Trader by passing the Series 57 examination and affirmatively registers as a Securities Trader Principal.

As proposed, a person registered as a General Securities Principal and an Equity Trader in the CRD system on the effective date of the proposed rule change will be eligible to register as a Securities Trader Principal without having to take any additional examinations.[11] FINRA members, however, will be required to affirmatively register persons who transition to Securities Trader Principals on or after the effective date of the proposed rule change.[12]

III. Comment Letters

The Commission received two comment letters that support the proposed rule change.[13] These commenters note that the proposal would eliminate or reduce redundancies and inefficiencies that exist in the current qualification regime.[14] These commenters also support the timeline for implementing the proposed rule change.[15]

IV. Discussion and Commission Findings

After careful review of the proposed rule change and the comment letters, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities association.[16] Specifically, the Commission finds that the proposed rule change is consistent with Section 15A(b)(6) of the Act,[17] which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The Commission also finds that the proposed rule change is consistent with Section 15A(g)(3) of the Act,[18] which requires FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members. The proposed rule change should harmonize the qualification and registration requirements for individuals engaged in securities trading activities across different markets and for principals responsible for supervising such activities. In addition, by explicitly requiring the registration of Securities Trader Principals, as such, the proposal will help FINRA to identify and contact principals with supervisory responsibility over the securities trading activities described in NASD Rule 1032(f)(1).

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[19] that the proposed rule change (SR–FINRA–2015–017) be, and hereby is,approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–21869 Filed 9–2–15; 8:45 am]

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[10] The exchanges have indicated that they plan to replace the Series 56 examination with the Series 57 examination under their respective registration rules, thus the Series 57 examination will also replace the Series 56 examination for those registration categories, such as the Proprietary Trader Principal registration category, where the Series 56 examination is currently an acceptable prerequisite.

[11] An individual who was registered as a General Securities Principal and an Equity Trader in the CRD system before the effective date of the proposed rule change will also be eligible to register as a Securities Trader Principal without having to take any additional examinations, provided that no more than two years has passed between the date that person was last registered as a principal and the date that person registers as a Securities Trader Principal. Moreover, on the effective date of the proposed rule change, FINRA will convert Proprietary Trader Principal registrations in the CRD system into Securities Trader Principal registrations.

[12] In connection with the proposals discussed above, and in anticipation of the national securities exchanges filing similar proposed rule changes to replace the Series 56 examination with the Series 57 examination in their respective registration rules, FINRA proposes to amend the Form U4 to replace: (1) the Equity Trader registration category with the Securities Trader registration category as well as references to the Series 55 examination with the Series 57 examination; (2) references to the Series 56 examination with the Series 57 examination; and (3) the Proprietary Trader Principal registration category with the Securities Trader Principal registration category.

[13] *See supra* note 4.

[14] *See* SIFMA Letter at 3–4 and ARM Letter at 2.

[15] *See* SIFMA Letter at 4 and ARM Letter at 2. However, one commenter requests that FINRA provide some flexibility in the timeline given the other initiatives that member firms are currently undertaking or will undertake in the near future. *See* SIFMA Letter at 4. *See also* ARM Letter at 2. This commenter also encourages FINRA to coordinate the current proposal and the Algorithmic Trading proposal that was set forth in FINRA Regulatory Notice 15–06, and to implement the Series 57 regime before implementing the Algorithmic Trading proposal (assuming the Algorithmic Trading proposal moves forward). *See* SIFMA Letter at 5. Moreover, this commenter encourages FINRA to solicit comment on the Series 57 examination content through a Regulatory Notice. *See id.* The Commission notes that FINRA will file a proposed rule change to implement the new exam. *See* Notice, *supra* note 3, at n. 6.

[16] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 15 U.S.C. 78*o*–3(b)(6).

[18] 15 U.S.C. 78*o*–3(g)(3).

[19] 15 U.S.C. 78s(b)(2).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75787; File No. SR–EDGA–2015–34]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for a Market Data Product Known as EDGA Book Viewer

August 28, 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 24, 2015, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the Market Data section of its fee schedule to adopt fees for a market data product called EDGA Book Viewer.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Market Data section of its fee schedule to adopt fees for market data product called EDGA Book Viewer. EDGA Book Viewer is a data feed that disseminates, on a real-time basis, the aggregated two-side quotations for up to five (5) price levels for all displayed orders for securities traded on the Exchange and for which the Exchanges reports quotes under the Consolidated Tape Association (''CTA'') Plan or the Nasdaq/UTP Plan. EDGA Book Viewer also contains the last ten (10) trades including time of trade, price and share quantity.[5] EDGA Book Viewer is currently available via *www.batstrading.com* without charge.

The Exchange now proposes to amend its fee schedule to incorporate fees for distribution of EDGA Book Viewer to subscribers.[6] EDGA Book Viewer will remain available via *www.batstrading.com* for viewing without charge. The proposed fees include the following, each of which are described in detail below: (i) Distribution Fees for both Internal and External Distributors; [7] (ii) Usage Fees for both Professional [8] and Non-Professional [9] Users; [10] (iii) an Enterprise Fee; [11] and (iv) a Digital Media Enterprise Fee.

Distribution Fees. As proposed, each Internal Distributor that receives EDGA Book Viewer shall pay a fee of $500 per month. The Exchange does not propose to charge any User fees for EDGA Book Viewer where the data is received and subsequently internally distributed to Professional or Non-Professional Users. In addition, the Exchange proposes to charge External Distributors that receives EDGA Book Viewer a fee of $2,500 per month.

User Fees. The Exchange proposes to charge those who receive EDGA Book Viewer from External Distributors different fees for both their Professional Users and Non-Professional Users. The Exchange will assess a monthly fee for Professional Users of $3.00 per User. Non-Professional Users will be assessed a monthly fee of $0.10 per User. The Exchange does not propose to charge per User fees to Internal Distributors.

External Distributors that receives EDGA Book Viewer would be required to count every Professional User and Non-Professional User to which they provide EDGA Book Viewer, the requirements for which are identical to that currently in place for the BATS One Feed.[12] Thus, the External Distributor's count will include every person and device that accesses the data regardless of the purpose for which the individual or device uses the data. External Distributors must report all Professional and Non-Professional Users in accordance with the following:

- In connection with an External Distributor's distribution of EDGA Book Viewer, the Distributor should count as one User each unique User that the Distributor has entitled to have access to EDGA Book Viewer. However, where a device is dedicated specifically to a single individual, the Distributor should count only the individual and need not count the device.
- The External Distributor should identify and report each unique User. If a User uses the same unique method to gain access to EDGA Book Viewer, the Distributor should count that as one User. However, if a unique User uses multiple methods to gain access to

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] *See* Securities Exchange Act Release No. 75712 (August 17, 2015), 80 FR 50881 (August 21, 2015) (SR–EDGA–2015–31) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend Rule 13.8 to Describe the Market Data Product EDGA Book Viewer).

[6] The Exchange notes that its affiliated exchanges, EDGX Exchange, Inc. (''EDGX''), BATS Y–Exchange, Inc. (''BYX'') and BATS Exchange, Inc. (''BZX'', together with the Exchange, EDGX and BYX, the ''BATS Exchanges''), also intent to file proposed rule changes with Commission to adopt similar fees for their respective Book Viewer market data product.

[7] A ''Distributor'' is defined as ''any entity that receives the Exchange Market Data product directly from the Exchange or indirectly through another entity and then distributes it internally or externally to a third party.'' *See* the Exchange Fee Schedule *available at http://batstrading.com/support/fee_schedule/edga/.* An ''Internal Distributor'' is defined as ''a Distributor that receives the Exchange Market Data product and then distributes that data to one or more Users within the Distributor's own entity.'' *Id.* An ''External Distributor'' is defined as ''a Distributor that receives the Exchange Market Data product and then distributes that data to a third party or one or more Users outside the Distributor's own entity.'' *Id.*

[8] A ''Professional User'' is defined as ''any User other than a Non-Professional User.'' *See* the Exchange Fee Schedule *available at http://batstrading.com/support/fee_schedule/edga/.*

[9] A ''Non-Professional User'' is defined as ''a natural person who is not: (i) Registered or qualified in any capacity with the Commission, the Commodity Futures Trading Commission, any state securities agency, any securities exchange or association, or any commodities or futures contract market or association; (ii) engaged as an ''investment adviser'' as that term is defined in Section [202(a)(11)] of the Investment Advisers Act of 1940 (whether or not registered or qualified under that Act); or (iii) employed by a bank or other organization exempt from registration under federal or state securities laws to perform functions that would require registration or qualification if such functions were performed for an organization not so exempt.'' *Id.*

[10] The Exchange notes that User fees as well as the distinctions based on professional and non-professional users have been previously filed with or approved by the Commission by the BATS Exchanges and the Nasdaq Stock Market LLC (''Nasdaq''). *See* Securities Exchange Act Release No. 59582 (March 16, 2009), 74 FR 12423 (March 24, 2009) (Order approving SR–Nasdaq–2008–102). *See also See* Securities Exchange Act Release Nos. 74285 (February 18, 2015), 80 FR 9828 (February 24, 2015) (SR–BATS–2015–11); 74283 (February 18, 2015), 80 FR 9809 (February 24, 2015) (SR–EDGA–2015–09); 74282 (February 17, 2015), 80 FR 9487 (February 23, 2015) (SR–EDGX–2015–09); *and* 74284 (February 18, 2015), 80 FR 9792 (February 24, 2015) (SR–BYX–2015–09) (''Initial BATS One Feed Fee Filings'').

[11] The Exchange notes that Enterprise fees have been previously filed with or approved by the Commission by the Exchange, EDGA, BYX, BZX, Nasdaq, NYSE, and the CTA/CQ Plans. *See* Nasdaq Rule 7047. Securities Exchange Act Release Nos. 71507 (February 7, 2014), 79 FR 8763 (February 13, 2014) (SR–NASDAQ–2014–011); 70211 (August 15, 2013), 78 FR 51781 (August 21, 2013) (SR–NYSE–2013–58); *and* 70010 (July 19, 2013) (File No. SR–CTA/CQ–2013–04). *See also* the Initial BATS One Feed Fee Filings, *supra* note 10.

[12] *See* the Initial BATS One Feed Fee Filings, *supra* note 10.

EDGA Book Viewer (*e.g.,* a single User has multiple passwords and user identifications), the External Distributor should report all of those methods as an individual User.

• External Distributors should report each unique individual person who receives access through multiple devices as one User so long as each device is dedicated specifically to that individual.

• If an External Distributor entitles one or more individuals to use the same device, the External Distributor should include only the individuals, and not the device, in the count.

Each External Distributor will receive a credit against its monthly Distributor Fee for EDGA Book Viewer equal to the amount of its monthly Usage Fees up to a maximum of the Distributor Fee for EDGA Book Viewer. For example, an External Distributor will be subject to a $2,500 monthly Distributor Fee where they receive EDGA Book Viewer. If that External Distributor reports User quantities totaling $2,500 or more of monthly usage of EDGA Book Viewer, it will pay no net Distributor Fee, whereas if that same External Distributor were to report User quantities totaling $1,000 of monthly usage, it will pay a net of $1,500 for the Distributor Fee. External Distributors will remain subject to the per User fees discussed above.

Enterprise Fee. The Exchange also proposes to establish a $20,000 per month Enterprise Fee that will permit a recipient firm who receives EDGA Book Viewer from an External Distributor to receive the data for an unlimited number of Professional and Non-Professional Users. For example, if a recipient firm had 15,000 Professional Users who each receive EDGA Book Viewer at $3.00 per month, then that recipient firm will pay $45,000 per month in Professional Users fees. Under the proposed Enterprise Fee, the recipient firm will pay a flat fee of $20,000 for an unlimited number of Professional and Non-Professional Users for EDGA Book Viewer. A recipient firm must pay a separate Enterprise Fee for each External Distributor that controls the display of EDGA Book Viewer if it wishes such User to be covered by an Enterprise Fee rather than by per User fees. A recipient firm that pays the Enterprise Fee will not have to report its number of such Users on a monthly basis. However, every six months, a recipient firm must provide the Exchange with a count of the total number of natural person users of each product, including both Professional and Non-Professional Users. Lastly, the proposed Enterprise Fee would be counted towards the Distributor Fee credit described above, under which an External Distributor receives a credit towards its Distributor Fee equal to the amount of its monthly EDGA Book Viewer User fees.

Digital Media Enterprise Fee. The Exchange proposes to adopt a Digital Media Enterprise Fee of $5,000 per month for EDGA Book Viewer. As an alternative to proposed User fees discussed above, a recipient firm may purchase a monthly Digital Media Enterprise license to receive EDGA Book Viewer from an External Distributor to distribute to an unlimited number of Professional and Non-Professional Users for viewing via television, Web sites, and mobile devices for informational and non-trading purposes only without having to account for the extent of access to the data or the report the number of Users to the Exchange. Lastly, the proposed Digital Media Enterprise Fee would be counted towards the Distributor Fee credit described above, under which an External Distributor receives a credit towards its Distributor Fee equal to the amount of its monthly EDGA Book Viewer User fees.

Implementation Date

The Exchange proposes to implement the proposed changes to its fee schedule on September 8, 2015.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[13] in general, and furthers the objectives of Section 6(b)(4),[14] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other recipients of Exchange data. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all recipients of Exchange data. The Exchange believes the proposed fees are competitive with those charged by other venues and, therefore, reasonable and equitably allocated to recipients. Lastly, the Exchange also believes that the proposed fees are reasonable and non-discriminatory because they will apply uniformly to all recipients of Exchange data.

The Exchange also believes that the proposed rule change is consistent with Section 11(A) of the Act [15] in that it supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Furthermore, the proposed rule change is consistent with Rule 603 of Regulation NMS,[16] which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory. In adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data.

In addition, the proposed fees would not permit unfair discrimination because all of the Exchange's customers and market data vendors will be subject to the proposed fees on an equivalent basis. EDGA Book Viewer is distributed and purchased on a voluntary basis, in that neither the Exchange nor market data distributors are required by any rule or regulation to make this data available. Accordingly, Distributors and Users can discontinue use at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Firms have a wide variety of alternative market data products from which to choose, such as similar proprietary data products offered by other exchanges and consolidated data. Moreover, the Exchange is not required to make any proprietary data products available or to offer any specific pricing alternatives to any customers.

In addition, the fees that are the subject of this rule filing are constrained by competition. As explained below in the Exchange's Statement on Burden on Competition, the existence of alternatives to EDGA Book Viewer further ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect such alternatives. That is, the Exchange competes with other exchanges (and their affiliates) that provide similar market data products. If another exchange (or its affiliate) were to charge less to distribute its similar product than the Exchange charges to consolidate and distribute EDGA Book Viewer, prospective Users likely would

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(4).

[15] 15 U.S.C. 78k–1.

[16] *See* 17 CFR 242.603.

not subscribe to, or would cease subscribing to, EDGA Book Viewer.

The Exchange notes that the Commission is not required to undertake a cost-of-service or rate-making approach. The Exchange believes that, even if it were possible as a matter of economic theory, cost-based pricing for non-core market data would be so complicated that it could not be done practically.[17]

Distributor Fee. The Exchange believes that the proposed Distributor Fees are also reasonable, equitably allocated, and not unreasonably discriminatory. The fees for Members and non-Members are uniform except with respect to reasonable distinctions with respect to internal and external distribution.[18] The Exchange believes that the Distributor Fees for EDGA Book Viewer are reasonable and fair in light of alternatives offered by other market centers. For example, EDGA Book Viewer provides investors with alternative market data and competes with similar market data product currently offered by the New York Stock Exchange, Inc. (''NYSE'') and the Nasdaq Stock Market LLC (''Nasdaq'').[19] Specifically, the NYSE charges an access fee of $5,000 per month for NYSE OpenBook,[20] which is higher than the External Distributor fee proposed herein for EDGA Book Viewer.

User Fees. The Exchange believes that implementing the Professional and Non-Professional User fees for EDGA Book Viewer are equitable and reasonable because they will result in greater availability to Professional and Non-Professional Users. Moreover, introducing a modest Non-Professional User fee for EDGA Book Viewer is reasonable because it provides an additional method for retail investors to access EDGA Book Viewer data by providing the same data that is available to Professional Users. The Exchange believes that the proposed fees are equitable and not unfairly discriminatory because they will be charged uniformly to recipient firms and Users. The fee structure of differentiated Professional and Non-Professional fees is utilized by the Exchange for the BATS One Feed and has long been used by other exchanges for their proprietary data products, and by the Nasdaq UTP and the CTA and CQ Plans in order to reduce the price of data to retail investors and make it more broadly available.[21] Offering EDGA Book Viewer to Non-Professional Users with the same data available to Professional Users results in greater equity among data recipients.

In addition, the proposed fees are reasonable when compared to similar fees for comparable products offered by the NYSE and Nasdaq. Specifically, NYSE offers NYSE OpenBook for a monthly fee of $60.00 per professional subscriber and $15 per non-professional subscriber.[22] Nasdaq offers Nasdaq BookViewer for the same fees as Nasdaq TotalView, which is a monthly fee of $70.00 per professional subscriber and $14 per non-professional subscriber.[23] The Exchange's proposed per User Fees for EDGA Book Viewer are less than the NYSE and Nasdaq fees.

Enterprise Fee. The proposed Enterprise Fee for EDGA Book Viewer is equitable and reasonable as the fees proposed are less than the enterprise fees currently charged for Nasdaq Book Viewer, which is subject to the exact same fees as Nasdaq TotalView. Nasdaq charges an enterprise fee of $100,000 per month for Nasdaq TotalView,[24] which is far greater than the proposed Enterprise Fee of $20,000 per month for EDGA Book Viewer. In addition, the Enterprise Fee proposed by the Exchange could result in a fee reduction for recipient firms with a large number of Professional and Non-Professional Users. If a recipient firm has a smaller number of Professional Users of EDGA Book Viewer, then it may continue using the per User structure and benefit from the per User Fee reductions. By reducing prices for recipient firms with a large number of Professional and Non-Professional Users, the Exchange believes that more firms may choose to receive and to distribute EDGA Book Viewer, thereby expanding the distribution of this market data for the benefit of investors.

The Exchange further believes that the proposed Enterprise Fee is reasonable because it will simplify reporting for certain recipients that have large numbers of Professional and Non-Professional Users. Firms that pay the proposed Enterprise Fee will not have to report the number of Users on a monthly basis as they currently do, but rather will only have to count natural person users every six months, which is a significant reduction in administrative burden. Finally, the Exchange believes that it is equitable and not unfairly discriminatory to establish an Enterprise Fee because it reduces the Exchange's costs and the Distributor's administrative burdens in tracking and auditing large numbers of Users.

[17] The Exchange believes that cost-based pricing would be impractical because it would create enormous administrative burdens for all parties, including the Commission, to cost-regulate a large number of participants and standardize and analyze extraordinary amounts of information, accounts, and reports. In addition, it is impossible to regulate market data prices in isolation from prices charged by markets for other services that are joint products. Cost-based rate regulation would also lead to litigation and may distort incentives, including those to minimize costs and to innovate, leading to further waste. Under cost-based pricing, the Commission would be burdened with determining a fair rate of return, and the industry could experience frequent rate increases based on escalating expense levels. Even in industries historically subject to utility regulation, cost-based ratemaking has been discredited. As such, the Exchange believes that cost-based ratemaking would be inappropriate for proprietary market data and inconsistent with Congress's direction that the Commission use its authority to foster the development of the national market system, and that market forces will continue to provide appropriate pricing discipline. *See* Appendix C to NYSE's comments to the Commission's 2000 Concept Release on the Regulation of Market Information Fees and Revenues, which can be found on the Commission's Web site at *http://www.sec.gov/rules/concept/s72899/buck1.htm. See also* Securities Exchange Act Release No. 73816 (December 11, 2014), 79 FR 75200 (December 17, 2014) (SR–NYSE–2014–64) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Establish an Access Fee for the NYSE Best Quote and Trades Data Feed, Operative December 1, 2014).

[18] The Exchange notes that distinctions based on external versus internal distribution have been previously filed with the Commission by Nasdaq, Nasdaq OMX BX, and Nasdaq OMX PSX. *See* Nasdaq Rule 019(b); *see also* Securities Exchange Act Release No. 62876 (September 9, 2010), 75 FR 56624 (September 16, 2010) (SR–PHLX–2010–120); Securities Exchange Act Release No. 62907 (September 14, 2010), 75 FR 57314 (September 20, 2010) (SR–NASDAQ–2010–110); Securities Exchange Act Release No. 63442 (December 6, 2010), 75 FR 77029 (December 10, 2010) (SR–BX–2010–081). *See also* the Initial BATS One Feed Fee Filings, *supra* note 10.

[19] *See* Nasdaq Rule 7023(a)(1)(C) (describing Nasdaq TotalView is a depth-of-book data feed that includes all orders and quotes from all Nasdaq members displayed in the Nasdaq Market Center as well as the aggregate size of such orders and quotes at each price level in the execution functionality of the Nasdaq Market Center). *See also* Nasdaq Book Viewer, a description of which is *available at https://data.nasdaq.com/Book* Viewer.aspx (last visited July 29, 2015). *See* NYSE OpenBook *available at http://www.nyxdata.com/openbook* (last visited July 29, 2015) (providing real-time view of the NYSE limit order book).

[20] *See* NYSE Market Data Pricing dated May 2015 *available at http://www.nyxdata.com/.* Nasdaq charges distribution fees ranging from $300 for 1–10 subscribers to $75,000 for more than $250 [sic] subscribers. *See* Nasdaq Rule 7023(b)(4).

[21] *See* the Initial BATS One Feed Fee Filings, *supra* note 10. *See also, e.g.,* Securities Exchange Act Release No. 20002, File No. S7–433 (July 22, 1983) (establishing nonprofessional fees for CTA data); Nasdaq Rules 7023(b), 7047.

[22] *See* NYSE Market Data Pricing dated May 2015 *available at http://www.nyxdata.com/.*

[23] *See* Nasdaq Rule 7023(b)(2).

[24] *See* Nasdaq Rule 7023(c)(2) (stating that a distributor that is also a broker-dealer pays a monthly fee of $100,000 for the right to provide Nasdaq TotalView and for display usage for internal distribution, or for external distribution to both professional and non-professional subscribers with whom the firm has a brokerage relationship.) Nasdaq also charges an enterprise fee of $25,000 to provide Nasdaq TotalView to an unlimited number of non-professional subscribers only. *See* Nasdaq Rule 7023(c)(1).

Digital Media Enterprise Fee. The Exchange believes that the proposed Digital Media Enterprise Fee for EDGA Book Viewer provides for an equitable allocation of reasonable fees among recipients of the data and is not designed to permit unfair discrimination among customers, brokers, or dealers. In establishing the Digital Media Enterprise Fee, the Exchange recognizes that there is demand for a more seamless and easier-to-administer data distribution model that takes into account the expanded variety of media and communication devices that investors utilize today. The Exchange believes the Digital Media Enterprise Fee will be easy to administer because data recipients that purchase it would not be required to differentiate between Professional and Non-Professional Users, account for the extent of access to the data, or report the number of Users. This is a significant reduction on a recipient firm's administrative burdens and is a significant value to investors. For example, a television broadcaster could display EDGA Book Viewer data during market-related programming and on its Web site or allow viewers to view the data via their mobile devices, creating a more seamless distribution model that will allow investors more choice in how they receive and view market data, all without having to account for and/or measure who accesses the data and how often they do so.

The proposed Digital Media Enterprise Fee is equitable and reasonable because it will also enable recipient firms to more widely distribute data from EDGA Book Viewer to investors for informational purposes at a lower cost than is available today. For example, a recipient firm may purchase an Enterprise license in the amount of $20,000 per month for to receive EDGA Book Viewer from an External Distributor that receives the product for an unlimited number of Professional and Non-Professional Users, which is greater than the proposed Digital Media Enterprise Fee. The Exchange also believes the amount of the Digital Media Enterprise Fee is reasonable as compared to the existing enterprise fees discussed above because the distribution of EDGA Book Viewer data is limited to television, Web sites, and mobile devices for informational purposes only, while distribution of EDGA Book Viewer data pursuant to an Enterprise license contains no such limitation. The Exchange also believes that the proposed Digital Media Enterprise Fee is equitable and reasonable because it is less than similar fees charged by other exchanges.[25]

(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 Exchange's ability to price EDGA Book Viewer is constrained by: (i) Competition among exchanges, other trading platforms, and Trade Reporting Facilities (''TRF'') that compete with each other in a variety of dimensions; (ii) the existence of inexpensive real-time consolidated data and market-specific data and free delayed data; and (iii) the inherent contestability of the market for proprietary data.

The Exchange and its market data products are subject to significant competitive forces and the proposed fees represent responses to that competition. To start, the Exchange competes intensely for order flow. It competes with the other national securities exchanges that currently trade equities, with electronic communication networks, with quotes posted in FINRA's Alternative Display Facility, with alternative trading systems, and with securities firms that primarily trade as principal with their customer order flow.

In addition, EDGA Book Viewer competes with a number of alternative products. For instance, EDGA Book Viewer does provide a complete picture of all trading activity in a security. Rather, the other national securities exchanges, the several TRFs of FINRA, and Electronic Communication Networks (''ECN'') that produce proprietary data all produce trades and trade reports. Each is currently permitted to produce last sale information products, and many currently do, including Nasdaq and NYSE. In addition, market participants can gain access to EDGA last sale and depth-of-book quotations, though integrated with the prices of other markets, on feeds made available through the SIPs.

In sum, the availability of a variety of alternative sources of information imposes significant competitive pressures on Exchange data products and the Exchange's compelling need to attract order flow imposes significant competitive pressure on the Exchange to act equitably, fairly, and reasonably in setting the proposed data product fees. The proposed data product fees are, in part, responses to that pressure. The Exchange believes that the proposed fees would reflect an equitable allocation of its overall costs to users of its facilities.

In addition, when establishing the proposed fees, the Exchange considered the competitiveness of the market for proprietary data and all of the implications of that competition. The Exchange believes that it has considered all relevant factors and has not considered irrelevant factors in order to establish fair, reasonable, and not unreasonably discriminatory fees and an equitable allocation of fees among all Users. The existence of alternatives to EDGA Book Viewer, including existing similar feeds by other exchanges, consolidated data, and proprietary data from other sources, ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect these alternatives or choose not to purchase a specific proprietary data product if its cost to purchase is not justified by the returns any particular vendor or subscriber would achieve through the purchase.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[26] and paragraph (f) of Rule 19b–4 thereunder.[27] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal is

[25] The Nasdaq Stock Market offers proprietary data products for distribution over the internet and television under alternative fee schedules that are subject to maximum fee of $50,000 per month. *See* Nasdaq Rule 7039(b). The NYSE charges a Digit Media Enterprise fee of $40,000 per month for the NYSE Trade Digital Media product. *See* Securities Exchange Act Release No. 69272 (April 2, 2013), 78 FR 20983 (April 8, 2013) (SR–NYSE–2013–23).

[26] 15 U.S.C. 78s(b)(3)(A).

[27] 17 CFR 240.19b–4(f).

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 No. SR–EDGA–2015–34 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 No. SR–EDGA–2015–34. 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 No. SR–EDGA–2015–34 and should be submitted on or before September 24, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–21872 Filed 9–2–15; 8:45 am]

BILLING CODE 8011–01–P

[28] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75782; File No. SR–FINRA–2015–025]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Approving Proposed Rule Change To Require Members To Report Transactions in TRACE-Eligible Securities as Soon as Practicable

August 28, 2015.

I. Introduction

On July 2, 2015, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend FINRA Rule 6730, which governs the reporting of eligible transactions to its Trade Reporting and Compliance Engine (''TRACE''). The proposed rule change was published for comment in the **Federal Register** on July 16, 2015.[3] The Commission received two comment letters on the proposed rule change.[4] FINRA responded to the comment letters on August 20, 2015.[5] This order approves the proposed rule change.

II. Description of the Proposed Rule Change

FINRA Rule 6730 currently requires that each FINRA member that is a Party to a Transaction [6] in a TRACE-Eligible Security [7] report the transaction within 15 minutes of the Time of Execution,[8] unless a different time period for the security is otherwise specified in the rule. Otherwise, the transaction report will be deemed ''late.'' The proposed rule change amends Rule 6730 to provide that, for a TRACE-Eligible Security subject to dissemination, each member that is a Party to a Transaction must report the transaction to TRACE as soon as practicable, but no later than within 15 minutes of the Time of Execution or other timeframe specified in Rule 6730. Further, the proposed rule change adds new Supplementary Material .03 that requires members to adopt policies and procedures reasonably designed to comply with this amendedrequirement by implementing, without delay, systems that commence the trade reporting process at the Time of Execution. The proposed rule change also provides that, where a member has in place such reasonably designed policies, procedures, and systems, the member generally will not be viewed as violating the ''as soon as practicable'' reporting requirement because of delays that are due to extrinsic factors that are not reasonably predictable and where the member does not purposely intend to delay the reporting of the trade. The proposed rule change states that in no event may a member purposely withhold trade reports, for example, by programming its systems to delay reporting until the end of the reporting time period.

The proposed rule change also recognizes that members may manually report transactions in TRACE-Eligible Securities and, as a result, the trade reporting process may not be completed as quickly as where an automated trade reporting system is used. FINRA states that, in these cases, in determining whether the member's policies and procedures are reasonably designed to report the trade ''as soon as practicable,'' it will take into consideration the manual nature of the member's trade reporting process.

While the current rules provide time periods for members to conduct the necessary actions to report transactions, FINRA cites concerns about members delaying the reporting of executed transactions, particularly, for example, by imbedding into the trade reporting process deliberate delays until the end of the reporting time period. FINRA also represents that it observed instances that appear to indicate that firms have taken more time than is operationally necessary to report trades, which raises the possibility that certain firms may have intentionally delayed trade reporting, possibly to delay public dissemination of the trade. FINRA believes that such conduct is inconsistent with the purpose of the trade reporting rules and that it is

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 75428 (July 10, 2015), 80 FR 42149.

[4] *See* letter from Darren Wasney, Program Manager, Financial Information Forum, to Robert W. Errett, Deputy Secretary, Commission, dated August 5, 2015 (''FIF Letter'') and letter from Michael Nicholas, Chief Executive Officer, Bond Dealers of America, to Secretary, Commission, dated August 6, 2015 (''BDA Letter'').

[5] *See* letter from Racquel L. Russell, Associate General Counsel, FINRA, to Robert W. Errett, Deputy Secretary, Commission, dated August 20, 2015 (''FINRA Response Letter'').

[6] FINRA Rule 6710(e) provides that a ''Party to a Transaction'' is an introducing broker-dealer, if any, an executing broker-dealer, or a customer. ''Customer'' includes a broker-dealer that is not a FINRA member.

[7] *See* FINRA Rule 6710(a) (defining ''TRACE-Eligible Security'').

[8] FINRA Rule 6710(d) provides, among other things, that the ''Time of Execution'' for a transaction in a TRACE-Eligible Security is the time when the Parties to a Transaction agree to all of the terms of the transaction that are sufficient to calculate the dollar price of the trade.

important for public price transparency that members do not delay reporting executed transactions.

FINRA already has taken certain steps to deter such conduct. Paragraph (a)(4) of Rule 6730 currently provides that members have an ongoing obligation to report transaction information promptly, accurately, and completely. In addition, FINRA previously has conveyed its expectation, through regulatory notices, that members not delay the reporting of transactions through certain communications with its members.[9] FINRA now believes that Rule 6730 should be explicitly amended to prohibit delays, thereby promoting consistent and timely reporting by all members and improving the usefulness of disseminated TRACE information for regulators, investors, and other market participants. FINRA also states that the proposed rule change will clarify that intentionally delaying trade reporting is violative of a member's ongoing obligation to report transaction information to TRACE promptly.

FINRA anticipates that the proposal will not impose any significant new compliance costs on members. FINRA also represents that it understands that the vast majority of firms that report transactions to TRACE have automated their trade reporting systems, which may facilitate their ability to comply with the proposed rule change.[10] FINRA acknowledges the additional timing needs for firms that manually report their TRACE trades and represents that it will consider those needs when evaluating the policies and procedures of those members.

III. Summary of Comments and FINRA's Response

As noted above, the Commission received two comment letters on the proposed rule change [11] and a response letter from FINRA.[12] The comment letters and FINRA's response are summarized below.

The FIF Letter requests clarification regarding how the proposed rule change would apply to member firms and suggests that FINRA only include language explicitly stating that intentionally delaying reporting would constitute a violation of Rule 6730. The FIF Letter also suggests that FINRA eliminate the ''as soon as practicable'' language included in the proposed rule change.[13]

FINRA rejects this suggested change. While intentionally delaying reporting would constitute a violation of the proposed rule, FINRA states that the proposal puts an affirmative obligation on firms to implement efficient reporting systems, a goal that goes beyond the policing of intentional delays. FINRA notes the importance of price transparency to the investing public and the marketplace overall and states that each member should take steps to ensure that transaction information is reported promptly without taking more time than is operationally necessary.[14]

The FIF Letter also asks whether firms may be deemed in violation of the proposed rule under certain scenarios. The Letter inquires, for example, whether brokers, due to using different data providers and having different internal workflows, have different reporting time requirements.[15] Further, the FIF Letter also asks whether firms would be expected to modify existing systems to comply with the proposed rule change.[16]

In its response letter, FINRA recognizes that members' processes around TRACE reporting are diverse and may differ depending on the degree of automation, the method of order receipt and execution, and other factors. FINRA also states that it understands a certain amount of time is operationally needed for reporting and that its rule text acknowledged this. FINRA states that compliance with the rule would hinge on whether the member firm's policies and procedures are reasonably designed to report trades as soon as practicable by having systems that commence reporting at the time of execution without delay.[17] It also states that, if a member currently has such policies and procedures, then no further changes would be required to comply with the proposed rule change.[18]

The BDA Letter generally supports the proposal but suggests that FINRA alter the wording of the proposed rule text to read that members ''generally will not be viewed as violating the 'as soon as practicable' requirement because of delays in trade reporting that are due to the facts and circumstances of the transaction.'' [19] The BDA Letter cites some examples of intrinsic factors that it states can cause reporting delays, including changes in staff, routine day-to-day business and personnel issues, and transactions in complex securitized products or by telephone, which may require additional time for reporting. The BDA Letter states that firms experiencing reporting delays due to such factors should not be considered out of compliance.[20]

FINRA, in response, states that it agrees that the facts and circumstances of a transaction are one of the factors that may be considered in determining whether a transaction was reported as soon as practicable, but rejects the suggested modification. FINRA states that the intent of the proposed rule language is to provide comfort to members experiencing delays resulting from unpredictable extrinsic factors, which are by their nature outside of a member's control. FINRA further provides that the predictable and routine factors noted by the BDA Letter (such as staff turnover, voice transactions, and trading in new or complex security types) are factors that should be considered when designing reporting systems to facilitate prompt transaction reporting. FINRA acknowledges, however, that the particulars of what operationally is necessary to report a specific trade or type of trade legitimately may vary depending on the circumstances.[21]

IV. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association.[22] In particular, the Commission finds that the proposed

[9] *See, e.g., Trade Reporting Notice,* May 10, 2011 (Reporting Asset-Backed Securities to the Trade Reporting and Compliance Engine) (although firms have up to two business days to report transactions in ABSs, firms should submit reports as soon as practicable after the execution of a transaction and throughout the trading day, rather than queuing such reports until the end of the reporting time period); *Regulatory Notice 12–52* (December 2012) (transactions in securities subject to TRACE reporting requirements should be reported without delay, even though the TRACE rule generally allows for up to 15 minutes to report transactions in corporate and agency debt securities).

[10] FINRA provided statistics, based on a review of TRACE trade reporting data from January 2014 through December 2014, that over 90% of trade reports in corporate and agency debt were submitted within five minutes of the time of execution and 79% were reported within one minute. Furthermore, approximately 71% of trade reports in securitized products were submitted within five minutes of execution, and over 55% were reported within one minute.

[11] *See supra* note 4.

[12] *See supra* note 5.

[13] *See* FIF Letter at 1–2.

[14] *See* FINRA Response Letter at 1–2.

[15] *See* FIF Letter at 2.

[16] *See* FIF Letter at 2.

[17] *See* FINRA Response Letter at 2.

[18] *See* FINRA Response Letter at 3.

[19] *See* BDA Letter at 1–2. The proposed rule provides that delays due to ''extrinsic factors that are not reasonably predictable'' will generally not be viewed as violative of Rule 6730.

[20] *See* BDA Letter at 2–3.

[21] *See* FINRA Letter 3–4.

[22] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

rule change is consistent with Section 15A(b)(2) of the Act,[23] which requires, among other things, that FINRA be so organized and have the capacity to be able to carry out the purposes of the Act, to comply with the Act, and to enforce compliance by FINRA members and persons associated with members with the Act, the rules and regulations thereunder, and FINRA rules. The Commission also finds the proposed rule change consistent with Section 15A(b)(6) of the Act,[24] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

The Commission believes that the proposed rule change is reasonably designed to clarify the manner in which firms must comply with existing FINRA Rule 6730(a)(4). The Commission believes that it is consistent with the Act for FINRA to explicitly prohibit the delay of transaction reporting and to require members to establish and implement policies and procedures that are reasonably designed to comply with the TRACE reporting requirement as amended. The Commission believes that the proposed rule change will promote timely trade reporting and thereby enhance public price transparency, consistent with the protection of investors and public interest.

The Commission notes that FINRA recognizes that members may manually report transactions in TRACE-Eligible Securities and, as a result, the trade reporting process may not be completed as quickly as where an automated trade reporting system is used. The Commission believes it is appropriate that, in these cases, FINRA would take into consideration the manual nature of the member's trade reporting process in determining whether its policies and procedures are reasonably designed to report the trade ''as soon as practicable.''

The Commission also notes that one commenter suggested removing the ''as soon as practicable'' requirement, while another commenter, who supported the requirement, suggested modifications to the proposed rule text to account for intrinsic factors that may delay reporting. Further, both commenters raised concerns about certain circumstances that may affect the timeliness of trade reporting, including the variations in member reporting mechanisms, routine business matters, or the complexity of the securities traded.

The Commission believes FINRA's decision not to modify the rule text as suggested by the commenters is appropriate. The Commission notes that FINRA acknowledges that reporting processes differ by member firm and by security and that its rule text already accounted for this. As FINRA notes, compliance with the rule would hinge on whether the member firm's policies and procedures are reasonably designed to report trades as soon as practicable by having systems that commence reporting at the time of execution without delay. The Commission also notes that FINRA acknowledges that the facts and circumstances of a particular transaction are among the factors that may be considered in determining whether a transaction was reported as soon as practicable. Moreover, FINRA states that routine and predictable factors that affect the timing of reporting should be accounted for when a member designs policies, procedures, and systems for trade reporting, in contrast to unpredictable, extrinsic factors, which are by their nature outside of a member's control.

While the proposed rule would require firms to undertake an assessment of existing policies and procedures for compliance with the rule and may entail some additional costs for member firms that do not already have policies and procedures in place to report trades as soon as practicable, the Commission believes the proposed rule is be reasonably designed to achieve compliance with FINRA rules and the applicable federal securities law and regulations.

Therefore, for the foregoing reasons, the Commission finds that the proposed rule change is consistent with the Act.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[25] that the proposed rule change (SR–FINRA–2015–025), be, and hereby is,approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–21868 Filed 9–2–15; 8:45 am]

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[23] 15 U.S.C. 78o–3(b)(2).

[24] 15 U.S.C. 78o–3(b)(6).

[25] 15 U.S.C. 78s(b)(2).

[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–31799; File No. 812–14396]

Full Circle Capital Corporation et al.; Notice of Application

August 28, 2015.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order pursuant to section 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by section 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY: Applicants request an order to permit a business development company (''BDC'') and certain affiliated investment funds to co-invest in portfolio companies with each other and with other affiliated investment funds.

APPLICANTS: Full Circle Capital Corporation (the ''Company''), Full Circle Private Investments LLC (''FCPI Fund''), Full Circle Healthcare Capital, LLC (the ''Healthcare Fund,'' and together with FCPI Fund, the ''Existing Funds''), Full Circle Advisors, LLC (the ''Adviser''), Full Circle West, Inc., FC New Media, Inc., TransAmerican Asset Servicing Group, Inc., FC New Specialty Foods, Inc. and FC Takoda Holdings, LLC, (collectively, the ''Full Circle Subsidiaries,'' and together with the Company, the Existing Funds and the Adviser, the ''Applicants'').

DATES: *Filing Dates:* The application was filed on December 4, 2014 and amended on May 1, 2015.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on September 22, 2015, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F St., NE., Washington, DC 20549–1090.

Applicants: 102 Greenwich Avenue, 2nd Floor, Greenwich, CT 06830.

FOR FURTHER INFORMATION CONTACT: Kyle R. Ahlgren, Senior Counsel, at (202) 551–6857 or Holly Hunter-Ceci, Branch Chief, at (202) 551–6825 (Chief Counsel's Office, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Company is a Maryland corporation organized as a closed-end management investment company that has elected to be regulated as a BDC under section 54(a) of the Act.[1] The Company's Objectives and Strategies[2] are to generate both current income and capital appreciation through debt and equity investments, primarily in senior secured loans and, to a lesser extent, second lien loans and mezzanine loans and equity securities issued by lower middle-market companies that operate in a diverse range of industries. The Company has a six-member board of directors (the ''Board''), of which four members are not ''interested persons'' of the Company within the meaning of section 2(a)(19) of the Act (the ''Independent Directors'').

2. FCPI Fund is a Delaware limited liability company managed by the Adviser that has not yet held a closing and currently has no investments. FCPI Fund's investment objective is to generate both current income and capital appreciation through debt and equity investments. The Healthcare Fund is a Delaware limited liability company managed by the Adviser that has not yet held a closing and currently has no investments. The Healthcare Fund's investment objective is to generate both current income and capital appreciation through debt and equity investments in the healthcare industry. Each Existing Fund intends to rely on the exclusion from the definition of ''investment company'' provided by section 3(c)(1) or 3(c)(7) of the Act.

3. Each Full Circle Subsidiary is a Delaware entity and Wholly-Owned Investment Sub[3] whose assets are managed by the Adviser and whose sole business purpose is to hold one or more investments on behalf of the Company.

4. The Adviser is a privately-held Delaware limited liability company registered with the Commission as an investment adviser under the Investment Advisers Act of 1940. The Adviser serves as investment adviser to the Company and to each Existing Fund.

5. Applicants seek an order (''Order'') under sections 57(a)(4) and 57(i) of the Act and rule 17d–1 under the Act to allow the Company, on one hand, and one or more Funds,[4] on the other hand, to participate in the same investment opportunities through a proposed co-investment program (the ''Co-Investment Program'') where such participation would otherwise be prohibited under section 57(a)(4) and rule 17d–1.

6. Applicants state that the Company may, from time to time, form a Wholly-Owned Investment Sub, each of which would be prohibited from investing in a Co-Investment Transaction[5] with any Fund because it would be a company controlled by the Company for purposes of section 57(a)(4) and rule 17d–1. Applicants request that each Wholly-Owned Investment Sub be permitted to participate in Co-Investment Transactions in lieu of the Company and that the Wholly-Owned Investment Sub's participation in any such transaction be treated, for purposes of the Order, as though the Company were participating directly. Applicants represent that this treatment is justified because a Wholly-Owned Investment Sub would have no purpose other than serving as a holding vehicle for the Company's investments and, therefore, no conflicts of interest could arise between the Company and the Wholly-Owned Investment Sub. Applicants further represent that the Board would make all relevant determinations under the conditions with regard to a Wholly-Owned Investment Sub's participation in a Co-Investment Transaction, and the Board would be informed of, and take into consideration, any proposed use of a Wholly-Owned Investment Sub in the Company's place. If the Company proposes to participate in the same Co-Investment Transaction with any of its Wholly-Owned Investment Subs, the Board will also be informed of, and take into consideration, the relative participation of the Company and the Wholly-Owned Investment Sub.

7. The Co-Investment Program requires that the terms, conditions, price, class of securities, settlement date, and registration rights applicable to any of the Funds' purchases be the same as those applicable to the Company's purchase. In selecting investments for the Company, the Adviser will consider only the investment objective, investment policies, investment position, capital available for investment (''Available Capital''),[6] and other pertinent factors applicable to the Company. Likewise, when selecting investments for the Funds, the Adviser will select investments considering, in each case, only the investment objective, investment policies, investment position, Available Capital, and other pertinent factors applicable to that

[1] Section 2(a)(48) of the Act defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in sections 55(a)(1) through 55(a)(3) of the Act and makes available significant managerial assistance with respect to the issuers of such securities.

[2] ''Objectives and Strategies'' means a fund's investment objectives and strategies, as described in the fund's registration statement on Form N–2, other filings the fund has made with the Commission under the Securities Act of 1933, or under the Securities Exchange Act of 1934, and the fund's reports to shareholders.

[3] The term ''Wholly-Owned Investment Sub'' means an entity (a) whose sole business purpose is to hold one or more investments on behalf of the Company (and, in the case of an SBIC Subsidiary (as defined below), maintain a license under the SBA Act (as defined below) and issue debentures guaranteed by the SBA (as defined below)); (b) that is wholly-owned by the Company (with the Company at all times holding, beneficially and of record, 100% of the voting and economic interests), (c) with respect to which the Board has the sole authority to make all determinations with respect to the entity's participation under the conditions to the Application; and (d) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act. All subsidiaries of the Company participating in co-investment transactions under the terms of the Application will be Wholly-Owned Investment Subs and will have Objectives and Strategies that are either the same as, or a subset of, the Company's Objectives and Strategies. The term ''SBIC Subsidiary'' means a Wholly-Owned Investment Sub that is licensed by the Small Business Administration (the ''SBA'') to operate under the Small Business Investment Act of 1958, as amended, (the ''SBA Act'') as a small business investment company (an ''SBIC'').

[4] ''Fund'' means: (i) The Existing Funds; and (ii) any Future Fund. ''Future Fund'' means an entity: (i) Whose investment adviser is the Adviser; and (ii) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act. All existing entities that currently intend to rely upon the requested Order have been named as applicants. Any other existing or future entity that subsequently relies on the Order will comply with the terms and conditions of the application.

[5] ''Co-Investment Transaction'' means any transaction in which the Company (or a Wholly-Owned Investment Sub) participated together with one or more Funds in reliance on the requested Order.

[6] The amount of the Company's Available Capital will be determined based on the amount of cash on hand, existing commitments and reserves, if any, the targeted leverage level, targeted asset mix and other investment policies and restrictions set from time to time by the Board or imposed by applicable laws, rules, regulations or interpretations. Likewise, a Fund's Available Capital is determined based on the amount of cash on hand, existing commitments and reserves, if any, the targeted leverage level, targeted asset mix and other investment policies and restrictions set by the Fund's directors, general partners or adviser or imposed by applicable laws, rules, regulations or interpretations.

particular investing entity. Each of the Funds has, or will have, investment objectives and strategies that are similar or identical to the Company's Objectives and Strategies.

8. Other than pro rata dispositions and Follow-On Investments [7] as provided in conditions 7 and 8, and after making the determinations required in conditions 1 and 2(a), the Adviser will present each Potential Co-Investment Transaction [8] and the proposed allocation to the directors of the Board eligible to vote under section 57(o) of the Act (''Eligible Directors''), and the ''required majority,'' as defined in section 57(o) of the Act (''Required Majority'') [9] will approve each Co-Investment Transaction prior to any investment by the Company.

9. With respect to the pro rata dispositions and Follow-On Investments provided in conditions 7 and 8, the Company may participate in a pro rata disposition or Follow-On Investment without obtaining prior approval of the Required Majority, if, among other things: (i) The proposed participation of each Fund and the Company in such disposition or Follow-On Investment is proportionate to its outstanding investments in the issuer immediately preceding the disposition or Follow-On Investment, as the case may be; and (ii) the Board has approved the Company's participation in pro rata dispositions and Follow-On Investments as being in the best interests of the Company. If the Board does not so approve, any such disposition or Follow-On Investment will be submitted to the Eligible Directors. The Board may at any time rescind, suspend or qualify its approval of pro rata dispositions and Follow-On Investments with the result that all dispositions and/or Follow-On Investments must be submitted to the Eligible Directors.

10. No Independent Director will have any direct or indirect financial interest in any Co-Investment Transaction or any interest in any portfolio company, other than through an interest (if any) in the securities of the Company.

11. Under condition 14, if the Adviser, the principals of the Adviser (''Principals''), any person controlling, controlled by, or under common control with the Adviser or the Principals, and the Funds (collectively, the ''Holders'') own in the aggregate more than 25% of the outstanding voting securities of the Company (''Shares''), then the Holders will vote such Shares as directed by an independent third party (such as the trustee of a voting trust or a proxy adviser) when voting on (1) the election of directors; (2) the removal of one or more directors; or (3) any matters requiring approval by the vote of a majority of the outstanding voting securities, as defined in Section 2(a)(42) of the Act.

Applicants' Legal Analysis

1. Section 57(a)(4) of the Act makes it unlawful for any person who is related to a BDC in a manner described in section 57(b), acting as principal, knowingly to effect any transaction in which the BDC is a joint or a joint and several participant with that person in contravention of rules and regulations as the Commission may prescribe for the purpose of limiting or preventing participation by the BDC on a basis less advantageous than that of the other participant. Although the Commission has not adopted any rules expressly under section 57(a)(4), section 57(i) provides that the rules under section 17(d) applicable to registered closed-end investment companies (*e.g.,* rule 17d–1) are, in the interim, deemed to apply to transactions subject to section 57(a). Rule 17d–1, as made applicable to BDCs by section 57(i), prohibits any person who is related to a BDC in a manner described in section 57(b), acting as principal, from participating in, or effecting any transaction in connection with, any joint enterprise or other joint arrangement or profit-sharing plan in which the BDC is a participant, unless an application regarding the joint enterprise, arrangement, or profit-sharing plan has been filed with the Commission and has been granted by an order entered prior to the submission of the plan or any modification thereof, to security holders for approval, or prior to its adoption or modification if not so submitted.

2. Section 57(b) specifies the persons to whom the prohibitions of section 57(a)(4) apply. These persons include the following: (1) Any director, officer, employee, or member of an advisory board of a BDC or any person (other than the BDC itself) who is, within the meaning of section 2(a)(3)(C), an affiliated person of any such person; or (2) any investment adviser or promoter of, general partner in, principal underwriter for, or person directly or indirectly either controlling, controlled by, or under common control with a BDC (except the BDC itself and any person who, if it were not directly or indirectly controlled by the BDC, would not be directly or indirectly under the control of a person who controls the BDC), or any person who is, within the meaning of section 2(a)(3)(C) an affiliated person of such person. Section 2(a)(9) defines ''control'' as the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company. The statute also sets forth the interpretation that any person who owns beneficially, either directly or through one or more controlled companies, more than 25 percent of the voting securities of a company shall be presumed to control such company; any person who does not so own more than 25 percent of the voting securities of a company shall be presumed not to control such company; and a natural person shall be presumed not to be a controlled person.

3. Applicants state that in the absence of the requested relief, transactions effected as part of the Co-Investment Program would be prohibited by section 57(a)(4) and rule 17d–1 to the extent that the Funds fall within the category of persons described by section 57(b) vis-à-vis the Company. The Existing Funds may be deemed to be affiliated persons of the Company within the meaning of section 2(a)(3)(C) by reason of common control because the Adviser manages and may be deemed to control the Company and the Existing Funds. Similarly, each Future Fund may be deemed to be an affiliated person of the Company within the meaning of section 2(a)(3)(C) by reason of common control because the Adviser will manage and may be deemed to control each Future Fund. Thus, each of the Funds could be deemed to be a person related to the Company in a manner described by section 57(b) and therefore prohibited by section 57(a)(4) and rule 17d–1 from participating in the Co-Investment Program.

4. In passing upon applications under rule 17d–1, the Commission will consider whether the participation by the BDC in such joint transaction is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

5. Applicants submit that the fact that the Required Majority will approve each Co-Investment Transaction before investment, and other protective conditions set forth in the Application,

[7] ''Follow-On Investment'' means any additional investment in an existing portfolio company, including the exercise of warrants, conversion privileges or other similar rights to acquire additional securities of the portfolio company.

[8] ''Potential Co-Investment Transaction'' means any investment opportunity in which the Company (or a Wholly-Owned Investment Sub) could not participate together with one or more Funds without obtaining and relying on the Order.

[9] In the case of a Regulated Fund that is a registered closed-end fund, the Board members that make up the Required Majority will be determined as if the Regulated Fund were a BDC subject to section 57(o).

will ensure that the Company will be treated fairly. The conditions to which the requested relief will be subject are designed to ensure that neither the Adviser nor Principal would be able to favor the Funds over the Company through the allocation of investment opportunities among them. Because almost every attractive investment opportunity for the Company will also be an attractive investment opportunity for the Funds, Applicants submit that the Co-Investment Program presents an attractive alternative to the institution of some form of equitable allocation protocol for the allocation of 100% of individual investment opportunities to either the Company or the Funds as opportunities arise. Applicants submit that the Company's participation in the Co-Investment Transactions will be consistent with the provisions, policies, and purposes of the Act and on a basis that is not different from or less advantageous than that of other participants.

Applicants' Conditions

Applicants agree that the Order will be subject to the following conditions:

1. Each time the Adviser considers a Potential Co-Investment Transaction for a Fund that falls within the Company's then-current Objectives and Strategies, the Adviser will make an independent determination of the appropriateness of the investment for the Company in light of the Company's then-current circumstances.

2. (a) If the Adviser deems the Company's participation in any Potential Co-Investment Transaction to be appropriate for the Company, it will then determine an appropriate level of investment for the Company.

(b) If the aggregate amount recommended by the Adviser to be invested in the Potential Co-Investment Transaction by the Company, together with the amount proposed to be invested by the Funds, collectively, in the same transaction, exceeds the amount of the investment opportunity, the amount proposed to be invested by each party will be allocated among them pro rata based on each party's Available Capital in the asset class being allocated, up to the amount proposed to be invested by each. The Adviser will provide the Eligible Directors with information concerning each participating party's Available Capital to assist the Eligible Directors with their review of the Company's investments for compliance with these allocation procedures.

(c) After making the determinations required in conditions 1 and 2(a), the Adviser will distribute written information concerning the Potential Co-Investment Transaction (including the amount proposed to be invested by each Fund) to the Eligible Directors for their consideration. The Company will co-invest with one or more Funds only if, prior to participating in the Potential Co- Investment Transaction, a Required Majority concludes that:

(i) The terms of the transaction, including the consideration to be paid, are reasonable and fair to the Company and its shareholders and do not involve overreaching in respect of the Company or its shareholders on the part of any person concerned;

(ii) the Potential Co-Investment Transaction is consistent with:

(A) The interests of the shareholders of the Company; and

(B) the Company's then-current Objectives and Strategies;

(iii) the investment by the Funds would not disadvantage the Company, and participation by the Company would not be on a basis different from or less advantageous than that of the Funds; provided that, if any Fund, but not the Company itself, gains the right to nominate a director for election to a portfolio company's board of directors or the right to have a board observer or any similar right to participate in the governance or management of the portfolio company, such event will not be interpreted to prohibit the Required Majority from reaching the conclusions required by this condition (2)(c)(iii), if

(A) the Eligible Directors will have the right to ratify the selection of such director or board observer, if any;

(B) the Adviser agrees to, and does, provide, periodic reports to the Board with respect to the actions of the director or the information received by the board observer or obtained through the exercise of any similar right to participate in the governance or management of the portfolio company; and

(C) any fees or other compensation that any Fund or any affiliated person of any Fund receives in connection with the right of the Fund to nominate a director or appoint a board observer or otherwise to participate in the governance or management of the portfolio company will be shared proportionately among the participating Funds (who may, in turn, share their portion with their affiliated persons) and the Company in accordance with the amount of each party's investment; and

(iv) the proposed investment by the Company will not benefit the Adviser or the Funds or any affiliated person of any of them (other than the parties to the Co-Investment Transaction), except (A) to the extent permitted by condition 13, (B) to the extent permitted by section 17(e) or 57(k) of the Act, as applicable, (C) indirectly, as a result of an interest in the securities issued by one of the parties to the Co-Investment Transaction, or (D) in the case of fees or other compensation described in condition 2(c)(iii)(C).

3. The Company has the right to decline to participate in any Potential Co-Investment Transaction or to invest less than the amount proposed.

4. The Adviser will present to the Board, on a quarterly basis, a record of all investments in Potential Co-Investment Transactions made by the Funds during the preceding quarter that fell within the Company's then-current Objectives and Strategies that were not made available to the Company, and an explanation of why the investment opportunities were not offered to the Company. All information presented to the Board pursuant to this condition will be kept for the life of the Company and at least two years thereafter, and will be subject to examination by the Commission and its staff.

5. Except for Follow-On Investments made in accordance with condition 8, the Company will not invest in reliance on the Order in any issuer in which any Fund or any affiliated person of the Funds is an existing investor.

6. The Company will not participate in any Potential Co-Investment Transaction unless the terms, conditions, price, class of securities to be purchased, settlement date, and registration rights will be the same for the Company as for the each participating Fund. The grant to a Fund, but not the Company, of the right to nominate a director for election to a portfolio company's board of directors, the right to have an observer on the board of directors or similar rights to participate in the governance or management of the portfolio company will not be interpreted so as to violate this condition 6, if conditions 2(c)(iii)(A), (B) and (C) are met.

7. (a) If any Fund elects to sell, exchange or otherwise dispose of an interest in a security that was acquired in a Co-Investment Transaction, the Adviser will:

(i) Notify the Company of the proposed disposition at the earliest practical time; and

(ii) formulate a recommendation as to participation by the Company in the disposition.

(b) The Company will have the right to participate in such disposition on a proportionate basis, at the same price and on the same terms and conditions

as those applicable to the participating Funds.

(c) The Company may participate in such disposition without obtaining prior approval of the Required Majority if: (i) The proposed participation of the Company and each Fund in such disposition is proportionate to its outstanding investment in the issuer immediately preceding the disposition; (ii) the Board has approved as being in the best interests of the Company the ability to participate in such dispositions on a pro rata basis (as described in greater detail in the Application); and (iii) the Board is provided on a quarterly basis with a list of all dispositions made in accordance with this condition. In all other cases, the Adviser will provide its written recommendation as to the Company's participation to the Eligible Directors, and the Company will participate in such disposition solely to the extent that a Required Majority determines that it is in the Company's best interests.

(d) The Company and each participating Fund will bear its own expenses in connection with any such disposition.

8. (a) If any Fund desires to make a Follow-On Investment in a portfolio company whose securities were acquired in a Co-Investment Transaction, the Adviser will:

(i) Notify the Company of the proposed transaction at the earliest practical time; and

(ii) formulate a recommendation as to the proposed participation, including the amount of the proposed Follow-On Investment, by the Company.

(b) The Company may participate in such Follow-On Investment without obtaining prior approval of the Required Majority if: (i) The proposed participation of the Company and each Fund in such investment is proportionate to its outstanding investments in the issuer immediately preceding the Follow-On Investment; and (ii) the Board has approved as being in the best interests of the Company the ability to participate in Follow-On Investments on a pro rata basis (as described in greater detail in the Application). In all other cases, the Adviser will provide its written recommendation as to the Company's participation to the Eligible Directors, and the Company will participate in such Follow-On Investment solely to the extent that a Required Majority determines that it is in the Company's best interests.

(c) If, with respect to any Follow-On Investment:

(i) The amount of the opportunity is not based on the Company's and the Funds' outstanding investments immediately preceding the Follow-On Investment; and

(ii) the aggregate amount recommended by the Adviser to be invested by the Company in the Follow-On Investment, together with the amount proposed to be invested by the participating Funds in the same transaction, exceeds the amount of the opportunity;

then the amount invested by each such party will be allocated among them pro rata based on each party's Available Capital in the asset class being allocated, up to the amount proposed to be invested by each.

(d) The acquisition of Follow-On Investments as permitted by this condition will be considered a Co-Investment Transaction for all purposes and subject to the other conditions set forth in the Application.

9. The Independent Directors will be provided quarterly for review all information concerning Potential Co-Investment Transactions and Co-Investment Transactions, including investments made by the Funds that the Company considered but declined to participate in, so that the Independent Directors may determine whether all investments made during the preceding quarter, including those investments that the Company considered but declined to participate in, comply with the conditions of the order. In addition, the Independent Directors will consider at least annually the continued appropriateness for the Company of participating in new and existing Co-Investment Transactions.

10. The Company will maintain the records required by section 57(f)(3) as if each of the investments permitted under these conditions were approved by the Required Majority under section 57(f).

11. No Independent Director will also be a director, general partner, managing member or principal, or otherwise an ''affiliated person'' (as defined in the Act), of any of the Funds.

12. The expenses, if any, associated with acquiring, holding or disposing of any securities acquired in a Co-Investment Transaction (including, without limitation, the expenses of the distribution of any such securities registered for sale under the 1933 Act) will, to the extent not payable by the Adviser under its respective investment advisory agreements with the Company and the Funds, be shared by the Company and the Funds in proportion to the relative amounts of the securities held or being acquired or disposed of, as the case may be.

13. Any transaction fee [10] (including break-up or commitment fees but excluding broker's fees contemplated by section 17(e) or 57(k), as applicable) received in connection with a Co-Investment Transaction will be distributed to the Company and the participating Funds on a pro rata basis based on the amounts they invested or committed, as the case may be, in such Co-Investment Transaction. If any transaction fee is to be held by the Adviser pending consummation of the transaction, the fee will be deposited into an account maintained by the Adviser at a bank or banks having the qualifications prescribed in section 26(a)(1), and the account will earn a competitive rate of interest that will also be divided pro rata among the Company and the participating Funds based on the amounts they invest in such Co-Investment Transaction. None of the Adviser, the Funds, nor any affiliated person of the Company will receive additional compensation or remuneration of any kind as a result of or in connection with a Co-Investment Transaction (other than (a) in the case of the Company and the participating Funds, the pro rata transaction fees described above and fees or other compensation described in condition 2(c)(iii)(C) and (b) in the case of the Adviser, investment advisory fees paid in accordance with the respective agreements between the Adviser and the Company or the Funds).

14. If the Holders own in the aggregate more than 25% of the outstanding Shares of a Regulated Fund, then the Holders will vote such Shares as directed by an independent third party (such as the trustee of a voting trust or a proxy adviser) when voting on (1) the election of directors; (2) the removal of one or more directors; or (3) any matters requiring approval by the vote of a majority of the outstanding voting securities, as defined in section 2(a)(42) of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–21866 Filed 9–2–15; 8:45 am]

BILLING CODE 8011–01–P

[10] Applicants are not requesting and the staff is not providing any relief for transaction fees received in connection with any Co-Investment Transaction.

DEPARTMENT OF STATE

[Public Notice: 9253]

In the Matter of the Designation of the Revolutionary Organization 17 November aka Epanastatiki Organosi 17 Noemvri, aka 17 November, as a Foreign Terrorist Organization Pursuant to Section 219 of the Immigration and Nationality Act, as Amended

Based upon a review of the Administrative Record assembled in this matter, and in consultation with the Attorney General and the Secretary of the Treasury, I conclude that the circumstances that were the basis for the designation of the Revolutionary Organization 17 November as foreign terrorist organization have changed in such a manner as to warrant revocation of the designation.

Therefore, I hereby determine that the designation of the Revolutionary Organization 17 November as a foreign terrorist organization, pursuant to Section 219 of the Immigration and Nationality Act, as amended (8 U.S.C. 1189), shall be revoked.

This determination shall be published in the **Federal Register**.

Dated: August 26, 2015.

John F. Kerry,

Secretary of State.

[FR Doc. 2015–21930 Filed 9–2–15; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 9254]

In the Matter of the Designation of Revolutionary Organization 17 November aka Epanastatiki Organosi 17 Noemvri aka 17 Novembert as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

In accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended (''the Order''), I hereby determine that the organization known as the Revolutionary Organization 17 November, also known as other aliases and transliterations, no longer meets the criteria for designation under the Order, and therefore I hereby revoke the designation of the aforementioned organization as a Specially Designated Global Terrorist pursuant to section 1(b) of the Order.

This determination shall be published in the **Federal Register**.

Dated: August 26, 2015.

John F. Kerry,

Secretary of State.

[FR Doc. 2015–21929 Filed 9–2–15; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 9255]

U.S. Advisory Commission on Public Diplomacy Notice of Meeting

The U.S. Advisory Commission on Public Diplomacy will hold a public meeting from 10:00 a.m. until 11:30 a.m., Tuesday, September 22, 2015 in Room 902 (ninth floor) of the Hart Senate Office Building, at the corner of Second Street and Constitution Ave. NE., Washington, DC 20002.

The meeting's topic will be on ''A Report on United States Public Diplomacy and International Broadcasting Activities Worldwide'' and will feature findings from the Commission's second-ever Congressionally-mandated Comprehensive Annual Report on State Department and Broadcasting Board of Governors-led foreign public engagement activities. Representatives from the State Department and the BBG will be in attendance to discuss the report, which focuses on both Washington and field-directed activities.

This meeting is open to the public, Members and staff of Congress, the State Department, Defense Department, the media, and other governmental and non-governmental organizations. To attend and make any requests for reasonable accommodation, email *pdcommission@state.gov* by 5 p.m. on Friday, September 18, 2015. Please arrive for the meeting by 9:45 a.m. to allow for a prompt meeting start.

The United States Advisory Commission on Public Diplomacy appraises U.S. Government activities intended to understand, inform, and influence foreign publics. The Advisory Commission may conduct studies, inquiries, and meetings, as it deems necessary. It may assemble and disseminate information and issue reports and other publications, subject to the approval of the Chairperson, in consultation with the Executive Director. The Advisory Commission may undertake foreign travel in pursuit of its studies and coordinate, sponsor, or oversee projects, studies, events, or other activities that it deems desirable and necessary in fulfilling its functions.

The Commission consists of seven members appointed by the President, by and with the advice and consent of the Senate. The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, communications, cultural, scientific, technical, public service, labor, business, and professional backgrounds. Not more than four members shall be from any one political party. The President designates a member to chair the Commission.

The current members of the Commission are: Mr. William Hybl of Colorado, Chair; Ambassador Lyndon Olson of Texas, Vice Chair; Mr. Sim Farar of California, Vice Chair; Ambassador Penne Korth Peacock of Texas; Ms. Lezlee Westine of Virginia; and Anne Terman Wedner of Illinois. One seat on the Commission is currently vacant.

To request further information about the meeting or the U.S. Advisory Commission on Public Diplomacy, you may contact its Executive Director, Katherine Brown, at *BrownKA4@state.gov.*

Dated: August 25, 2015.

Katherine Brown,

Executive Director,U.S. Advisory Commission on Public Diplomacy, Department of State.

[FR Doc. 2015–21928 Filed 9–2–15; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9252]

In the Matter of the Review of the Designation of Revolutionary Struggle aka Epanastatikos Aghonas as a Foreign Terrorist Organization Pursuant to Section 219 of the Immigration and Nationality Act, as Amended

Based upon a review of the Administrative Records assembled in these matters pursuant to Section 219(a)(4)(C) of the Immigration and Nationality Act, as amended (8 U.S.C. 1189(a)(4)(C)) (''INA''), and in consultation with the Attorney General and the Secretary of the Treasury, I conclude that the circumstances that were the basis for the 2009 decision to designate the aforementioned organization as a Foreign Terrorist Organization has not changed in such a manner as to warrant revocation of the designation and that the national security of the United States does not warrant a revocation of the designation.

Therefore, I hereby determine that the designation of RS as a Foreign Terrorist Organization, pursuant to Section 219 of the INA (8 U.S.C. 1189), shall be maintained.

This determination shall be published in the **Federal Register**.

Dated: August 26, 2015.

John F. Kerry,

Secretary of State.

[FR Doc. 2015–21931 Filed 9–2–15; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1998–4334; FMCSA–1999–5578; FMCSA–2001–9561; FMCSA–2003–14504; FMCSA–2003–15268; FMCSA–2005–20027; FMCSA–2005–21254; FMCSA–2007–27897]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 13 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective September 23, 2015. Comments must be received on or before October 5, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–1998–4334; FMCSA–1999–5578; FMCSA–2001–9561; FMCSA–2003–14504; FMCSA–2003–15268; FMCSA–2005–20027; FMCSA–2005–21254; FMCSA–2007–27897], using any of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- Mail: Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- Fax: 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

II. Exemption Decision

This notice addresses 13 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 13 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Linda L. Billings (NV)
Weldon R. Evans (OH)
Orasio Garcia (TX)
Leslie W. Good (OR)
Chester L. Gray (TX)
James P. Guth (PA)
Gregory K. Lilly (WV)
Kenneth A. Reddick (PA)
Leonard Rice, Jr. (GA)
Juan M. Rosas (AZ)
James T. Sullivan (KY)
Larry J. Waldner (SD)
Karl A. Weinert (NY)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 13 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 66226; 64 FR

16517; 64 FR 27027; 64 FR 51568; 66 FR 30502; 66 FR 41654; 66 FR 41656; 66 FR 48504; 68 FR 19598; 68 FR 33570; 68 FR 37197; 68 FR 44837; 68 FR 48989; 68 FR 54775; 70 FR 2701; 70 FR 16887; 70 FR 30999; 70 FR 42615; 70 FR 46567; 70 FR 53412; 72 FR 39879; 72 FR 52419; 72 FR 62896; 74 FR 43221; 76 FR 53708; 78 FR 78477). Each of these 13 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

IV. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–1998–4334; FMCSA–1999–5578; FMCSA–2001–9561; FMCSA–2003–14504; FMCSA–2003–15268; FMCSA–2005–20027; FMCSA–2005–21254; FMCSA–2007–27897), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and put the docket number, ''FMCSA–1998–4334; FMCSA–1999–5578; FMCSA–2001–9561; FMCSA–2003–14504; FMCSA–2003–15268; FMCSA–2005–20027; FMCSA–2005–21254; FMCSA–2007–27897'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may change this notice based on your comments.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and in the search box insert the docket number, ''FMCSA–1998–4334; FMCSA–1999–5578; FMCSA–2001–9561; FMCSA–2003–14504; FMCSA–2003–15268; FMCSA–2005–20027; FMCSA–2005–21254; FMCSA–2007–27897'' in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: August 24, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–21895 Filed 9–2–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0267]

Pipe Line Contractors Association; United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry; Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that it has received a joint application from the Pipe Line Contractors Association (PLCA) and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL-CIO (UA), for an exemption from Parts 391, 392, 393, 395 and 396 of the Federal Motor Carrier Safety Regulations (FMCSRs). The exemption would be available to motor carriers and drivers operating commercial motor vehicles (CMV) weighing less than 15,000 pounds while engaged in pipeline-welding operations. FMCSA requests public comment on this joint application for exemption.

DATES: Comments must be received on or before October 5, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID, FMCSA–2015–0267 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov*, including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The online FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments on-line.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov*, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Mr. Robert Schultz, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards, FMCSA; Telephone: 202–366–4325. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulations (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)), but only after the public is provided the opportunity to comment on the renewal.

Request for Exemption

UA and PLCA, the applicants, jointly seek exemption from part 391, ''Qualifications of Drivers,'' part 392, ''Driving of Commercial Motor Vehicles,'' part 393 ''Parts and Accessories Necessary for Safe Operation,'' and part 395, ''Hours of Service of Drivers.'' The regulations from which the applicants seek exemption apply only to drivers and motor carriers operating in interstate commerce. According to UA and PLCA, welders ''live in various states and travel from job to job, often across state lines,'' but the applicants did not otherwise address the question whether pipeline welders operate in interstate commerce. The complete application is available in the docket referred to at the beginning of this notice.

UA is a trade union whose membership includes approximately 3,500 welders who are employed by companies engaged in the construction, repair and maintenance of pipelines. The typical welder owns a heavy-duty pickup truck equipped with welding equipment and weighing less than 15,000 pounds that he or she drives to the work site. The pipeline-construction companies employing the drivers are members of PLCA, a trade association. According to the joint application for exemption, pipeline contractors typically hire 10 to 12 welders for a specific location and the employment usually lasts 4 to 6 weeks. PLCA states that its contractors were involved in approximately 500 such projects in 2014.

For many welders, the truck is the sole vehicle they have; they use it for personal errands and other everyday use when they are not on the job. The applicants state that the pipeline contractor hiring the welder enters into a lease for use of the truck for the period of the welder's employment. It also agrees to pay an hourly fee for the time during which the welding equipment is actually in use.

Pipeline projects are typically located in remote areas served by right-of-ways that are not open to the public. As described in the application, at the beginning of the day, welders typically drive their welding vehicle to a prearranged ''assembly point'' that is usually about 10 miles from the pipeline right of way. After driving their vehicle 10 miles on public roads, welders enter the pipeline right-of-way at the project site and do not usually return to the public roads until the end of the workday. The applicants state that even the largest pipeline projects do not exceed 100 miles in length. The typical workday for a welder includes significant ''waiting time'' in the remote area because welders often have to wait for other work to be completed before they can weld. Welders typically work 10 hours a day, 6 days a week.

The FMCSRs place responsibility upon motor carriers to ensure the safety of the vehicles they place into commerce. The applicants state that it is not practical for the pipeline contractors to be responsible for inspection of the welding-vehicles because the vehicles remain under control of the welders at all times. They cite terms of the collective bargaining agreement requiring the welders to maintain their vehicle in safe condition, and point out that PLCA provides safety training to its members and their drivers. They also contend that the FMCSRs should not apply to the operation of the welding CMVs because these vehicles must pass state inspections applicable to passenger vehicles.

The FMCSRs place various responsibilities upon motor carriers relative to the qualifications and health of the drivers it permits to operate CMVs in interstate commerce. The applicants contend that because pipeline-construction companies hire welders temporarily—usually for 6 weeks or less—it is not practical for them to comply with regulatory requirements pertaining to driver qualification files and driver hours of service. Pipeline-welders are often also motor carriers as that term is defined by the FMCSRs. The welders assert that it is not practical for them to comply with the FMCSRs because they are sole proprietors and it is too taxing for them to keep up with all the requirements of the FMCSRs. They further contend that welding CMVs are seldom on public roads and that ''DOT officials and officers'' apply truck safety rules inconsistently when they encounter welding vehicles on public roads.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b)(4), FMCSA requests public comment on the joint application of UA and the PLCA for exemption from part 391, ''Qualifications of Drivers,'' part 392, ''Driving of Commercial Motor Vehicles,'' part 393 ''Parts and Accessories Necessary for Safe Operation,'' and part 395, ''Hours of Service of drivers.'' The Agency will consider all comments received by close of business on October 5, 2015. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice.

Issued on: August 28, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–21893 Filed 9–2–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA 2015–0146]

Agency Information Collection Activities; Extension of a Currently-Approved Information Collection Request: Training Certification for Entry-Level Commercial Motor Vehicle Operators

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. The Agency is asking OMB to renew without change FMCSA's estimate of the paperwork burden imposed by its regulations pertaining to the training of certain entry-level drivers of commercial motor vehicles (CMVs). Since 2004, FMCSA regulations have prohibited the operation of certain CMVs by individuals with less than 1 year of CMV-driving experience until they obtain this training. On May 28, 2015, FMCSA published a **Federal Register** notice allowing for a 60-day comment period on this ICR. The agency received no comments in response to that notice.

DATES: Please send your comments to this notice by October 5, 2015 OMB must receive your comments by this date to act quickly on the ICR.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA–2015–0146. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to *oira_submission@omb.eop.gov,* faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division, Department of Transportation, FMCSA, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202–366–4325. Email: *MCPSD@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Training Certification for Entry-Level Commercial Motor Vehicle Operators.

OMB Control Number: 2126–0028.

Type of Request: Extension of a currently-approved ICR.

Respondents: Entry-level CDL drivers.

Estimated Number of Respondents: 397,500.

Estimated Time per Response: 10 minutes.

Expiration Date: January 31, 2016.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 66,250 hours. FMCSA estimates that an entry-level driver requires approximately 10 minutes to complete the tasks necessary to comply with the regulation. Those tasks are photocopying the training certificate, giving the photocopy to the motor carrier employer, and retaining the original of the certificate. Therefore, the annual burden for all entry-level drivers is 66,250 hours [397,500 drivers x 10/60 minutes to respond = 66,250 hours].

Background

The Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 U.S.C. 31301 *et seq.*) established the commercial driver's license (CDL) program and directed the Federal Highway Administration (FHWA), FMCSA's predecessor agency, to establish minimum qualifications for issuance of a CDL. After public notice and an opportunity for comment, the FHWA established standards for the knowledge and skills that a CDL applicant must satisfy.

In 1985, the FHWA published the ''Model Curriculum for Training Tractor-Trailer Drivers.'' The FHWA did not mandate driver training at that time. It believed the cost of developing a comprehensive driver-training program was too high in terms of agency resources. This was especially so, FHWA believed, in light of its reasonable expectation that the level of safety of entry level drivers would soon be elevated because (1) the deadline for States to adopt the new mandatory CDL-licensing standards for driver knowledge and skills was still in the future, and (2) many truck driving schools had updated their curricula in light of the new model curriculum (''Truck Safety: Information on Driver Training,'' Report of the U.S. General Accounting Office, GAO/RCED–89–163, August 1989, pages 4 and 5).

In 1991, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Pub. L. 102–240, December 18, 1991) directed the FHWA to ''commence a rulemaking proceeding on the need to require training of all entry-level drivers of commercial motor vehicles (CMVs)'' (Section 4007(a)(2)). On June 21, 1993, the FHWA issued an advance notice of proposed rulemaking entitled, ''Commercial Motor Vehicles: Training for All Entry Level Drivers'' (58 FR 33874). The Agency also began a study of the effectiveness of the driver training currently being received by entry-level CMV drivers. The results of the study were published in 1997 under the title ''Adequacy of Commercial Motor Vehicle Driver Training.'' The study is available under FMCSA Docket 1997–2199 at the *Federal eRulemaking Portal* (*www.regulations.gov*) described above. The study found that three segments of the trucking industry were not receiving adequate entry-level training: Heavy truck, motor coach, and school bus.

On August 15, 2003, FMCSA published a notice of proposed rulemaking (NPRM) entitled, ''Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators'' (68 FR 48863). The Agency proposed mandatory training for operators of CMVs on four topics: Driver qualifications, hours-of-service of drivers, driver wellness and whistle-blower protection. On May 21, 2004, FMCSA by final rule prohibited a motor carrier from allowing an entry-level driver to operate a CMV until it received a written certificate indicating that the driver had received training in the four subject areas (69 FR 29384). The rule became effective on July 20, 2004. Training providers were required to provide a certificate to each driver trainee receiving the requisite training.

The Agency is asking OMB to renew without change FMCSA's estimate of the paperwork burden imposed by its regulations. (The Agency is currently conducting a negotiated rulemaking to develop a notice of proposed rulemaking (NPRM) for training of entry-level CMV operators, and is currently preparing a NPRM based on the consensus recommendations of the Entry-Level Driver Training Advisory Committee; if the NPRM proposes amending driver-training requirements, the Agency will submit an estimate of the revised ICR burden of the requirements for OMB approval).

Definitions: (1) ''Federal Motor Carrier Safety Regulations'' (FMCSRs) are parts 350–399 of volume 49 of the Code of Federal Regulations. (2) ''Commercial motor vehicle'' (CMV) means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle—(a) has a gross combination weight rating of 11,794 kilograms or more (26,001 pounds or more) inclusive of a towed unit(s) with a gross vehicle weight rating (GVWR) of more than 4,536 kilograms (10,000 pounds); or (b) has a GVWR of 11,794 or more kilograms (26,001 pounds or more); or (c) is designed to transport 16 or more passengers, including the driver; or (d) is of any size and is used in the transportation of hazardous materials as

defined in 49 CFR 383.5 (49 CFR 383.5). The definition of CMV found at 49 CFR 390.5 of the FMCSRs is not applicable to this notice. (3) ''Commercial Driver's License (CDL) Driver'' means the operator of a CMV because such operators must possess a valid commercial driver's license (CDL) (Section 383.23(a)(2)). (4) ''Entry-level CDL Driver'' means a driver with less than one year of experience operating a CMV with a CDL in interstate commerce (49 CFR 380.502(b)).

Public Comments Invited

FMCSA requests that you comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for FMCSA to perform its functions, (2) the accuracy of the estimated burden, (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information, and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority delegated in 49 CFR 1.87 on: August 25, 2015.

G. Kelly Regal,

Associate Administrator, Office of Research and Information Technology.

[FR Doc. 2015–21894 Filed 9–2–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Expedited Public Transportation Improvement Initiative

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of initiative and online dialogue

SUMMARY: The Federal Transit Administration (FTA) announces the establishment of a multi-faceted Expedited Public Transportation Improvement Initiative (''*XPEDITE*'') and solicits participation in a forthcoming Online Dialogue on the initiative. The goal of *XPEDITE* is to facilitate the transit industry's implementation of:

- Proven technologies to improve service delivery and maintenance for the public transit industry
- Proven methods to speed up planning, development, approval and delivery of FTA supported capital investments; and
- Innovative financing methods and opportunities for public-private partnerships that support capital investments

During the *XPEDITE Online Dialogue* FTA will be asking you to identify (1) possible improvements in the technology of public transportation and any barriers to their implementation, (2) procedural improvements which can be made to the delivery of all capital projects, program-wide, (3) ways to improve project delivery through innovations in financial arrangements and partnerships with private sector project developers.

DATES: FTA will open its *XPEDITE Online Dialogue* on its Web site no later than September 8, 2015.

FOR FURTHER INFORMATION CONTACT: For specific information regarding the initiative please contact Tom Yedinak, Office of Budget and Policy, phone: (202) 366–5137, or email: *tom.yedinak@dot.gov.*

SUPPLEMENTARY INFORMATION:

1. Background

Each year the Federal Transit Administration (FTA), together with its transit industry partners, invests billions of dollars in capital projects designed to improve public transportation by reinvesting in existing assets to assure that they are in a state of good repair, implementing technological improvements in public transportation equipment and facilities, and increasing the extent and quality of public transportation service by making new investments. These projects take considerable amounts of time to plan, design, develop, approve and deploy. While it is important to take time to ensure that only well-conceived projects are implemented in the most efficient and effective manner, taking too much time delays the delivery of the intended benefits of the projects to the riding public and may increase the cost of the project. In addition, there is a wide range of technological innovations which are not being adopted as widely as possible, resulting in missed opportunities to improve the efficiency and effectiveness of public transportation.

FTA funds larger-scale capital projects in a number of its grant programs, including the Urbanized Areas, Rural Areas, State of Good Repair, and Bus and Bus Facilities Formula Programs, as well as the Capital Investment Grants Program. While the very large investments in new projects in the Capital Investment Grants program tend to garner the most attention, significant efforts to innovate and expedite such projects are well underway. Capital projects supported by the formula programs also take considerable effort to plan, design, obtain approval, and deliver. FTA is interested in improving each aspect of the project delivery process for all of its programs.

FTA already has made considerable progress to expedite FTA's project delivery processes. Pursuant to Accelerated Project Delivery provisions of Subtitle C of the Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 112–141 (July 6, 2012), FTA and FHWA undertook a series of rulemakings that expedite compliance with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321, *et seq.* Above and beyond these joint efforts, FTA established sixteen new Categorical Exclusions that are specific to public transportation projects. In addition, FTA has taken steps to improve its oversight processes by eliminating duplicative reviews and taking a more risk-based approach to determining oversight topics needing special attention. FTA also has streamlined the risk assessment process for major projects, recently concluded a top to bottom review of its project management oversight program, and in the near future will implement a series of improvements to better focus oversight of major projects. Additionally, FTA has put in place a number of features designed to streamline the Capital Investment Grants program, discussed in more detail below. Finally, FTA has developed and promoted a series of technological improvements.

On a multimodal level, the Department of Transportation (DOT) has established a new Build America Transportation Investment Center (BATIC). This center is serving as a one-stop shop for state and local governments, public and private developers, and investors seeking to use innovative financing strategies for transportation infrastructure projects. Through this Web site and hands-on support, advice, and expertise, the Center provides navigator services for all types of projects and project sponsors. The Center is housed within the Office of the Secretary, and draws on expertise from across DOT's operating administrations.

By this notice, FTA is announcing a multi-faceted program entitled the Expedited Public Transportation Improvement Initiative (''*XPEDITE*''). The initiative will identify: (1) Improvements in the technology of public transportation and any barriers to their implementation, (2) procedural improvements which can be made to the

delivery of all capital projects, program-wide, (3) ways to improve project delivery through innovations in financial arrangements and partnerships with private sector project developers. Each of these facets of the initiative is discussed in the following sections. By a separate notice, FTA is initiating implementation of the Section 20008(b) Pilot Program for Expedited Project delivery for certain meritorious new fixed guideway capital projects.

1. XPEDITE Innovation

As noted, each year, FTA invests significantly in capital investments through its formula programs. In addition, FTA has invested significant resources in the development of new technologies which can make transit more efficient and effective. Similar to the Federal Highway Administration's Every Day Counts (EDC) program *http://www.fhwa.dot.gov/everydaycounts/,* FTA's new *XPEDITE Innovation* initiative will identify and assist in rapidly deploying proven but underutilized innovations. Proven innovations and enhanced business processes promoted through *XPEDITE Innovation* will aim to improve the efficiency and effectiveness of public transportation and facilitate greater efficiency in delivering projects, saving time and resources that can be used to deliver more projects for the same or less money.

In selecting innovations to be advanced, FTA would consider market readiness, impacts, benefits and ease of adoption of the innovation based on transit leaders' shared best practices. Specifications, lessons learned and relevant data are anticipated to be shared among stakeholders through case studies, webinars and round tables. The result is intended to be rapid technology transfer and accelerated deployment of innovation across the nation.

Shortly, FTA will be initiating its *XPEDITE Online Dialogue.* As part of this effort, participants will be asked to identify innovative concepts for the first round of the *XPEDITE Innovation* initiative. Concepts could cover either technological innovations, including those related to the construction of transit capital improvements, or improved business practices and design and construction techniques which can accelerate project deployment. FTA is particularly interested in information about barriers to the implementation of technological improvements that may exist in the administration of our programs. These concepts would be reviewed by FTA staff and a selected set of concepts would become part of FTA's technical assistance to project sponsors. Importantly, these innovations could be applied to a wide variety of capital projects, funded under any of FTA's programs. In addition, FTA would consider the input received as it updates its administrative requirements and, if necessary, propose changes in those requirements, through its normal notice and comment processes, to help advance technological innovations.

2. XPEDITE Project Delivery Procedures

While the Capital Investment Grants (CIG) program often receives the most attention when it comes to ways in which project delivery can be expedited, it is important to note that the vast majority of transit improvements are made through FTA's formula programs. As noted earlier, FTA has made significant strides in improving the process for delivering these projects, such as through streamlining of the NEPA process. However, FTA is interested in learning more about innovations that might be applicable to accelerate project delivery. Thus, this part of the *XPEDITE* initiative will address all facets of FTA's programs.

FTA recognizes that improvements in the CIG program are especially important to expediting project delivery. Congress has recognized this issue by enacting changes to FTA's CIG program in MAP–21. FTA has already made significant progress in putting in place the process streamlining changes made by MAP–21. In implementing the changes in the project justification evaluation criteria for CIG projects, in its 2013 final rule (49 CFR part 611), FTA adopted measures which streamline the evaluation process. FTA also developed a simplified method that project sponsors can use, at their option, to predict the transit ridership, a key component of these measures. Procedurally the process has improved as well. For example, the New Starts process now requires only acknowledgement of entry into Project Development, and approval of entry into the Engineering phase, eliminating the requirement for an Alternatives Analysis and approval of entry into Final Design prior to the development of a construction grant agreement. Further, FTA has been working to better tailor the requirements for Project Management Oversight to the scope of CIG projects and characteristics of project sponsors.

On April 8, 2015, FTA issued draft CIG program guidance to fully implement the process changes made by MAP–21 (80 FR 18796). On August 5, 2015, FTA issued this guidance in final form (80 FR 46514). In this guidance, FTA specified in more detail how the streamlined procedures will work and established criteria for the new Core Capacity category of eligibility established under MAP–21. In laying out the process details and criteria FTA focused on the need to simplify and expedite project delivery. In establishing the criteria for eligibility and evaluation of Core Capacity projects, FTA defined terms in a way that the measures can be easily applied. FTA established a series of ''warrants'' or pre-qualification measures which will allow project sponsors to receive ratings on a number of evaluation criteria for New Starts, Small Starts, and Core Capacity projects without requiring detailed travel forecasts. In the guidance, FTA also indicated it will continue to streamline the process for establishing the cost, scope, and schedule for CIG projects to a reasonable level of confidence, which is now accomplished in a number of ways, such as risk assessments, at several steps in the project development process. FTA acknowledges that there may be ways to achieve the same goals in a manner which may take less time and effort and asked that comments to the docket on the draft guidance address this issue.

Under MAP–21, Congress also enacted Section 20008(b), which established a pilot program for new fixed guideway or core capacity projects providing that project sponsors who demonstrate innovative project development and delivery methods or innovative financing arrangements and are in a state of good repair could be allowed to receive a full funding grant agreement under an expedited process. FTA must select three projects for the program, one of which requests greater than $100 million in Section 5309 Capital Investment Grant funds, one of which requests less than $100 million in Section 5309 funds, and the third being unspecified. Section 20008(b) requires that projects seeking to be included in the pilot program have a Government share that does not exceed 50 percent of the total project cost (not just the Section 5309 share but the entire Federal share of the project). Projects already in receipt of a Full Funding Grant Agreement (FFGA) are not eligible. FTA has published a separate **Federal Register** notice to implement this pilot program (80 FR 38801).

In this spirit of expediting project delivery, FTA is interested in learning about ways in which the procedures for deploying transit capital projects can be improved, program-wide. As a part of the *XPEDITE Online Dialogue,* FTA will be asking project sponsors who have

successfully implemented new methods of delivering transit capital improvements to submit their ideas. These ideas can include all aspects of project delivery including approval, construction administration, procurement, compliance with NEPA, and right-of-way acquisition. FTA also is interested in learning more about barriers to quick implementation of projects both in terms of its own internal business processes as well as processes related to the delivery of projects by grantees. The focus should be on ways to speed up the delivery of projects and to address the challenges presented by limited budgets without compromising quality or safety. Even as the Section 20008(b) pilot program proceeds, FTA believes that there may be steps that can be taken to expedite the delivery of CIG projects, beyond the changes being presented in the draft interim guidance implementing the process changes made by MAP–21. Accordingly, project sponsors should feel free to submit any such ideas to the *XPEDITE Online Dialogue* as well. As with *XPEDITE Innovation,* FTA would consider the input received as it updates its administrative requirements and, if necessary, propose changes in those requirements, through its normal notice and comment processes, to help advance methods to expedite project delivery procedures.

3. XPEDITE Financial Innovation

Many observers of public transportation believe that there are efficiencies in the delivery of capital projects which can be achieved through the application of improvements in the financing of these projects and through an enhanced partnership role for the private sector. FTA is already undertaking efforts in this area both on its own and as a part of the DOT's BATIC, described earlier. On August 25, 2014, FTA published a final circular clarifying the requirements related to Joint Development projects, with an eye toward facilitating these important adjuncts to FTA's capital investments (79 FR 50728). In addition, this circular provides a framework under which Value Capture techniques could be brought to bear to help finance transit capital investments. Public transportation infrastructure investments can increase adjacent land values, generating an ''unearned'' profit for private landowners. A portion of these increases in land value can be ''captured'' and used for, among other things, public transportation infrastructure or revenue service operation. Thus, Value Capture internalizes the positive externalities of public transportation investments. In June 2013, FTA held a Value Capture forum with experts that had proven experience with Value Capture techniques to learn more about how these techniques can be used throughout the industry.

Congress enacted Section 20013 and amended 49 U.S.C. 5315 (Section 5315) in MAP–21. Specifically, FTA is to: (a) Identify public transportation laws, regulations or practices that impede public-private partnerships or private investment in transit capital projects, and develop procedures through regulation to address, on a project basis, legal impediments to the use of public-private partnerships and private investment as well as procedures to protect the public interest and any public investment in public transportation capital projects that involve public-private partnerships or private investment in public transportation capital projects; (b) develop guidance to promote greater transparency and public access to public-private partnerships agreements; and (c) provide technical assistance on best practices and methods for using private providers of public transportation and using public-private partnerships for alternative project delivery of fixed guideway capital projects. However, FTA may not waive any provision of Federal law, including labor protections of 49 U.S.C. 5333 and NEPA. FTA has undertaken a number of steps to implement these provisions.

To initiate this effort, FTA has posted information on the basics of public-private partnerships identified through workshops and studies and also included successful public-private partnership contract terms on its Private Sector Participation Web page, *http://www.fta.dot.gov/grants/16030.html.* Further, in December 2014, FTA conducted an on-line dialogue on the subject of Section 5315. More information may be found at *http://usdot.uservoice.com/forums/268166-private-sector-participation-in-public-transportat/category/88630-impediments-to-greater-private-sector-involvement.* FTA is now in the process of reviewing the comments, and expects to publish a notice of proposed rulemaking (NPRM) in the near future which will lay out ways in which FTA can improve its processes to expedite project delivery through public-private partnerships. This notice and ultimate final rule will be the main way in which the goal of expediting project delivery is addressed through involvement of private sector partners. Parties interested in this facet of FTA's Expedited Project Delivery Initiative should participate in that rulemaking process by providing comments on the NPRM when it is issued.

In the interim, FTA invites interested parties to include comments in the upcoming *XPEDITE Online Dialogue.* FTA is particularly interested in hearing from project sponsors who are considering pursuing Value Capture as part of their project financing arrangements. FTA would like to explore what mechanisms might be used, and how FTA could work to facilitate such arrangements. FTA invites comments on this issue. Again, FTA would consider the input received as it updates its administrative requirements and, if necessary, propose changes in those requirements, through its normal notice and comment processes, to help advance financial innovation in public transportation.

Signed this 28th day of August, 2015, in Washington, DC.

Matthew J. Welbes,

Executive Director.

[FR Doc. 2015–21790 Filed 9–2–15; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. EP 670 (Sub-No. 2)]

Notice of Rail Energy Transportation Advisory Committee Vacancy

AGENCY: Surface Transportation Board.

ACTION: Notice of vacancy on federal advisory committee and solicitation of nominations.

SUMMARY: The Surface Transportation Board (Board) hereby gives notice of one vacancy on its Rail Energy Transportation Advisory Committee (RETAC) for a representative of the electric utility industry. The Board is soliciting suggestions from the public for a candidate to fill this vacancy.

DATES: Suggestions for a candidate for membership on RETAC are due October 1, 2015.

ADDRESSES: Suggestions may be submitted either via the Board's e-filing format or in paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E–FILING link on the Board's Web site, at *http://www.stb.dot.gov.* Any person submitting a filing in paper format should send the original and 10 copies to: Surface Transportation Board, Attn: Docket No. EP 670 (Sub-No. 2), 395 E Street SW., Washington, DC 20423–0001.

FOR FURTHER INFORMATION CONTACT: Michael H. Higgins at 202–245–0284. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: The Board exercises broad authority over transportation by rail carriers, including rates and services (49 U.S.C. 10701–10747, 11101–11124), construction, acquisition, operation, and abandonment of railroad lines (49 U.S.C. 10901–10907), and consolidation, merger, or common control arrangements between railroads (49 U.S.C. 10902, 11323–11327).

In 2007, the Board established RETAC as a federal advisory committee consisting of a balanced cross-section of energy and rail industry stakeholders to provide independent, candid policy advice to the Board and to foster open, effective communication among the affected interests on issues such as rail performance, capacity constraints, infrastructure planning and development, and effective coordination among suppliers, railroads, and users of energy resources. RETAC operates under the Federal Advisory Committee Act (5 U.S.C. App. 2, 1–16).

RETAC's membership is balanced and representative of interested and affected parties, consisting of not less than: Five representatives from the Class I railroads; three representatives from Class II and III railroads; three representatives from coal producers; five representatives from electric utilities (including at least one rural electric cooperative and one state- or municipally-owned utility); four representatives from biofuel refiners, processors, or distributors, or biofuel feedstock growers or providers; one representative of the petroleum shipping industry; and, two representatives from private car owners, car lessors, or car manufacturers. RETAC may also include up to two members with relevant experience but not necessarily affiliated with one of the aforementioned industries or sectors. (At present, the at-large seats are occupied by representatives of railway labor and the downstream segment of the domestic petroleum industry.) Members are selected by the Chairman of the Board with the concurrence of a majority of the Board. The Chairman may invite representatives from the U.S. Departments of Agriculture, Energy, and Transportation and the Federal Energy Regulatory Commission to serve on RETAC in advisory capacities as *ex officio* (non-voting) members. The three members of the Board serve as *ex officio* members of the Committee.

RETAC meets at least twice per year. Meetings are generally held at the Board's headquarters in Washington, DC, but may be held in other locations. Members of RETAC serve without compensation and without reimbursement of travel expenses unless reimbursement of such expenses is authorized in advance by the Board's Managing Director. Further information about RETAC is available on the RETAC page of the Board's Web site at *http://www.stb.dot.gov/stb/rail/retac.html.*

The Board is soliciting nominations from the public for a candidate to fill one vacancy on RETAC for a representative of the electric utility industry, for a three-year term ending September 30, 2017. According to revised guidance issued by the Office of Management and Budget, it is permissible for federally registered lobbyists to serve on advisory committees, such as RETAC, as long as they do so in a representative capacity, rather than an individual capacity. *See Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions,* 79 FR 47482 (Aug. 13, 2014). Members of RETAC are appointed to serve in a representative capacity.

Nominations for a candidate to fill this vacancy should be submitted in letter form and should include: (1) The name of the candidate; (2) the interest the candidate will represent; (3) a summary of the candidate's experience and qualifications for the position; (4) a representation that the candidate is willing to serve as a member of RETAC; and, (5) a statement that the candidate agrees to serve in a representative capacity. Suggestions for a candidate for membership on RETAC should be filed with the Board by October 1, 2015. Please note that submissions will be available to the public at the Board's offices and posted on the Board's Web site under Docket No. EP 670 (Sub-No. 2).

Authority: 49 U.S.C. 721; 49 U.S.C. 11101; 49 U.S.C. 11121.

Decided: August 31, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Tia Delano,

Clearance Clerk.

[FR Doc. 2015–21915 Filed 9–2–15; 8:45 am]

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FEDERAL REGISTER

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Part II

Federal Housing Finance Agency

12 CFR Part 1282
2015–2017 Enterprise Housing Goals; Final Rule

FEDERAL HOUSING FINANCE AGENCY

12 CFR Part 1282

RIN 2590–AA65

2015–2017 Enterprise Housing Goals

AGENCY: Federal Housing Finance Agency.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Agency (FHFA) is issuing a final rule regarding the housing goals for Fannie Mae and Freddie Mac (the Enterprises) for 2015 through 2017. The Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended (the Safety and Soundness Act), requires FHFA to establish annual housing goals for mortgages purchased by the Enterprises. The housing goals include separate categories for single-family and multifamily mortgages on housing that is affordable to low-income and very low-income families, among other categories.

The final rule establishes the benchmark levels for each of the housing goals and subgoals for 2015 through 2017. In addition, the final rule establishes a new housing subgoal for small multifamily properties affordable to low-income families.

The final rule also adds or revises a number of other provisions in the housing goals regulation in order to provide greater clarity about the mortgages that will qualify for the goals or subgoals. In addition, the final rule makes a number of clarifying and conforming changes, including revisions to the definitions of ''rent'' and ''utilities'' and to the rules for determining affordability of both single-family and multifamily units. The final rule also establishes more transparent agency procedures for FHFA guidance on the housing goals.

FHFA also discusses here its plans to require more detailed Enterprise reporting to FHFA on the Enterprises' purchases of mortgages on single-family rental housing.

DATES: The final rule is effective on October 5, 2015.

FOR FURTHER INFORMATION CONTACT: Ted Wartell, Manager, Housing & Community Investment, Division of Housing Mission and Goals, at (202) 649–3157. This is not a toll-free number. The mailing address is: Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20024. The telephone number for the Telecommunications Device for the Hearing Impaired is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Description of the Enterprise Affordable Housing Goals

The Safety and Soundness Act requires FHFA to establish several annual housing goals for single-family and multifamily mortgages purchased by Fannie Mae and Freddie Mac.[1] The housing goals provisions were substantially revised in 2008 with the enactment of the Housing and Economic Recovery Act.[2] Under the revised structure, FHFA established housing goals for the Enterprises for 2010 and 2011 in a final rule published on September 14, 2010.[3] FHFA established new housing goals benchmark levels for the Enterprises for 2012 through 2014 in a final rule published on November 13, 2012.[4] The housing goals established by FHFA in these two prior rulemakings include four goals and one subgoal for single-family owner-occupied housing and one goal and one subgoal for multifamily housing.

Single-family goals. The single-family goals defined under the Safety and Soundness Act include separate categories for home purchase mortgages for low-income families, very low-income families, and families that reside in low-income areas. Performance on the single-family home purchase goals is measured as the percentage of the total home purchase mortgages acquired by an Enterprise each year that qualifies for each goal or subgoal. There is also a separate goal for refinancing mortgages for low-income families, and performance on the refinancing goal is determined in a similar way.

Under the Safety and Soundness Act, the single-family housing goals are limited to mortgages on owner-occupied housing with a total of one to four units, at least one of which must be owner-occupied. The single-family goals cover ''conventional, conforming mortgages,'' with ''conventional'' meaning not insured or guaranteed by the Federal Housing Administration (FHA) or other government agency, and ''conforming'' meaning those mortgages with a principal balance that does not exceed the loan limits for Enterprise mortgages.

The single-family goals established by FHFA in 2010 and 2012 compare the goal-qualifying share of an Enterprise's mortgage purchases to two separate measures: A ''benchmark level'' and a ''market level.'' The benchmark level is set prospectively by rulemaking, based on various factors, including FHFA's forecast of the goal-qualifying share of the overall conventional conforming mortgage market using FHFA's market estimation models. The market level is determined retrospectively each year based on the actual goal-qualifying share of the overall conventional conforming mortgage market as measured by FHFA based on Home Mortgage Disclosure Act (HMDA) data for that year. The overall mortgage market that FHFA uses for purposes of both the prospective market forecasts and the retrospective market measurement consists of all conventional conforming mortgages on single-family, owner-occupied properties that would be eligible for purchase by either Enterprise. It includes loans actually purchased by the Enterprises, as well as comparable loans held in a lender's portfolio or sold to another mortgage conduit, some of which may be securitized into a private label security (PLS), although very few such securities have been issued for conventional conforming mortgages since 2008.

Under this two-part approach, determining whether an Enterprise has met the single-family goals and subgoals for a specific year requires looking at both the benchmark level and the market level for each goal and subgoal. In order to meet a single-family housing goal or subgoal during 2012–2014, the actual percentage of mortgage purchases by an Enterprise that met each goal or subgoal had to meet or exceed *either* the benchmark level or the market level for that goal or subgoal for that year.

Multifamily goals. The multifamily goals defined under the Safety and Soundness Act include separate categories for mortgages on multifamily properties (*i.e.,* properties with five or more units) with rental units affordable to low-income families and very low-income families. The multifamily goals established by FHFA in 2010 and 2012 are based on numeric targets, not percentages of mortgage purchases, for the number of affordable units in properties backed by mortgages purchased by an Enterprise. FHFA has not established a retrospective market level measure for the multifamily goals and subgoals because of the lack of comprehensive data about the multifamily mortgage market such as that provided by HMDA for single-family mortgages. As a result, FHFA measures Enterprise multifamily goals performance only against the benchmark levels, which are set prospectively by rulemaking based on various statutorily-prescribed factors, including FHFA's forecast of the goal-

[1] 12 U.S.C. 4561(a).

[2] Housing and Economic Recovery Act of 2008, Public Law 110–289, 122 Stat. 2654 (July 30, 2008).

[3] 75 FR 55891.

[4] 77 FR 67535.

qualifying share of the overall conventional multifamily mortgage market.

II. Proposed Rule and Comments

FHFA published a proposed rule in the **Federal Register** on September 11, 2014 regarding the establishment of affordable housing goals for Fannie Mae and Freddie Mac for 2015–2017.[5] The proposed rule would have established benchmark levels for each of the single-family and multifamily housing goals. The proposed rule also would have established a new multifamily housing subgoal for small multifamily properties with units that are affordable to low-income families and would have revised the rules for determining whether some types of transactions could be counted for purposes of the housing goals.

In addition, the proposed rule requested comment on three options for determining compliance with the single-family housing goals. Specifically, the proposed rule requested comment on whether the current two-part approach should be maintained (alternative #1), whether housing goals performance should be measured against a prospective benchmark level only (alternative #2), or whether it should be measured against a retrospective market level measure only (alternative #3).

FHFA received 144 comment letters on the proposed rule.[6] Comments were submitted by policy advocacy groups, many of which have a specific focus on affordable housing; trade associations representing lenders, home builders, realtors, and other mortgage market participants; individuals, including many with personal or professional experience in housing or mortgage finance; members of Congress; a trade association representing government entities; businesses and non-profit organizations with an interest in housing, including mission-oriented housing developers and housing counseling groups; investors and groups representing investors; Fannie Mae; and Freddie Mac. FHFA has reviewed and considered all of the comments. Specific provisions of the proposed rule, and the comments received on those provisions, are discussed below. A significant number of comment letters discussed whether the conservatorships of the Enterprises should be ended or raised other issues unrelated to the housing goals. Those comments are beyond the scope of this rulemaking and are not addressed in the final rule.

III. Summary of the Final Rule

A. Single-Family Housing Goals

The final rule maintains the current two-part approach for determining Enterprise compliance with the single-family housing goals, under which FHFA compares Enterprise performance to both a benchmark level and a market level. The final rule establishes the benchmark levels for the single-family housing goals and subgoal for 2015–2017 as follows:

Goal	Criteria	Benchmark level for 2012–2014	Final Rule benchmark level for 2015–2017
Low-Income Home Purchase Goal	Home purchase mortgages on single-family, owner-occupied properties with borrowers with incomes no greater than 80 percent of area median income.	23 percent	24 percent.
Very Low-Income Home Purchase Goal.	Home purchase mortgages on single-family, owner-occupied properties with borrowers with incomes no greater than 50 percent of area median income.	7 percent ...	6 percent.
Low-Income Areas Home Purchase Subgoal.	Home purchase mortgages on single-family, owner-occupied properties with:		
	• Borrowers in census tracts with tract median income no greater than 80 percent of area median income; and. • Borrowers with income no greater than 100 percent of area median income in census tracts where (i) tract income is less than 100 percent of area median income, and (ii) minorities comprise at least 30 percent of the tract population.	11 percent	14 percent.
Low-Income Refinancing Goal	Refinancing mortgages on single-family, owner-occupied properties with borrowers with incomes no greater than 80 percent of area median income.	20 percent	21 percent.

In addition to the low-income areas subgoal described in the above chart, the Enterprises are subject to a low-income areas home purchase goal, which includes the subgoal and mortgages to families with incomes no greater than area median income that live in counties that have been declared disaster areas within the previous three years. This goal is set at the beginning of each year and can vary from year to year, depending on the pattern of disaster areas. The Enterprises are notified by letter about the level of this goal, and these letters are posted on FHFA's public Web site.[7]

B. Multifamily Housing Goals

The final rule establishes the benchmark levels for the multifamily goals and subgoals for 2015–2017 as shown below. The low-income multifamily goals are higher than the levels in the proposed rule for Fannie Mae and Freddie Mac, consistent with the larger multifamily finance market size in 2015 and the expanded number of exclusions from the cap on the dollar volume of multifamily financing established by FHFA in the 2015 Scorecard for Fannie Mae, Freddie Mac, and Common Securitization Solutions (2015 Conservatorship Scorecard). The agency announced expanded multifamily exclusions under the 2015 Conservatorship Scorecard cap on May

[5] 79 FR 54481. The proposed rule was also posted on FHFA's public Web site on August 29, 2014 for public comment.

[6] In addition, FHFA posted in the public comments docket a summary of a meeting on the proposed rule with an individual, a policy advocacy group and a housing advocacy group.

[7] FHFA's determinations regarding Enterprise performance under the housing goals can be accessed from this page: *http://www.fhfa.gov/PolicyProgramsResearch/Programs/AffordableHousing/Pages/Affordable-Housing-FMandFM.aspx.*

7, 2015. The expanded exclusions from the cap permit both Enterprises to purchase unlimited amounts of loans on multifamily properties that provide affordable rental units in the categories identified by the exclusions. Most of these units can be credited towards the Enterprises' annual multifamily housing goals benchmark levels. Under the final rule, the multifamily benchmark levels are now the same for both Enterprises.

The very low-income multifamily subgoal benchmark levels in the final rule are the same for Fannie Mae and higher than those in the proposed rule for Freddie Mac, consistent with the equal treatment of the two Enterprises in the 2015 Conservatorship Scorecard.

Consistent with the proposed rule, the final rule establishes for the first time a new subgoal for rental units that are affordable to low-income families, (*i.e.,* families with incomes no greater than 80 percent of area median income) in small (5- to 50-unit) multifamily properties financed by mortgages purchased by an Enterprise.

Goal	Criteria	Goal levels for 2014	Final rule goal levels for 2015	Final rule goal levels for 2016	Final rule goal levels for 2017
Low-Income Goal	Units affordable to families with incomes no greater than 80 percent of area median income in multifamily rental properties with mortgages purchased by an Enterprise.	Fannie Mae: 250,000 units. Freddie Mac: 200,000 units.	Fannie Mae: 300,000 units. Freddie Mac: 300,000 units.	Fannie Mae: 300,000 units. Freddie Mac: 300,000 units.	Fannie Mae: 300,000 units. Freddie Mac: 300,000 units.
Very Low-Income Subgoal.	Units affordable to families with incomes no greater than 50 percent of area median income in multifamily rental properties with mortgages purchased by an Enterprise.	Fannie Mae: 60,000 units. Freddie Mac: 40,000 units.	Fannie Mae: 60,000 units. Freddie Mac: 60,000 units.	Fannie Mae: 60,000 units. Freddie Mac: 60,000 units.	Fannie Mae: 60,000 units. Freddie Mac: 60,000 units.
Low-Income Subgoal for Small Multifamily Rental Properties.	Units affordable to families with incomes no greater than 80 percent of area median income in small multifamily rental properties (5 to 50 units) with mortgages purchased by an Enterprise.	None	Fannie Mae: ..... 6,000 units ..... Freddie Mac: 6,000 units.	Fannie Mae: ..... 8,000 units ..... Freddie Mac: 8,000 units.	Fannie Mae: 10,000 units. Freddie Mac: 10,000 units.

C. Changes to Counting Rules

The final rule makes a number of changes and clarifications to the existing rules concerning whether a particular Enterprise mortgage purchase may be counted toward the single-family and multifamily housing goals. These changes include updating and clarifying definitions and other provisions to reflect current Enterprise lending programs and market practices. The final rule also adds transparency to FHFA guidance on issues that arise under the housing goals by indicating that guidance will be placed on FHFA's public Web site.

IV. Affordability

The annual housing goals help measure the extent to which the Enterprises are meeting their public purposes, which include ''an affirmative obligation to facilitate the financing of affordable housing for low- and moderate-income families in a manner consistent with their overall public purposes, while maintaining a strong financial condition and a reasonable economic return.'' [8] The Enterprise Charter Acts state that one of their purposes is to ''provide ongoing assistance to the secondary market for residential mortgages (including activities relating to mortgages on housing for low- and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities). . . .. .'' [9]

FHFA received numerous comments on the proposed rule that emphasized the importance of affordable housing for families, including both options for ownership and rental, whether in single-family homes or multifamily housing. FHFA shares this understanding of the importance of affordable housing, and the approach to setting the levels for each of the housing goals is informed by it. While the housing goals target particular segments of the overall housing market, FHFA recognizes that the Enterprises have an important role to play in supporting liquidity for all parts of the housing market, not just those covered by the housing goals.

For households with credit sufficient to qualify for mortgages, homes remain relatively affordable, despite recent increases in home prices. The interest rate on 30-year fixed rate mortgages—the primary financing option for most homebuyers—was below 4.5 percent for most of 2014 and below 4.0 percent for most of the first six months of 2015. This rate is extraordinarily low by historical standards.[10]

Increases in home prices have eroded affordability over the last several years, however. While interest rates have remained low, the recovery in home prices has been robust, with U.S. home prices rising by roughly five percent between the fourth quarters of 2013 and 2014. In the preceding four quarters, home price growth was almost eight percent. In some areas, home prices are now at levels that were prevalent prior to the recent housing collapse.[11]

In addition to rising home prices, other challenges affect affordability. The quality and quantity of jobs in the U.S. economy play key roles in determining affordability and, while labor markets have improved since the onset of this recession, a full recovery remains elusive. Unemployment rates are still elevated in many areas, and the labor force participation rate is relatively low. Importantly, household incomes, which fell during the recession, have exhibited very little real growth since then. Although estimates may vary across data sources, the Census Bureau has determined the annual inflation-adjusted household income growth rate to be below one percent for 2011–2013 (the latest years available). Household income growth is important to affordability because it provides prospective homebuyers confidence that

[8] 12 U.S.C. 4501.

[9] 12 U.S.C. 1716(3); 12 U.S.C. 1451(b)(3).

[10] *See* the Freddie Mac Primary Mortgage Market Survey (PMMS), available at *http://www.freddiemac.com/pmms/pmms_archives.html.*

[11] See FHFA's house price index (HPI). Historical HPI data are available at *http://www.fhfa.gov/KeyTopics/Pages/House-Price-Index.aspx.*

future mortgage payments can be made even as the cost of living rises.[12]

Another challenge to affordability is the relatively limited resources that many prospective households have available for making down payments on a home purchase. For many households, the extent of household savings is extremely limited. For example, using data from the Federal Reserve's 2013 Survey of Consumer Finances, Harvard's Joint Center for Housing Studies estimated that the median household net worth for households that rented in 2013 was $5,400. For younger renting households—those with household heads under the age of 25 or between the ages of 25 and 34—median household net worth was even lower; the median net worth for renting households headed by individuals under 25 was $2,000, while the median net worth for households headed by 25–34 year-olds was $4,850.[13] In a November 2014 speech, FHFA Director Watt noted that the problem of low wealth is particularly acute for communities of color. In his speech, he stated that:

''[such communities] . . . generally have significantly lower average household wealth and experienced record loss of wealth during the financial crisis as a result of abusive mortgage products, the economic downturn and other factors . . . . [T]his wealth disparity is likely to have a growing impact on the future housing market since people of color are projected to account for approximately 70 percent of the increase in number of households over the next decade.'' [14]

For some households—particularly households headed by younger individuals—household debt is an impediment to home buying. Student loan and automobile debt are burdening household budgets, often making it difficult for prospective borrowers to afford to purchase a home. Outstanding balances for these types of non-mortgage debt have been growing in recent years. According to data recently published by the New York Federal Reserve Bank, between the fourth quarters of 2013 and 2014, the amount of automobile loan debt grew by more than ten percent and the amount of student loan debt grew by more than seven percent.[15]

Increasing rents and nearly stagnant wages, particularly for low- and very low- income renters, have resulted in a significant decline in rental housing affordability over the past three years. A recent Harvard study shows that more than half of all tenants pay more than 30 percent of household income for rental housing, especially in the high-cost urban markets where most renters reside and where much of Fannie Mae and Freddie Mac lending is focused. Tenants in the lower income brackets, such as those at 50 or 80 percent of area median income, pay the highest percentage of income for rental housing. These are the income groups targeted by the very low-income and low-income goals, respectively.[16]

V. Single-Family Housing Goals

A. Approach for Determining Enterprise Compliance With the Single-Family Housing Goals—§ 1282.12(a)

Since 2010, under the housing goals regulation, FHFA has determined Enterprise compliance with the single-family housing goals using a two-part approach under which FHFA compares each Enterprise's housing goals performance to both: (1) A benchmark level that is set in advance in the housing goals regulation; and (2) the actual market level, as measured retrospectively by FHFA based on HMDA data. An Enterprise is determined to have met the goal if it meets or exceeds *either* the benchmark level or the actual market level for the goal.

The proposed rule presented three alternatives for determining Enterprise compliance with the single-family housing goals. The first alternative would have maintained the current two-part approach. The second alternative would have measured Enterprise performance by comparing it only to a benchmark level set in advance in the regulation. The third alternative would have measured Enterprise performance by comparing it only to the actual market level, as measured retrospectively based on HMDA data.

After considering the comments on the three alternatives, which are discussed below, FHFA has decided to retain in the final rule the current two-part approach for determining Enterprise compliance with the single-family housing goals. This approach balances the risks of its two component tests. Under a benchmark level only approach, since benchmark levels are based on multi-year mortgage market forecasts, the Enterprises would know their goals in advance, thereby enabling more certainty in their planning for how they will meet the goals each year. FHFA recognizes, however, that the market forecasts could result in setting the levels too high relative to the actual market for the year as the market forecasts include factors such as prior market performance that do not necessarily reflect current or future market conditions. The market forecasts also depend on current forecasts of other economic indicators such as interest rates, economic growth, and unemployment.

The retrospective market measure is based on the actual performance of the market in the year being evaluated. The retrospective market measure helps to address the inherent difficulty of accurately forecasting, years in advance, the housing goals' shares of the overall market for purposes of establishing benchmark levels, and thereby help to ensure that the goals are feasible. The retrospective market measure is much more adaptive than a fixed benchmark level by itself, although the HMDA data used for the retrospective market measure do not become available until September of the following year. However, a retrospective market measure-only approach could make it more difficult for the Enterprises to plan their operations and calibrate their performance in the absence of prospectively set benchmark levels.

Even with the inclusion of retrospective market levels under the two-part approach, if FHFA determines in the future that the benchmark levels need to be adjusted in light of changes in the market, either to ensure the safety and soundness of the Enterprises or for any other reason, FHFA will take steps, including adjusting the benchmark levels, as appropriate.

Comments on Proposed Rule

Comments recommending current two-part approach. Several trade associations, housing advocacy groups,

[12] The unemployment and labor force participation rates are available in data published by the Bureau of Labor Statistics. State unemployment rates can be found at *http://www.bls.gov/lau/lauov.htm/.* The U.S.-wide labor force participation rate is available at *http://data.bls.gov/timeseries/LNS11300000.* Household income data are available from the Census Bureau. Recent reports on income growth are available at *http://www.census.gov/content/dam/Census/library/publications/2014/acs/acsbr13-02.pdf* and *http://www.census.gov/content/dam/Census/library/publications/2013/acs/acsbr12-02.pdf.*

[13] *See* Appendix Tables (Table W–2) in the 2015 ''The State of the Nation's Housing,'' Joint Center for Housing Studies, available at *http://www.jchs.harvard.edu/research/state_nations_housing.*

[14] *See http://www.fhfa.gov/Media/PublicAffairs/Pages/Prepared-Remarks-of-Melvin-L-Watt-2014–NAR-Conference.aspx.*

[15] Growth rates calculated by FHFA using data from the New York Federal Reserve Bank's Household Debt and Credit Report Web site, *http://www.newyorkfed.org/microeconomics/hhdc.html#2014/q4.* The Web site reports that automobile loan debt grew from $0.86 trillion to $0.95 trillion (10.5 percent), whereas student loan debt grew from $1.08 trillion to $1.16 trillion (7.4 percent).

[16] *See* ''State of the Nation's Housing 2015.'' In particular, see Table W–9. The data and the full report are available at *http://www.jchs.harvard.edu/state-nations-housing-2015-embargoed.*

and both Enterprises commented that the current two-part approach for determining Enterprise compliance with the single-family housing goals should be retained in the final rule. The commenters stated that neither the benchmark level nor the market level alone is a perfect tool for measuring compliance with the goals. They stated, however, that together the two measures balance the need for predictable prospective targets which encourage the Enterprises to purchase more affordable loans with the need to ensure that the goals are feasible for the Enterprises.

Fannie Mae supported the current two-part approach, stating that prospective benchmark levels provide forecasted targets against which the Enterprises can calibrate and manage their resources, while relying solely on benchmark levels, which are based on multi-year mortgage market forecasts, risks setting levels that will be out of step with actual market conditions and may raise safety and soundness concerns. Fannie Mae noted that if it becomes apparent that an Enterprise is falling short of the benchmark levels, it may become increasingly inefficient economically for the Enterprise to acquire the last loans needed to achieve the benchmarks. Fannie Mae stated that the ''price pay-up'' needed to acquire those ''last'' loans could have the effect of ''bidding up'' the price to the Enterprises for other loans that would have come to the Enterprises anyway, which would be an inefficient use of Enterprise funds. Fannie Mae stated that the retrospective market measure diminishes the likelihood of such distortions and makes it less likely that additional FHFA regulatory action will be needed to address changing market conditions. Fannie Mae noted the concern raised in the proposed rule that the two-part approach may provide less of an incentive for the Enterprises to achieve the benchmark levels in years when the Enterprises anticipate that market levels will end up lower than the benchmark levels, but stated that the Enterprises will always strive to meet the benchmark levels rather than wager on HMDA data that is not available until months after the rating period closes to meet the market levels instead. Fannie Mae also recognized the concern raised in the proposed rule that the retrospective market measure may be less meaningful in years when the Enterprises purchase a large percentage of the overall mortgage market because it would effectively compare the performance of the Enterprises to their own activities, but noted that steps such as increasing guarantee fees have already been taken to reduce the role of the Enterprises and encourage other financial institutions to re-enter the market. Fannie Mae also noted that the Enterprises compete against each other, even in conservatorship, and neither has a controlling share of the market.

Freddie Mac also recommended that FHFA maintain the current two-part approach, stating that projecting market size and composition in setting the benchmark levels is a challenging task and that a changing economic environment can have a significant effect on the volume and goals-qualifying composition of the mortgage market. Freddie Mac stated that the current two-part approach strikes the right balance in providing the Enterprises with known targets, while recognizing that actual market performance may make meeting such targets infeasible.

Comment recommending modified two-part approach (meet retrospective market level only during downturns). One trade association commenter recommended modifying the current two-part approach by retaining both the benchmark level and retrospective market measure but applying the latter only during unexpected market downturns when the total goal-qualifying market share for the loans differs substantially from the benchmark level. The commenter noted that relying solely on the benchmark standard could spur the Enterprises to increase their support for affordable homeowner lending, but would also leave them vulnerable to unexpected market swings. The commenter also noted that relying solely on the retrospective market measure would make it impossible for the Enterprises to plan ahead, and the lack of a benchmark standard might lower the Enterprises' incentive to support affordable homeowner lending. The commenter stated that the benefit the Enterprises receive from their quasi-governmental status should come with a responsibility to be an affordable housing lending leader.

Comments recommending modified two-part approach (meet both levels). Several housing advocacy groups recommended modifying the current two-part approach by requiring that an Enterprise meet both the benchmark level and the retrospective market measure. The commenters stated that, by itself, the retrospective market measure is inherently circular because the Enterprises continue to purchase a high percentage of the loans originated in the conventional market, *i.e.,* the market level is generally set—and largely guaranteed to be met—by the Enterprises regardless of their progress or failure to provide reasonable access to affordable home loans. The commenters stated that the benchmark level is an essential part of setting meaningful goals but would not alone be sufficient. The commenters stated that the Enterprises should be required to meet both the benchmark and market level tests. The commenters also suggested that exceeding the market level by some margin should be a significant factor in evaluating performance on a housing goal, to ensure that the Enterprises are making substantial progress in returning reasonable accessibility to the market.

FHFA Response

The housing goals are designed to motivate the Enterprises to help make financing available to more borrowers who are creditworthy and well positioned for homeownership. Both Enterprises have taken important steps to help provide access to credit for the populations the goal is intended to serve. However, if the goal is too high, the Enterprises may not be able to meet the goal due to the lack of qualifying loans available for purchase, and a goal set too high could lead them to make inappropriate business decisions to meet the goal that are not consistent with safety and soundness.

Comments recommending modified two-part approach (meet retrospective market level only for enforcement). Two policy advocacy groups recommended that FHFA maintain the current two-part approach but use the retrospective market measure only for enforcement purposes for determining whether to impose penalties on an Enterprise for failure to meet a benchmark level. The commenters noted that relying solely on a benchmark level can be problematic if the benchmark level is either too high or too low, but relying solely on the retrospective market measure would undermine the Enterprises' incentive to promote affordable lending products. The commenters' recommendation is similar to the current two-part approach in that under the commenters' recommendation, if an Enterprise fails to meet the benchmark level, FHFA would look at the market level for enforcement purposes and if the Enterprise met the market level, FHFA presumably would take no enforcement action against the Enterprise. Under the current approach, if an Enterprise fails to meet the benchmark level but meets the market level, it has met the goal and no enforcement action is taken against the Enterprise.

FHFA Response

Both tests—the benchmark and the retrospective market—serve important purposes. The benchmarks, which are prospective, provide targets against which the Enterprises can plan for and calibrate their performance. However, benchmarks, which predict market performance years out, are inevitably imperfect. Applying prospective benchmark levels only could result in some years where an Enterprise would be judged against a level that does not reflect what is reasonably feasible given market conditions. The retrospective market measure provides an important safety valve in years when the goal-qualifying share of the overall market turns out to be lower than anticipated. This situation may be expected when prospective benchmark levels are set several years in advance, especially if the benchmark levels are set to encourage the Enterprises to lead the market in supporting affordable housing. Applying the retrospective market measure only if there has been a ''substantial'' market downturn would be too uncertain due to the difficulties of defining whether there has been a substantial downturn triggering the use of the retrospective measure. Such an approach would introduce greater uncertainty to the process of evaluating Enterprise performance and would make it more difficult for the Enterprises to plan.

Comments recommending prospective benchmark test only. Several housing advocacy groups stated that FHFA lacks the legal authority under the Safety and Soundness Act to adopt the retrospective market measure as a stand-alone measure or as a component of the two-part approach for determining Enterprise compliance with the single-family goals. The commenters stated that the prospective benchmark standard is the most appropriate standard both legally and as a policy matter to encourage the Enterprises to lead the market.

FHFA Response

The inclusion of the retrospective market measure in the two-part approach is fully consistent with the Safety and Soundness Act and Congressional intent in delegating responsibility for setting the housing goals to FHFA. The statute provides that the single-family goals ''shall be established as a percentage of the total number of conventional, conforming, single-family, owner-occupied, purchase money [or refinance] mortgages purchased by the [E]nterprise. . ..'' [17] This language is consistent with setting goals prospectively as a fixed percentage of mortgages purchased, but it is also consistent with the retrospective market measure of FHFA's two-part approach. The retrospective market measure uses actual market performance, measured as the percentage of total market production that consists of goals-eligible mortgages, and that percentage is established as the goal for Enterprise purchases. The various provisions in the statute enabling the goals to be adjusted based on market conditions are evidence of Congressional intent that the goals generally be related to and even based on the market for loans in the various goal categories, and that the goals should be set in light of market conditions. Those provisions include: (i) The requirement that FHFA calculate the preceding three-year average percentages of goal-eligible originations for each goal category, and take that information into account in setting the single-family goals; [18] (ii) the authority to adjust goals, when they have been set for more than one year, based on market conditions; [19] (iii) the discretionary authority to reduce a goal in response to a petition from an Enterprise, either in response to market conditions or if efforts to meet the goal could potentially constrain liquidity; [20] and (iv) the provisions for relief from enforcement if goals are determined not to have been feasible.[21]

Comments recommending enforcement and adjustment of the housing goals. A comment from housing advocacy groups recommended that FHFA more fully enforce the housing goals through detailed examination of failed or infeasible goals and by requiring a detailed housing plan, where appropriate. A comment from policy advocacy groups recommended that FHFA adjust the benchmark levels upwards for future years if the market level for a goal is consistently above the benchmark level.

FHFA Response

FHFA places a high priority on the housing goals and uses a range of tools, both formal and informal, to monitor, analyze and enforce the goals. As discussed above, FHFA has authority to adjust a benchmark level upward or downward through notice-and-comment rulemaking.[22] If, after publication of this final rule, FHFA determines that any of the single-family or multifamily benchmark levels should be adjusted upward or downward in light of market conditions, to ensure the safety and soundness of the Enterprises, or for any other reason, FHFA will take any steps that are necessary and appropriate to adjust the benchmark levels.

B. Factors Considered in Setting the Single-Family Housing Goal Benchmark Levels

Section 1332(e)(2) of the Safety and Soundness Act requires FHFA to consider the following seven factors in setting the single-family housing goal levels:

1. National housing needs;
2. Economic, housing, and demographic conditions, including expected market developments;
3. The performance and effort of the Enterprises toward achieving the housing goals under this section in previous years;
4. The ability of the Enterprise to lead the industry in making mortgage credit available;
5. Such other reliable mortgage data as may be available;
6. The size of the purchase money conventional mortgage market, or refinance conventional mortgage market, as applicable, serving each of the types of families described, relative to the size of the overall purchase money mortgage market or the overall refinance mortgage market, respectively; and
7. The need to maintain the sound financial condition of the Enterprises.[23]

FHFA has considered each of these seven statutory factors in setting the final benchmark levels for each of the single-family goals and the single-family subgoal.

The Safety and Soundness Act requires FHFA to consider the percentage of goal-qualifying mortgages under each housing goal, as calculated based on HMDA data for the three most recent years for which data are available, when setting the prospective benchmark levels for the single-family goals.[24] FHFA has incorporated HMDA data in the goals process, by comparing actual goal performance with market performance through the retrospective

[17] 12 U.S.C. 4562(b).

[18] 12 U.S.C. 4562(e)(2)(A).

[19] 12 U.S.C. 4562(e)(3).

[20] 12 U.S.C. 4564(b)(1), (2).

[21] 12 U.S.C. 4566(b).

[22] The housing advocacy groups stated that the statute does not give FHFA authority to administratively adjust the housing goal targets once they have been established by rulemaking without first soliciting public input on any change. The reference in the proposed rule preamble was to FHFA's discretionary authority to reduce a goal in response to a petition from an Enterprise, after notice and comment, as specifically authorized by the statute. *See* 12 U.S.C. 4564(b); 12 CFR 1282.14(d); 79 FR 54481, 54483 (Sept. 11, 2014).

[23] 12 U.S.C. 4562(e)(2).

[24] 12 U.S.C. 4562(e)(2)(A).

approach. The HMDA performance numbers are provided in the tables in subsequent sections for each of the single-family housing goals.

1. FHFA's Market Estimation Models

In setting the benchmark levels for the single-family goals, FHFA relies extensively on projections of the estimated shares of home purchase or refinance mortgages originated in the single-family primary conventional conforming market that will qualify for each goal or subgoal. These projections are based on FHFA's market estimation models. The confidence intervals around the forecasted point estimates in the models for the final rule narrowed from those for the proposed rule due mainly to inclusion in the models of the additional year of HMDA data for 2013 and refining the models' equations to obtain statistically better fitting models. The addition of the 2013 HMDA data provided 12 additional data points (months) from which the parameters were estimated, resulting in one less year of forecasting, *i.e.,* the forecasting started at January 2014 instead of January 2013. With the inclusion of the 2013 HMDA data, FHFA re-estimated all four housing goal/subgoal estimation models. This re-estimation resulted in a slightly different mix of explanatory variables, as some variables in the previous models no longer provided statistically significant impacts, while other variables that were not significant in past models proved to be significant in the current models. The specific market estimation model projections for each housing goal are discussed below.

The market estimation models incorporate four of the seven statutory factors that FHFA is required to consider in setting the benchmark levels. The models are designed to measure the size of the single-family mortgage market (Factor 6), and in so doing, they consider aspects of three of the other factors: Factor 1: National Housing Needs; Factor 2: Economic, Housing, and Demographic Conditions; and Factor 5: Other Mortgage Data. Information about economic and housing conditions, such as the unemployment rate, inflation, housing starts, home sales, and home prices, which are produced by the U.S. Bureau of Labor Statistics, U.S. Census Bureau, and FHFA, are included in the market estimation models. FHFA also considers various other mortgage data sources, including the Mortgage Bankers Association's mortgage default survey, the National Association of Realtors' Housing Affordability Index, and Freddie Mac's Primary Mortgage Market Survey.

FHFA's market estimation models [25] are econometric time-series models that examine the relationship between (a) the historical market performance for each single-family housing goal, as calculated from HMDA data, and (b) the historical values for various factors that may influence the market performance, such as interest rates, inflation, house prices, home sales, and the unemployment rate. The models use all available relevant historical information based on statistically significant correlations among economic, housing and mortgage data, and the mortgage affordability measures over time. The models' parameters are re-estimated annually as HMDA data become available in September of each year.

The market estimation models then use available updated government and industry forecasts for each of the variables influencing market performance—most significantly interest rates and inflation—to project an estimated goal-qualifying share of the market for each goal or subgoal. Specifically, the models yield a point estimate for each goal that represents the best estimate of goal-qualifying shares for each year (*i.e.,* 2015, 2016, and 2017), as well as a range around that point estimate representing the confidence that the range includes the actual future market affordability measure for the goal (referred to as the ''confidence interval''). The wider the confidence interval, the less exact the point estimate, and vice versa. For example, the estimate for the low-income home purchase goal for 2015 is 22.4 percent, with a 95 percent confidence interval of plus or minus 3.2 percent. In other words, the model prediction is that there is a 95 percent chance that the actual market share in 2015 will be between 19.2 percent and 25.6 percent. The same forecast for 2017 is 22.0 percent, with a 95 percent confidence interval of plus or minus 5.0 percent. Thus, the model prediction range for 2017 is between 17.0 percent and 27.0 percent. The same pattern holds for each of the forecasts: The confidence intervals widen for each successive year in the forecast, reflecting greater uncertainty about the market shares for the later years in the forecast.

The market estimation models are limited by two factors. First, to specify the market accurately, as defined in the regulation, affordability is measured using HMDA data going back to 2004; pre-2004 data are not used in the parameter estimation, because it was missing important variables that make comparisons to post-2004 originations problematic. Second, some explanatory variables, such as inventory, vacancy rates, rents and completions, which are known to be correlated with mortgage affordability, are not available in the government- and industry-produced forecasts and, therefore, those variables are not able to be included in the parameter estimation.

In response to the comments discussed below, FHFA plans to engage in additional discussions with interested parties regarding its market estimation models, and may make adjustments to the models as warranted. If changes are made to the models, FHFA may engage in additional rulemaking, if necessary, to adjust the benchmark levels for the goals.

Comments on Proposed Rule

Several commenters, including housing advocacy groups, policy advocacy groups and a trade association, provided similar comments on the market estimation models used by FHFA in setting the benchmark levels for the single-family housing goals. These comments are discussed below. Neither Fannie Mae nor Freddie Mac commented on the market estimation models.

(1) Confidence Intervals

Commenters stated that the confidence intervals for the market size estimates in the models showed wide ranges of possible affordable housing, limiting the usefulness of the estimates.

FHFA Response

Changes in the models since the proposed rule have narrowed these confidence intervals, in some cases considerably. In response to comments, FHFA tested additional explanatory variables and, in some cases, incorporated them into the revised models. In addition, FHFA had the benefit of an additional year of actual economic data that became available since the proposed rule was posted for comment in August, 2014. In addition, the updated forecasts incorporate changes in the economic outlook by government and industry observers. Most significantly, they reflect changes in the outlook for interest rates and inflation. As a result, the models' confidence intervals in the final rule are much narrower than in the proposed rule. For example, in the proposed rule, the point estimate for the 2015 low-income home purchase goal was 20.9 percent, with a 95 percent confidence

[25] More detailed explanation of the market estimation models can be found in FHFA's research papers available at *http://www.fhfa.gov/PolicyProgramsResearch/Research/.*

interval of 14.2 percent to 27.6 percent. In the final rule, the point estimate for this goal is 22.4 percent, with a 95 percent confidence interval of 19.2 percent to 25.6 percent. This is about half the width of the confidence interval in the proposed rule.

In addition, FHFA notes that under its models, the mean forecast is FHFA's best estimate of what the goal-qualifying share of the market will be at any particular month between January 2015 and December 2017. FHFA has considered all applicable factors in setting the goals, which are generally not identical to the forecasted mean values for the goal-qualifying market shares. In particular, FHFA gives weight to past Enterprise performance on each goal. The inclusion of the retrospective market measure in the housing goals determination takes into account the uncertainty with the benchmark level forecasts.

(2) Certain Variables Not Included

Some commenters stated that certain important variables were omitted from the models for specific goals in order to keep the confidence intervals from becoming even wider. Commenters recommended that any variable that improves the fit of the models should be included, even if it is not statistically significant.

FHFA Response

FHFA notes that it followed common econometric practice by testing and evaluating many explanatory variables but publishing for the proposed rule only statistically significant explanatory variables that provided the best fit model. In the process of re-estimating the market models for the final rule and in response to the comments, FHFA has added and tested additional explanatory variables including: Monthly binary variables for the 2004–2007 period to capture structural shifts in the market; loan-to-value (LTV) share variables; an owner-occupied share variable; and an adjustable rate mortgage share variable. The additional variables in the models did not materially change the results in the forecast point estimates for the final rule. Four model specifications are presented for each single-family goal in FHFA's research paper published on its Web site in order to compare the impact of including or excluding explanatory variables. The paper is available at: *http://www.fhfa.gov/PolicyProgramsResearch/Research/.*

(3) Data Period Used

Some commenters stated that FHFA's model forecasts give too much weight to recent years, which reflect more limited credit availability. The commenters recommended that FHFA consider market data from periods that may reflect more normal levels of credit availability. The commenters noted that FHFA based its best fit model forecasts on market data from 2004–2014 and stated that those years reflect atypical market conditions. From 2004–2007, the market was characterized by historically low interest rates, with home prices rising and falling dramatically and liberal extensions of credit. In contrast, from 2008–2013, the market was characterized by significant tightening of credit availability. The commenters stated that excluding market data from periods prior to 2004 resulted in benchmark estimates that are too low. The commenters pointed out that even if interest rates and home prices increase over the next three years, they will still be at very favorable levels historically and will be at least as favorable as the numerous years prior to the mortgage boom when affordable housing lending levels by the Enterprises were much higher.

FHFA Response

FHFA agrees that additional data points, including prior to the market boom, should improve forecast accuracy, *i.e.,* better fit models. FHFA's forecasts do not use HMDA data prior to 2004 for several reasons. Explanatory variables that were found to be predictive in one or more of the models are not available prior to 2004. Pre-2004 HMDA data did not identify property type, lien status, Home Ownership Equity Protection Act (HOEPA) status, and the Average Prime Offer Rate (APOR) rate spread. It was also less precise in identifying manufactured loans and subprime loans. All of these factors make it difficult to define the market using pre-2004 data as specified in the regulation.

In response to comments, FHFA did test model specifications that included monthly data going back to January 1996. A detailed description of that analysis is included as an appendix to the FHFA research paper that was discussed earlier and that is posted on FHFA's Web site. The results using pre-2004 data may be less reliable because either the confidence intervals are wider using the 1996–2013 data (as in the case of the single-family, low-income borrower home purchase goal and low-income areas subgoal), or the predicted trends do not coincide with what we have observed in recent months (in the case of the single-family, very low-income home purchase and low-income refinance goals). FHFA determined that the predicted trends resulting from the models using the shorter 2004–2013 time series are preferable.

(4) Impact of Enterprises' Dominant Share of Market

Some commenters stated that the models do not capture the Enterprises' dominant share of the conventional mortgage market, which enables the Enterprises to greatly impact the mix of loans that lenders produce. The commenters stated that the models do not take into account factors that explain the impact of Enterprise policies on the market that are likely to significantly affect the market for affordable loans. These commenters cited as an example the changes in the representations and warranties policies that will reduce Enterprise mortgage buyback risk, which may result in elimination of lenders' credit overlays and, therefore, an increase in affordability of loans.

FHFA Response

FHFA considers these factors in its judgment involved in setting the final levels of the goals after it estimates its models. FHFA recognizes the significant impact that the Enterprises have on the market. While FHFA supports Enterprise efforts to expand credit availability for borrowers at different income levels and in different areas, those efforts must be consistent with the safe and sound operation of the Enterprises.

(5) Impact of Share of Government-Insured Mortgages

Some commenters stated that the models do not appropriately take into account the FHA, Department of Veterans Affairs, and other government agency market shares. These commenters stated that a large FHA market share raises questions about why the Enterprises cannot compete with FHA for the same segments of the market.

FHFA Response

FHFA recognizes that the FHA market share will have some impact on the affordable portion of the conventional mortgage market. In fact, FHA share was tested as an explanatory variable in the market models for both the home purchase and refinance goals. It proved to be statistically significant only in the low-income areas subgoal and refinance goal models.

(6) Frequency of Market Assessments

Several commenters raised the possibility of FHFA conducting more frequent reassessments of the single-family mortgage market if the models

are not changed, including the use of a transparent metric for recalculating the benchmark levels based on changes in the forecasts. A policy advocacy group commenter noted that while this would create greater uncertainty that would make it more difficult for the Enterprises to plan to meet the benchmark levels, a tolerance for shortfall could be built into any goals increased through the reassessments. A trade association commenter recommended annual updates of the market projections and adjustments of the benchmark levels accordingly. A housing advocacy group commenter recommended that FHFA set the benchmark levels for a two-year period, as a means of addressing the uncertainty in the models about the size of the market in the third year of the forecast. Another housing advocacy group commenter stated that in light of the uncertainty of the models, FHFA could monitor market trends and revise the benchmark levels as needed, or set higher benchmark levels.

FHFA Response

After consideration of the comments, FHFA has decided to continue to set the benchmark levels in the final rule for a three-year period, as permitted by the Safety and Soundness Act.[26] FHFA recognizes the limitations of forecasting the market for a three-year period. However, the inclusion of the retrospective market measure helps to ensure feasibility of the goals, especially during the later years of the three-year period. In addition, if FHFA determines that the benchmark levels need to be adjusted in light of changes in the market at any point in the future, FHFA will take all appropriate steps, including possibly adjusting the benchmark levels for the goals.

(7) Transparency of the Models

For the proposed rule, FHFA tested several specifications of the market estimation models but published only the best fit model on FHFA's Web site, since it was the model relevant to the market affordability forecasts. A number of commenters requested that FHFA make more information available about its market estimation models to enable more meaningful comments on the methodology used. A policy advocacy group commenter stated that a sensitivity analysis that shows how the models respond to changes in the values of variables, both for those used and those omitted, would be useful. The commenter stated that without more information about the models, it is difficult to suggest how the models could be improved or compensated for by setting different benchmark levels. A housing advocacy group commenter stated that the monthly nationwide time series provided by the Federal Financial Institutions Examination Council (FFIEC), which serves as the basis for FHFA's market estimation models, should be made publicly available. The commenter stated that disclosure of the data, which is aggregated, would not create privacy or confidentiality problems, and would allow researchers to reproduce, and possibly modify, FHFA's results, with the aim of improving their predictive accuracy.

FHFA Response

In response to the comments, FHFA is publishing on its Web site four models that capture different model specifications, as well as the model specification used in the proposed rule and re-estimated for the final rule using updated data. The models are contained in FHFA's research paper available at *http://www.fhfa.gov/PolicyProgramsResearch/Research/.*

As noted above, FHFA welcomes input on how the market estimation models could be enhanced to improve market forecasts. FHFA plans to engage in additional discussions with interested parties on the models and may make adjustments to the models as warranted. If changes are made to the models, FHFA may engage in additional rulemaking, if necessary, to adjust the benchmark levels.

2. Past Performance of the Enterprises

The past performance of the Enterprises on each of the single-family housing goals and subgoal, Factor 3 above, is also an important factor in setting the benchmark levels. FHFA has reviewed the actual performance of the Enterprises on each housing goal in previous years and compared that performance to the performance of the overall single-family mortgage market to help FHFA ensure that the benchmark levels are set at levels that are feasible. For example, the market estimation models may not capture all of the factors that contribute to Enterprise performance, such as changes in lender underwriting standards and the resulting impact on credit availability. FHFA's measurements of the mortgage market using HMDA data may not reflect the exact portion of the market that is eligible for purchase by the Enterprises, for example, because not all lenders are required to report data under HMDA. FHFA may rely more heavily on past Enterprise performance if the market estimation models yield results that are far above, or far below, the past performance of either Enterprise on a housing goal. The Enterprises' past performance on the housing goals is discussed under each of the housing goals below.

3. Other Factors

FHFA has also considered the remaining two statutory factors in setting the single-family benchmark levels: Factor 4: Ability to Lead the Industry and Factor 7: Need to Maintain Sound Financial Condition. FHFA's consideration of these factors takes into account the financial condition of the Enterprises, the importance of maintaining the Enterprises in sound and solvent financial condition, and the appropriate role of the Enterprises in relation to the overall single-family mortgage market. The recent performance of the Enterprises and the past and expected performance of the overall single-family market also contribute to FHFA's consideration of these statutory factors.[27] Factors 4 and 7 are discussed under each of the housing goals below.

FHFA continues to monitor the activities of the Enterprises, both in FHFA's capacity as safety and soundness regulator and as conservator. If necessary, FHFA will make any appropriate changes to the single-family benchmark levels to ensure the continued safety and soundness of the Enterprises.

C. Single-Family Benchmark Levels

1. Low-Income Home Purchase Goal—§ 1282.12(c)

The low-income home purchase goal is based on the percentage of all single-family, owner-occupied home purchase mortgages purchased by an Enterprise that are for low-income families, defined as families with incomes less than or equal to 80 percent of area median income. After consideration of the statutory factors, including updated forecasts from FHFA's market estimation models, preliminary figures on goal performance in 2014, as reported by the Enterprises, and the comments received on the proposed benchmark level for this goal, which are discussed below, § 1282.12(c) of the

[26] 12 U.S.C. 4562(e)(1).

[27] In 2013, the Enterprises remained the largest issuers of mortgage-backed securities (MBS), guaranteeing 73 percent of single-family MBS, slightly above the average of 72 percent for 2008–2012, but well above the average of 46 percent for 2004–2007, and somewhat above the average of 67 percent for 2000–2003. *See* Inside Mortgage Finance Publications, ''Mortgage Market Statistical Annual,'' volume II, ''The Secondary Mortgage Market,'' p.4 (2013 Edition); *see also* Inside MBS & ABS, p.4 (April 4, 2014).

final rule sets the annual benchmark level for this goal for 2015 through 2017 at 24 percent. The 24 percent level is one percentage point above the benchmark level for 2014 and the proposed benchmark level for 2015–2017.

Because this final rule is being published well into 2015, FHFA will consider that timing as part of the evaluation of the Enterprises' actual 2015 housing goals performance.

Market Size

FHFA's consideration of the size of the single-family mortgage market takes into account both the actual size of the market in previous years, as measured using the most recent HMDA data available, and FHFA's forecast for the size of the market based on its market estimation models.

As indicated in Table 1, FHFA's forecasts for the low-income share of the overall market for home purchase mortgages for 2015 through 2017, which are the result of updating the market estimation models used by FHFA to forecast the market size for the proposed rule through May 2015, are significantly lower than the actual low-income shares of the overall market for home purchase mortgages in 2010 through 2013. The proposed rule estimated the low-income shares of the market as 20.9 percent for 2015, 20.2 percent for 2016, and 19.8 percent for 2017. FHFA's updated market estimation models project that the low-income borrower shares of the overall home purchase mortgage market will be 22.4 percent for 2015, 22.9 percent for 2016, and 22.0 percent for 2017. The forecast ranges are 19.2 percent–25.6 percent for 2015, 18.7 percent–27.1 percent for 2016, and 17.0 percent–27.0 percent for 2017. As can be seen, the updated estimates for 2015 and 2016 are higher than the estimates that were used for the proposed rule, and this was taken into account in setting the goal level at 24 percent for 2015–2017, an increase of one percentage point from the 2014 benchmark level and from the level in the proposed rule.

Past Performance of the Enterprises

As indicated in Table 1, the performance of the Enterprises on the low-income home purchase goal has followed a pattern similar to that for the overall market performance on the goal since 2010—steady performance in 2010 through 2012, followed by lower levels in 2013 and 2014. However, while the low-income share of the market was lower in 2013 and 2014, the total volume of single-family home purchase loans in those years was significantly higher than in 2010 through 2012. Fannie Mae's performance in 2010 was 25.1 percent, which increased to 25.8 percent in 2011, before falling slightly to 25.6 percent in 2012 and 23.8 percent in 2013. Freddie Mac's performance in 2010 was 26.8 percent, before declining to 23.3 percent in 2011, increasing to 24.4 percent in 2012, and declining to 21.8 percent in 2013. Preliminary performance figures as reported by the Enterprises for 2014 indicate that Fannie Mae's performance on this goal was approximately 23.5 percent and Freddie Mac's performance was approximately 21.0 percent. Official 2014 performance figures as determined by FHFA, as well as the retrospective HMDA market performance numbers, will be available later in 2015. The market share shown in Table 1 for 2014 is a forecast based on FHFA's market model. With the exception of Fannie Mae's reported performance in 2014, the performance level of each Enterprise on the low-income home purchase goal was below the retrospective HMDA share for each year from 2010 through 2014.

TABLE 1—ENTERPRISE LOW-INCOME HOME PURCHASE GOAL

Year	Type of Home Purchase (HP) mortgages	Benchmark	Performance		Market share estimate
			Fannie Mae	Freddie Mac	
2010	Low-Income HP Mortgages		120,430	82,443	
	Total HP Mortgages		479,200	307,555	
	Low-Inc. % of HP Mortgages	27%	25.1%	26.8%	27.2%
2011	Low-Income HP Mortgages		120,597	60,682	
	Total HP Mortgages		467,066	260,796	
	Low-Inc. % of HP Mortgages	27%	25.8%	23.3%	26.5%
2012	Low-Income HP Mortgages		162,486	70,393	
	Total HP Mortgages		633,627	288,007	
	Low-Inc. % of HP Mortgages	23%	25.6%	24.4%	26.6%
2013	Low-Income HP Mortgages		193,712	93,478	
	Total HP Mortgages		814,137	429,158	
	Low-Inc. % of HP Mortgages	23%	23.8%	21.8%	24.0%
2014	Low-Income HP Mortgages		177,846	108,948	
	Total HP Mortgages		757,870	519,731	
	Low-Inc. % of HP Mortgages	23%	23.5%	21.0%	22.0%
	95% Confidence Interval				+/−2.0%
2015	Final Rule Benchmark	24%			22.4%
	95% Confidence Interval				+/−3.2%
2016	Final Rule Benchmark	24%			22.9%
	95% Confidence Interval				+/−4.2%
2017	Final Rule Benchmark	24%			22.0%
	95% Confidence Interval				+/−5.0%

Source: Official performance as determined by FHFA for 2010–13; preliminary performance figures for 2014 as reported by the Enterprises. Actual goal-qualifyiing market shares, based on FHFA analysis of HMDA data, for 2010–13. FHFA estimates of goal-qualifying market shares for 2014–17.

Analysis

The final rule sets the annual benchmark level for the low-income home purchase goal at 24 percent for 2015 through 2017, which is one percentage above both the actual benchmark level for 2014 and the level in the proposed rule for 2015–2017. As shown in Table 1, the market estimation models forecast a range of possible market levels. The benchmark level of 24 percent is above the point estimates for 2015–2017 but within the confidence intervals for all three years. Although FHFA's market estimation models forecast declines in the low-income share of the overall home purchase mortgage market between 2015 and 2017, the point estimate of 22.4 percent for 2015 is subject to less uncertainty than the point estimate of 22.0 percent for 2017. Recent data also show a decline in the Enterprises' performances from 2012 to 2013 on this goal, and a further decline in market performance with a revised market size estimate of 22.0 percent for 2014. However, a benchmark level of 24 percent will encourage the Enterprises to continue their efforts to promote safe and sustainable lending to low-income families if the market share turns out to be smaller than 24 percent. This may include any steps the Enterprises take to bring greater certainty to origination and servicing representation and warranty standards for lenders, any additional outreach to small and rural lenders and to state and local housing finance agencies, and any other efforts by the Enterprises to reach underserved creditworthy borrowers. The above factors, taken together, support setting the benchmark level somewhat above the market estimate for 2015, but still well within the confidence interval.

FHFA will continue to monitor the Enterprises in its capacities as regulator and as conservator, and FHFA will take any steps appropriate to address changes in market conditions.

Comments on Proposed Rule

Several commenters supported the proposed benchmark level of 23 percent for the low-income home purchase goal.

A housing advocacy group commenter recommended that the benchmark levels be set at the upper ranges of the market estimates, or the Enterprises otherwise would have little incentive to increase their purchases of goal-qualifying loans. The commenter noted that the retrospective market measure will serve as a fallback if the levels turn out to be too high.

A number of housing advocacy and policy advocacy group commenters recommended setting a higher benchmark level of 27 percent. A housing advocacy group commenter cited limitations of the market estimation models, the fact that 27 percent was the level in effect in 2010 and 2011, and the fact that the Enterprises exceeded 23 percent in almost every year since 2001. Another housing advocacy group commenter also recommended 27 percent based on its concerns about the market estimation models and the Enterprises' ''tight credit box,'' which the commenter stated has driven many low-income borrowers and borrowers of color out of the home purchase market. A policy advocacy group commenter recommended setting an ''aggressive'' benchmark level of 27 percent given the uncertainty in the market estimation models and other data strongly indicating a lack of access to conventional conforming mortgage credit by lower-income and minority borrowers.

A housing advocacy group commenter recommended that the benchmark level be set higher than 27 percent, based on historical market size data from years pre-dating the housing crisis and on the Enterprises' goal performance during that period. The commenter stated that the period between 2000 and 2004 reflected economic conditions and a market environment that more closely align with 2015–2017 and, therefore, the 2000–2004 period would provide a more useful comparison for purposes of setting the benchmark levels for the single-family housing goals. The commenter stated that while the proposed 23 percent level might be higher than FHFA's point estimates for the overall market share projected for low-income home mortgage purchases for 2015–2017, the benchmark level should be set as a ''stretch'' goal of at least 28 percent. The commenter based its recommendation on the Enterprises' past performance during the 2000–2004 period, their current dominant position in the secondary mortgage market, and improved market performance expectations.

Fannie Mae commented that the proposed 23 percent level reflected an appropriate analysis and application of the statutory factors. Freddie Mac did not comment on the proposed benchmark level.

FHFA Response

As discussed above, the final rule sets the annual benchmark level for 2015–2017 at 24 percent, which is slightly higher (1.6 percentage points) than the point estimate for 2015 but well within the confidence intervals for all three years. FHFA believes this is an appropriate benchmark level based on the market estimation models' forecasts for 2015–2017, the Enterprises' recent performance, the updated market size estimate for 2014, and the goal to encourage the Enterprises to continue their efforts to promote safe and sustainable lending to low-income families.

2. Very Low-Income Home Purchase Goal—§ 1282.12(d)

The very low-income home purchase goal is based on the percentage of all single-family, owner-occupied home purchase mortgages purchased by an Enterprise that are for very low-income families, defined as families with incomes less than or equal to 50 percent of the area median income. After consideration of the statutory factors, including updated forecasts from FHFA's market estimation models, and the comments received on the proposed benchmark level for this goal, which are discussed below, § 1282.12(d) of the final rule sets the annual benchmark level for this goal for 2015 through 2017 at 6 percent. The 6 percent level is one percentage point below both the benchmark level for 2014 and the proposed benchmark level.

Market Size

As discussed above, FHFA's consideration of the size of the single-family market takes into account both the actual size of the market in previous years, as measured using the most recent HMDA data available and FHFA's forecast for the size of the market based on its market estimation model.

As shown in Table 2, FHFA's forecasts for the very low-income share of the overall market for home purchase mortgages for 2015 through 2017 are lower than the actual very low-income share of the overall market for home purchase mortgages in 2010 through 2013, and are similar to the estimated very low-income share for 2014. These estimates are the result of updating the market estimation models used by FHFA to forecast the market size for the proposed rule. The proposed rule estimated the very low-income shares of the market at 5.8 percent for 2015, 5.7 percent for 2016, and 5.6 percent for 2017. FHFA's updated market estimation models project through May 2015 that the very low-income shares of the overall market for home purchase mortgages will be almost the same for each year: 5.9 percent for 2015, 6.0 percent for 2016, and 5.7 percent for 2017. The forecast ranges at a 95 percent confidence level are 3.4 percent–8.4 percent for 2015, 2.8 percent–9.2

percent for 2016, and 1.9 percent–9.5 percent for 2017.

Past Performance of the Enterprises

As indicated in Table 2, the performance of the Enterprises on the very low-income home purchase goal was relatively stable between 2010 and 2012, before declining in 2013 and further in 2014. As discussed above for the low-income home purchase goal, while the very low-income share of the market was lower in 2013 and 2014, the total volume of single-family home purchase loans in those years was significantly higher than in 2010 through 2012. Fannie Mae's performance was 7.2 percent in 2010, 7.6 percent in 2011 and 7.3 percent in 2012, while Freddie Mac's performance was 7.9 percent in 2010, 6.6 percent in 2011 and 7.1 percent in 2012. Preliminary performance figures as reported by the Enterprises for 2014 indicate that Fannie Mae's performance on this goal was 5.7 percent, and Freddie Mac's performance was 4.9 percent. Official 2014 performance figures as determined by FHFA, as well as the retrospective HMDA market performance numbers, will be available later in 2015. The market share shown in Table 2 for 2014 is a forecast based on FHFA's market model. With the exception of Fannie Mae's reported performance in 2014, the performance level of each Enterprise on the very low-income home purchase goal was below the retrospective HMDA share each year from 2010 through 2014.

TABLE 2—ENTERPRISE VERY LOW-INCOME HOME PURCHASE GOAL

Year	Type of Home Purchase (HP) mortgages	Benchmark	Performance		Market share/ estimate
			Fannie Mae	Freddie Mac	
2010	Very Low-Income HP Mortgages		34,673	24,276	
	Total HP Mortgages		479,200	307,555	
	Very Low-Inc. % of HP Mortgages	8%	7.2%	7.9%	8.1%
2011	Very Low-Income HP Mortgages		35,443	17,303	
	Total HP Mortgages		467,066	260,796	
	Very Low-Inc. % of HP Mortgages	8%	7.6%	6.6%	8.0%
2012	Very Low-Income HP Mortgages		46,519	20,469	
	Total HP Mortgages		633,627	288,007	
	Very Low-Inc. % of HP Mortgages	7%	7.3%	7.1%	7.7%
2013	Very Low-Income HP Mortgages		48,810	23,705	
	Total HP Mortgages		814,137	429,158	
	Very Low-Inc. % of HP Mortgages	7%	6.0%	5.5%	6.3%
2014	Very Low-Income HP Mortgages		42,872	25,232	
	Total HP Mortgages		757,870	519,731	
	Very Low-Inc. % of HP Mortgages	7%	5.7%	4.9%	5.7%
	95% Confidence Interval				+/−1.4%
2015	Final Rule Benchmark	6%			5.9%
	95% Confidence Interval				+/−2.5%
2016	Final Rule Benchmark	6%			6.0%
	95% Confidence Interval				+/−3.2%
2017	Final Rule Benchmark	6%			5.7%
	95% Confidence Interval				+/−3.8%

Source: Official performance as determined by FHFA for 2010–13; preliminary performance figures for 2014 as reported by the Enterprises. Actual goal-qualifying market shares, based on FHFA analysis of HMDA data, for 2010–13. FHFA estimates of goal-qualifying market shares for 2014–17.

While the recovery in the home purchase market between 2012 and 2013 resulted in significantly higher volumes of home purchase mortgages acquired by the Enterprises, the volume of very low-income home purchase mortgages did not increase by nearly as much as the rest of the market. Between 2012 and 2013, the volume of Fannie Mae's purchases of very low-income home purchase mortgages increased by 5 percent, while its overall volume of home purchase mortgages increased by 28 percent. As a result, Fannie Mae's very low-income home purchase goal performance fell from 7.3 percent in 2012 to 6.0 percent in 2013. Similarly, the volume of Freddie Mac's purchases of very low-income home purchase mortgages increased by 16 percent, while its overall volume of home purchase mortgages increased by 49 percent. As a result, Freddie Mac's very low-income home purchase goal performance fell from 7.1 percent in 2012 to 5.5 percent in 2013.

Analysis

The final rule sets the annual benchmark level for the very low-income home purchase goal for 2015 through 2017 at 6 percent, which is one percentage point below both the actual benchmark level for 2014 and the level in the proposed rule for 2015–2017. It is more difficult for the Enterprises to manage their percentage of very low-income mortgage purchases because of the small number of such loans available to them. Further, given the Enterprises' preliminary performance figures for 2014 (Fannie Mae at 5.7 percent and Freddie Mac at 4.9 percent), FHFA believes the proposed 7 percent target would have been difficult for either Enterprise to achieve in 2014. The 6 percent benchmark level will still encourage the Enterprises to continue their efforts to promote safe and sustainable lending to very low-income families.

As shown in Table 2, the market estimation models forecast point

estimates for this goal of 5.9 percent, 6.0 percent and 5.7 percent in 2015, 2016 and 2017, respectively. Recent data show a decline in the Enterprises' performances in 2012–2014, relative to previous years, on this goal. The 6 percent benchmark level is set essentially at the forecast midpoint to encourage the Enterprises to continue their efforts to promote safe and sustainable lending to very low-income families. As discussed above, this may include any steps the Enterprises take to bring greater certainty to origination and servicing standards for lenders, any additional outreach to small and rural lenders and to state and local housing finance agencies, and any other efforts by the Enterprises to reach underserved creditworthy borrowers. FHFA recognizes that this benchmark level may be challenging to meet, though less so than the 7 percent level in the proposed rule, as the Enterprises may not purchase loans inconsistent with safety and soundness. If an Enterprise fails to meet the benchmark level, it may still meet the goal if its performance equals or exceeds the retrospective market level.

HMDA data suggest that banks are keeping an increasingly higher share of mortgages to low-income and very low-income borrowers in their portfolios, meaning that they are not sold to any entity on the secondary market, making it more difficult for either Enterprise to reach the market level. Possible explanations are that: Lenders are originating these loans to comply with the Community Reinvestment Act but prefer to hold them in portfolio to protect against the risk that the Enterprises require the lenders to repurchase the loans, which they may consider somewhat more likely to default, because of violations to representations and warranties, or the loans are originated without private mortgage insurance and/or below market interest rates, meaning the lenders would need to sell the loans to the Enterprises at a loss and/or take recourse on the loans. In addition, FHA's mortgage insurance premium reduction of 50 basis points has the result that its execution is cheaper for many low-income borrowers with less than perfect credit scores.

FHFA will continue to monitor the Enterprises in its capacities as regulator and as conservator, and FHFA will take any steps appropriate to address changes in market conditions.

Comments on Proposed Rule

A housing advocacy group commenter recommended that the benchmark level be set at the upper range of the market estimates, or the Enterprises otherwise would have little incentive to increase their purchases of very low-income loans. A comment from policy advocacy groups recommended setting an ''aggressive'' benchmark level given the uncertainty in the market estimation models and other data strongly indicating a lack of access to conventional conforming mortgage credit by lower-income borrowers and minority borrowers. A comment from housing advocacy groups also recommended setting a higher benchmark level due to the uncertainty in the market estimation models. A non-profit housing developer suggested that the very low-income share of the market is expected to be around 7 to 8 percent, but did not provide a source for that forecast.

Fannie Mae commented that it opposed the proposed benchmark level of 7 percent for this goal, recommending a 6 percent level instead. Fannie Mae noted that FHFA's market size forecasts for this goal in the proposed rule were 5.8 percent for 2015, 5.7 percent for 2016, and 5.6 percent for 2017 and, thus, were lower than the proposed benchmark level of 7 percent. Fannie Mae stated that setting the benchmark level significantly higher than the market size forecasts in order to encourage the Enterprises to continue their efforts to promote safe and sustainable lending to very low-income families could have the unintended negative consequence of suggesting that the Enterprises should undertake efforts that may not contribute to a safe and sustainable market. In addition, Fannie Mae stated that it is already committed to a variety of efforts to support financing for very low-income borrowers, including its standard product eligibility criteria for 95 percent LTV loans, targeted products such as MyCommunityMortgage, acquiring loans through its partnerships with housing finance agencies, reintroducing acquisitions of loans from HUD's Section 184 program and the U.S. Department of Agriculture's Rural Development 502 program that serve Native American and rural communities, and changing requirements for loans to borrowers with derogatory credit events, such as foreclosures, short sales, deed-in-lieu transfers and bankruptcy, to facilitate earlier borrower requalification.

Freddie Mac did not comment on the proposed benchmark level for the very low-income home purchase goal.

FHFA Response

As discussed above, the final rule sets the annual benchmark level for 2015–2017 at 6 percent, which is above the point estimates but within the confidence intervals for all three years. FHFA believes this is an appropriate benchmark level based on the market estimation models' forecasts for 2015–2017, the Enterprises' recent performance, the updated market size estimate for 2014, and the goal to encourage the Enterprises to continue their efforts to promote safe and sustainable lending to very low-income families.

3. Low-Income Areas Home Purchase Subgoal—§ 1282.12(f)

The low-income areas home purchase subgoal is based on the percentage of all single-family, owner-occupied home purchase mortgages acquired by an Enterprise that are either: (1) For families in low-income areas, defined to include census tracts with median income less than or equal to 80 percent of area median income; or (2) for families with incomes less than or equal to area median income who reside in minority census tracts (defined as census tracts with a minority population of at least 30 percent and a tract median income of less than 100 percent of the area median income). After consideration of the statutory factors, including updated forecasts from FHFA's market estimation models, and the comments received on the proposed benchmark level for this subgoal, which are discussed below, § 1282.12(f) of the final rule sets the annual benchmark level for this subgoal for 2015 through 2017 at 14 percent. The 14 percent level is higher than the 11 percent level for 2014 and the same as the proposed benchmark level.

Market Size

As discussed above, FHFA's consideration of the size of the single-family market takes into account both the actual size of the market in previous years, as measured using the most recent HMDA data available, and FHFA's forecast for the size of the market based on its market estimation model.

As shown in Table 3, FHFA's forecasts for the low-income areas shares of the overall market for home purchase mortgages for 2015 and 2016 are lower than the actual low-income areas share of the overall market for home purchase mortgages in 2013 and the current estimate for 2014. The proposed rule estimated the low-income areas shares of the market as 14.7 percent for 2015, 14.7 percent for 2016, and 14.2 percent for 2017. FHFA's updated market estimation models project that the low-income areas shares

of the overall home purchase market will be somewhat lower, with point estimates of 13.2 percent for 2015, 13.6 percent for 2016, and 14.2 percent for 2017. The forecast ranges are 11.7 percent–14.7 percent for 2015, 10.8 percent–16.4 percent for 2016, and 10.6 percent–17.8 percent for 2017.

Past Performance of the Enterprises

As indicated in Table 3, Fannie Mae's performance on the low-income areas home purchase subgoal was 12.4 percent in 2010, declined to 11.6 percent in 2011, and increased to 13.1 percent in 2012 and 14.0 percent in 2013. Freddie Mac's performance followed the same basic pattern—its performance was 10.4 percent in 2010, declined to 9.2 percent in 2011, and increased to 11.4 percent in 2012 and 12.3 percent in 2013. Preliminary performance figures as reported by the Enterprises for 2014 indicate that Fannie Mae's performance on this subgoal was 15.5 percent, and Freddie Mac's performance was 13.6 percent. Official 2014 performance figures, as well as the retrospective HMDA market performance numbers, will be determined by FHFA later in 2015. The market share shown in Table 3 for 2014 is a forecast based on FHFA's market model. While Freddie Mac's performance on the low-income areas home purchase subgoal was below the retrospective HMDA share each year from 2010 through 2014, Fannie Mae's performance exceeded the retrospective HMDA share in several of those years.

TABLE 3—ENTERPRISE LOW-INCOME AREAS HOME PURCHASE SUBGOAL

Year	Type of Home Purchase (HP) mortgages	Benchmark	Performance		Market share/ estimate
			Fannie Mae	Freddie Mac	
2010	Low-Income Area HP Mortgages		44,467	23,928	
	High-Minority Area HP Mortgages		14,814	8,161	
	Subgoal-Qualifying Total		59,281	32,089	
	Total HP Mortgages		479,200	307,555	
	Subgoal Benchmark/Performance	13%	12.4%	10.4%	12.1%
2011	Low-Income Area HP Mortgages		40,736	18,270	
	High-Minority Area HP Mortgages		13,549	5,632	
	Subgoal-Qualifying Total		54,285	23,902	
	Total HP Mortgages		467,066	260,796	
	Subgoal Benchmark/Performance	13%	11.6%	9.2%	11.4%
2012	Low-Income Area HP Mortgages		60,927	24,586	
	High-Minority Area HP Mortgages		22,275	8,164	
	Subgoal-Qualifying Total		83,202	32,750	
	Total HP Mortgages		633,627	288,007	
	Subgoal Benchmark/Performance	11%	13.1%	11.4%	13.6%
2013	Low-Income Area HP Mortgages		86,430	40,444	
	High-Minority Area HP Mortgages		27,425	12,177	
	Subgoal-Qualifying Total		113,855	52,621	
	Total HP Mortgages		814,137	429,158	
	Subgoal Benchmark/Performance	11%	14.0%	12.3%	14.2%
2014	Low-Income Area HP Mortgages		91,691	55,987	
	High-Minority Area HP Mortgages		25,650	14,808	
	Subgoal-Qualifying Total		117,341	70,795	
	Total HP Mortgages		757,870	519,731	
	Subgoal Benchmark/Performance	11%	15.5%	13.6%	14.0%
	95% Confidence Interval				+/−0.6%
2015	Final Rule Benchmark	14%			13.2%
	95% Confidence Interval				+/−1.5%
2016	Final Rule Benchmark	14%			13.6%
	95% Confidence Interval				+/−2.8%
2017	Final Rule Benchmark	14%			14.2%
	95% Confidence Interval				+/−3.6%

Source: Official performance as determined by FHFA for 2010–13; preliminary performance figures for 2014 as reported by the Enterprises. Actual subgoal-qualifying market shares, based on FHFA analysis of HMDA data, for 2010–13. FHFA estimates of subgoal-qualifying market shares for 2014–17.

Analysis

The final rule sets the annual benchmark for this subgoal at 14 percent for 2015–2017, which is higher than the actual benchmark level of 11 percent for 2014 and the same as the level in the proposed rule for 2015–2017. As shown in Table 2, the market estimation models forecast a range of possible market levels. The benchmark level of 14 percent is above the point estimates of 13.2 percent and 13.6 percent for 2015 and 2016, respectively, and just below the point estimate of 14.2 percent for 2017, but well within the confidence intervals for all three years. It is the same as or higher than both Enterprises' performance on this subgoal in 2012 and 2013. Recent data also show an increase in the Enterprises' performances in 2012 through 2014, relative to previous years, on this subgoal. The benchmark level is not being raised to 15 percent as this would

rely too heavily on Fannie Mae's reported performance of 15.5 percent for 2014. While Freddie Mac's performance has increased, reaching a reported 13.6 percent for 2014, it would be less likely to reach 15 percent in 2015–2017.

FHFA will continue to monitor the Enterprises in its capacities as regulator and as conservator, and FHFA will take any steps appropriate to address changes in market conditions.

Comments on Proposed Rule

Several policy advocacy group commenters and Fannie Mae supported the proposed 14 percent benchmark level. One commenter stated that, ''[h]aving subgoals for . . . households in low-income areas will encourage credit to flow to these households and communities suffering from lack of access to credit.'' The commenters supported the increase from the 11 percent benchmark level for 2014, noting that the Enterprises' past performance demonstrates their ability to meet an increased level without increasing risk, and an increase in the level will further meet the needs of geographically underserved areas. Fannie Mae stated that the proposed 14 percent level reflected an appropriate analysis and application of the statutory factors.

A housing advocacy group commenter recommended setting the benchmark level at the upper range of the market estimates because it believes that the Enterprises would otherwise have little incentive to increase their purchases of goal-qualifying loans. A comment from policy advocacy groups recommended setting an ''aggressive'' benchmark level, given the uncertainty in the market estimation models and other data strongly indicating a lack of access to conventional conforming mortgage credit by lower-income borrowers and minority borrowers. A comment from housing advocacy groups also recommended setting a higher benchmark level due to the uncertainty in the market estimation models.

Freddie Mac did not comment on the proposed benchmark level.

FHFA Response

As discussed above, the final rule sets the annual benchmark level for 2015–2017 for this subgoal at 14 percent, which is above the point estimates for 2015 and 2016 and just below the point estimate for 2017, but within the confidence intervals for all three years. FHFA believes this is an appropriate benchmark level based on the market estimation models' forecasts for 2015–2017, the Enterprises' recent performance, and the updated market size estimate for 2014.

4. Low-Income Areas Home Purchase Goal—§ 1282.12(e)

Section 1282.12(e) provides that the low-income areas home purchase goal includes all mortgages that are counted for purposes of the low-income areas home purchase subgoal discussed above (families in low-income areas and moderate-income families who reside in high-minority census tracts), as well as home purchase mortgages for families with incomes no greater than 100 percent of area median income who reside in Federally-declared disaster areas (regardless of the minority share of the population in the tract or the ratio of tract median family income to area median income).

FHFA does not separately forecast the size of the market for the low-income areas home purchase goal and does not establish a benchmark level for the goal in advance in the housing goals regulation. The benchmark level for this goal is determined each year based on the benchmark level for the low-income areas home purchase subgoal, plus an additional amount determined each year by FHFA separately from rulemaking to reflect the disaster areas covered for that year.

Designated disaster areas include counties declared by the Federal Emergency Management Agency to be disaster areas eligible for individual assistance during the previous three years. This is referred to as the ''disaster areas increment.'' It is established through an FHFA analysis of HMDA data for the most recent three-year period available. Given the lag in the release of HMDA data, the disaster areas increment for 2013 was based on disaster areas declared between 2010 and 2012, but the increment was calculated using HMDA data for 2009 through 2011, because 2012 HMDA data were not available until later in 2013. The disaster areas increment used in setting the benchmark level of the goal for 2014 was based on disaster areas declared between 2011 and 2013, but the increment was calculated using HMDA data for 2010 through 2012. Thus, the disaster areas increment, and the resulting low-income areas home purchase goal, can vary from one year to the next.

For 2012, the disaster areas increment was 9 percent; thus, the overall low-income areas home purchase goal for that year was 20 percent (11 percent + 9 percent). For 2013 and 2014, the disaster areas increment was 10 percent; thus, the overall low-income areas goal for those years was 21 percent (11 percent + 10 percent). For 2015–2017, the disaster areas increment will be provided by letter to the Enterprises each year based on updated disaster area information.

Past performance on the low-income areas home purchase goal is shown below in Table 4.

TABLE 4—ENTERPRISE LOW-INCOME AREAS HOME PURCHASE GOAL

Year	Type of Home Purchase (HP) mortgages	Benchmark	Performance		Market share/ estimate
			Fannie Mae	Freddie Mac	
2010	Subgoal-Qualifying HP Mortgages		59,281	32,089	
	Disaster Areas HP Mortgages		56,076	38,898	
	Goal-Qualifying Total		115,357	70,987	
	Total HP Mortgages		479,200	307,555	
	Goal Benchmark/Performance	24%	24.1%	23.1%	24.0%
2011	Subgoal-Qualifying HP Mortgages		54,285	23,902	
	Disaster Areas HP Mortgages		50,209	26,232	
	Goal-Qualifying Total		104,494	50,134	
	Total HP Mortgages		467,066	260,796	
	Goal Benchmark/Performance	24%	22.4%	19.2%	22.0%
2012	Subgoal-Qualifying HP Mortgages		83,202	32,750	
	Disaster Areas HP Mortgages		58,085	26,486	
	Goal-Qualifying Total		141,287	59,236	

TABLE 4—ENTERPRISE LOW-INCOME AREAS HOME PURCHASE GOAL—Continued

Year	Type of Home Purchase (HP) mortgages	Benchmark	Performance		Market share/ estimate
			Fannie Mae	Freddie Mac	
	Total HP Mortgages		633,627	288,007	
	Goal Benchmark/Performance	20%	22.3%	20.6%	23.2%
2013	Subgoal-Qualifying HP Mortgages		113,855	52,621	
	Disaster Areas HP Mortgages		62,314	33,123	
	Goal-Qualifying Total		176,169	85,744	
	Total HP Mortgages		814,137	429,158	
	Goal Benchmark/Performance	21%	21.6%	20.0%	22.1%
2014	Subgoal-Qualifying HP Mortgages		117,341	70,795	
	Disaster Areas HP Mortgages		54,548	33,923	
	Goal-Qualifying Total		171,889	104,718	
	Total HP Mortgages		757,870	519,731	
	Goal Benchmark/Performance	18%	22.7%	20.1%	NA

Source: Official performance as determined by FHFA for 2010–13; preliminary performance figures for 2014 as reported by the Enterprises. Actual goal-qualifyiing market shares, based on FHFA analysis of HMDA data, for 2010–13. Goal-qualifying market share for 2014 will be available after FHFA analysis of HMDA data for 2014.

5. Low-Income Refinancing Goal—§ 1282.12(g)

The low-income refinancing goal is based on the percentage of all refinancing mortgages on owner-occupied single-family housing purchased by an Enterprise that are for low-income families, defined as families with incomes less than or equal to 80 percent of the area median income. After consideration of the statutory factors, including updated forecasts from FHFA's market estimation models and the comments received on the proposed benchmark level for this goal, which are discussed below, § 1282.12(g) of the final rule sets the annual benchmark level for this goal for 2015 through 2017 at 21 percent. The 21 percent level is higher than the 20 percent level for 2014, but lower than the proposed benchmark level of 27 percent. FHFA's updated forecasts project a significantly smaller low-income share of the overall refinancing mortgage market compared to the forecasts FHFA used to set the benchmark level in the proposed rule.

Market Size

FHFA's consideration of the size of the single-family market takes into account both the actual size of the market in previous years, as measured using the most recent HMDA data available, and FHFA's forecast for the size of the market based on its market estimation model.

The low-income share of the overall market for refinancing mortgages is strongly affected by the overall volume of refinancings. The size of the entire refinancing mortgage market has an impact on the share of affordable refinancing mortgages (defined as refinancing mortgages for borrowers with incomes of 80 percent or less of area median income) and, thus, on the development of the benchmark level for the Enterprises for the low-income refinancing goal. Refinancing mortgage volume has historically increased when the refinancing of mortgages is motivated by low interest rates, *i.e.,* ''rate-and-term refinances,'' and this increased volume is typically dominated by higher-income borrowers. Consequently, in periods of low interest rates, the share of lower-income borrowers refinancing often decreases. The opposite is true when interest rates rise—there are usually fewer refinancings overall, but a greater percentage of those are cash-out refinancings by low-income borrowers. Because interest rates and mortgage rates are currently continuing at relatively low levels, the low-income share of borrowers who are refinancing has continued at relatively low levels.[28]

The proposed rule estimated the low-income refinancing shares of the market as 31.0 percent for 2015, 33.5 percent for 2016, and 34.2 percent for 2017. As shown in Table 5, FHFA's updated market estimation models project that the low-income refinancing shares of the market will be much lower—21.8 percent for 2015, 22.4 percent for 2016 and 22.8 percent for 2017. The forecast ranges are 19.1 percent–24.5 percent for 2015; 17.7 percent–27.1 percent for 2016; and 16.2 percent–29.0 percent for 2017. FHFA's updated forecasts for 2015 through 2017 are significantly lower than the estimates used in the proposed rule, but still higher than the 2014 benchmark level of 20 percent.

Past Performance of the Enterprises

As indicated in Table 5, the performance of the Enterprises on the low-income refinancing goal has followed a similar pattern as the overall market performance on this goal since 2010, although the performance of the Enterprises varied more over the period than the overall market performance. Fannie Mae's performance on the low-income refinancing goal in 2010 was 20.9 percent, and increased to 24.3 percent in 2013 and a reported 26.5 percent in 2014. Freddie Mac's performance on the low-income refinancing goal in 2010 was 22.0 percent, and increased to 24.1 percent in 2013 and a reported 26.4 percent in 2014.

[28] The Home Affordable Refinance Program (HARP), which became effective in March 2009 and was expanded in 2011, is an effort to enhance the opportunity for many homeowners to refinance. Homeowners with LTV ratios above 80 percent whose mortgages are owned or guaranteed by Fannie Mae or Freddie Mac and who are current on their mortgages have the opportunity to reduce their monthly mortgage payments to take advantage of historically low mortgage interest rates.

TABLE 5—ENTERPRISE LOW-INCOME REFINANCING GOAL

Year	Type of Home Purchase (HP) mortgages	Benchmark	Performance		Market share/ estimate
			Fannie Mae	Freddie Mac	
2010	Low-Income % of Refinance Mortgages	NA	19.3%	20.8%	20.2%
	Low-Income % of HAMP Modifications	NA	69.9%	67.5%	NA
	Goal Benchmark & Performance	21%	20.9%	22.0%	NA
2011	Low-Income % of Refinance Mortgages	NA	21.3%	21.2%	21.5%
	Low-Income % of HAMP Modifications	NA	71.2%	67.3%	NA
	Goal Benchmark & Performance	21%	23.1%	23.4%	NA
2012	Low-Income % of Refinance Mortgages	NA	21.2%	21.5%	22.3%
	Low-Income % of HAMP Modifications	NA	72.9%	69.3%	NA
	Goal Benchmark & Performance	20%	21.8%	22.4%	NA
2013	Low-Income Refinance Mortgages	.....	519,753	306,205	.....
	Total Refinance Mortgages	.....	2,170,063	1,309,435	.....
	Low-Income % of Refinance Mortgages	NA	24.0%	23.4%	24.3%
	Low-Income HAMP Modifications	.....	11,858	14,757	.....
	Total HAMP Modifications	.....	16,478	21,599	.....
	Low-Income % of HAMP Mods	NA	72.0%	68.3%	NA
	Low-Income Refis/HAMP Mods	.....	531,611	320,962	.....
	Total Refis/HAMP Mods	.....	2,186,541	1,331,034	.....
	Goal Benchmark & Performance	20%	24.3%	24.1%	NA
2014	Low-Income Refinance Mortgages	.....	215,826	131,921	.....
	Total Refinance Mortgages	.....	831,218	514,936	.....
	Low-Income % of Refinance Mortgages	NA	26.0%	25.6%	26.2%
	95% Confidence Interval	.....	.....	.....	±1.5%
	Low-Income HAMP Modifications	.....	6,503	6,795	.....
	Total HAMP Modifications	.....	9,288	10,335	.....
	Low-Income % of HAMP Mods	NA	70.0%	65.7%	NA
	Low-Income Refis/HAMP Mods	.....	222,329	138,716	.....
	Total Refis/HAMP Mods	.....	840,506	525,271	.....
	Goal Benchmark & Performance	20%	26.5%	26.4%	NA
2015	Final Rule Benchmark (incl. HAMP mods)	21%	.....	.....	21.8%
	95% Confidence Interval	.....	.....	.....	±2.7%
2016	Final Rule Benchmark (incl. HAMP mods)	21%	.....	.....	22.4%
	95% Confidence Interval	.....	.....	.....	±4.7%
2017	Final Rule Benchmark (incl. HAMP mods)	21%	.....	.....	22.8%
	95% Confidence Interval	.....	.....	.....	±6.2%

Source: Official performance as determined by FHFA for 2010–13; preliminary performance figures for 2014 as reported by the Enterprises. Actual goal-qualifying market shares, based on FHFA analysis of HMDA data, for 2010–13. FHFA estimates of goal-qualifying market shares for 2014–17. Note that market results/estimates do not take into account HAMP modifications due to lack of data (See discussion below.)

Detailed data on the total and goal-qualifying volumes of refinancing mortgages and HAMP modifications for 2010–12 are presented in FHFA's proposed housing goals rule, **Federal Register**, September 11, 2014, Table 8, p. 54515.

Analysis

The final rule sets the annual benchmark level for this goal at 21 percent for 2015 through 2017, which is higher than the actual benchmark level of 20 percent for 2014, but below the level in the proposed rule for 2015–2017 of 27 percent. As shown in Table 5, the market estimation models forecast a range of possible market levels. The benchmark level of 21 percent is slightly lower than the point estimate of 21.8 percent for 2015, and lower than the point estimates of 22.4 percent for 2016 and 22.8 percent for 2017, and within the confidence intervals for all three years.

FHFA's current market forecast has moderated considerably for this goal, down by nine percentage points in 2015, and just over 11 percentage points in 2016 and 2017. This calls into question the magnitude of the increase in the proposed rule. FHFA has also reviewed the Enterprises' month-by-month performance for the second half of 2014 and observed a steady decline in the low-income share of refinance mortgages over this period.

The final rule, therefore, sets the benchmark level for this goal at 21 percent for 2015–2017, which is 1 percentage points higher than the 2014 level, but 6 percentage points lower than the level in the proposed rule. This is consistent with FHFA's updated forecasts for 2015–2017.

FHFA will continue to monitor the Enterprises in its capacities as regulator and as conservator, and FHFA will take any steps appropriate to address changes in market conditions.

Comments on Proposed Rule

Several commenters supported the proposed benchmark level of 27 percent for this goal. Fannie Mae commented that the proposed 27 percent level reflected an appropriate analysis and application of the statutory factors. Freddie Mac did not comment on the proposed benchmark level.

A comment from a housing counseling group suggested raising the benchmark level to 35 percent to help ''reduce unnecessary displacement and loss of potential wealth building of homeowners with Enterprises' guaranteed mortgages.'' A housing advocacy group commenter recommended that the benchmark level be set at the upper range of the market estimates because it believes that the Enterprises would otherwise have little incentive to increase their purchases of low-income refinancing loans. A comment from policy advocacy groups recommended setting an ''aggressive'' benchmark level, given the uncertainty in the market estimation models and other data strongly indicating a lack of access to conventional conforming mortgage credit by lower-income borrowers and minority borrowers. A comment from housing advocacy groups also recommended setting a higher

benchmark level due to the uncertainty in the market estimation models.

FHFA Response

As described above, FHFA believes that given current conditions in the refinance market, a larger increase from the 2014 benchmark level of 20 percent would be too substantial an increase in the goal. As discussed above, the final rule sets the annual benchmark level for 2015–2017 for this goal at 21 percent, which is slightly lower than the point estimate of 21.8 percent for 2015, lower than the point estimates of 22.4 percent for 2016 and 22.8 percent for 2017, and within the confidence intervals for all three years. FHFA believes this is an appropriate benchmark level based on the market estimation models' forecasts for 2015–2017, the Enterprises' recent performance, and the updated market size estimate for 2014.

Counting Loan Modifications—§ 1282.16(c)(10)

Under § 1282.16(c)(10) of the housing goals regulation, Enterprise financings of qualifying permanent modifications of loans for low-income families under the Home Affordable Modification Program (HAMP) are counted toward the low-income refinancing goal. These HAMP permanent loan modifications are the only type of loan modification eligible for counting for purposes of the housing goals. The intent in permitting HAMP permanent loan modifications to count toward the low-income refinancing goal was to encourage support for the HAMP program. In every year from 2010 through 2014, low-income families received at least 67 percent of HAMP loan modifications at each Enterprise. Because the low-income share of all HAMP loan modifications is much higher than the low-income share of all refinancing transactions, including HAMP loan modifications, the low-income refinancing goal increases the performance of the Enterprises on the low-income refinancing goal. This was especially true for 2011, when Fannie Mae's performance was 21.3 percent without HAMP loan modifications, but 23.1 percent with HAMP loan modifications. The impact was even larger for Freddie Mac, whose performance in 2011 was 21.2 percent without HAMP loan modifications, but 23.4 percent with HAMP loan modifications.

However, HAMP loan modifications have had a smaller impact on low-income refinancing goal performance in recent years as HAMP loan modification volume has fallen—for Fannie Mae, from a high of 64,124 loan modifications in 2011 to 9,288 loan modifications in 2014, and for Freddie Mac, from 52,910 loan modifications in 2011 to 10,355 loan modifications in 2014.

Comments on Proposed Rule

Freddie Mac recommended that loan modifications other than HAMP loan modifications also be permitted to count for purposes of the low-income refinancing goal. Freddie Mac stated that its own non-HAMP loan modification programs are largely consistent with HAMP, serving similar goals.

FHFA Response

Because loan modifications are not considered new originations, they are not reported in HMDA data. As a result, it is difficult to adjust the market estimates based on expected modification volumes.

VI. Reporting Requirements for Single-Family Rental Units

In the Notice accompanying the proposed rule, FHFA noted that it plans to require the Enterprises to include more detailed information about their purchases of mortgages on single-family rental housing in the Annual Mortgage Reports (AMRs) that the Enterprises are required to submit under § 1282.62(b) of the current regulation. This additional information will be included in the Enterprise AMRs covering 2015 and years following.

The AMRs currently provide information on Enterprise purchases of all mortgages on owner-occupied and rental properties, regardless of whether the mortgage may be counted for purposes of the housing goals. The additional requirements will provide detailed affordability information on rental units in all single-family properties, whether owner-occupied (with one or more rental units in addition to the owner-occupied unit) or investor-owned.

Comments

FHFA received several comments from policy advocacy groups and housing advocacy groups supporting more detailed reporting in the AMRs. The same commenters also recommended that FHFA establish specific requirements in the regulation for Enterprise support of single-family rental properties.

FHFA Response

The final rule does not revise the regulation to specifically address single-family rental properties. This is consistent with the proposed rule. The additional AMR reporting requirements fall within the scope of the existing regulation, so no changes to the text of the regulation are necessary. FHFA is requiring the Enterprises to provide additional information regarding their purchases of mortgages on single-family rental properties as described in the Notice accompanying the proposed rule. This additional information will be publicly available as part of the housing goals tables submitted as part of the Enterprise AMRs. These housing goals tables are available on FHFA's Web site.[29]

VII. Multifamily Housing Goals

A. Multifamily Housing Goals Benchmark Levels in Final Rule

1. Multifamily Low-Income Housing Goal—§ 1282.13(b)

The multifamily low-income housing goal is based on the total number of rental units in multifamily properties financed by mortgages purchased by the Enterprises that are affordable to low-income families, defined as families with incomes less than or equal to 80 percent of area median income. FHFA has considered each of the statutory factors, including updated forecasts of the multifamily market and the comments received on the proposed benchmark levels for this goal, which are discussed below. Section 1282.13(b) of the final rule sets the same annual benchmark level for each Enterprise at 300,000 low-income units for each year from 2015 through 2017. This is higher than the 2014 benchmark levels (250,000 units for Fannie Mae and 200,000 units for Freddie Mac) and higher than the proposed benchmark levels (250,000 units for Fannie Mae and 210,000 to 230,000 units for Freddie Mac), to account for the overall size of the multifamily finance market, which has expanded substantially since the proposed rule was issued. Each Enterprise has exceeded 250,000 low-income units in each of the past three years, and given the larger size of the current multifamily mortgage market and the expanded exclusions from the 2015 Conservatorship Scorecard multifamily cap, FHFA believes that an annual 300,000 low-income unit goal for 2015–2017 is achievable and appropriate.

[29] The Enterprise Annual Housing Activity Reports and the summary tables for the AMRs can be accessed from this page: *http://www.fhfa.gov/PolicyProgramsResearch/Programs/AffordableHousing/Pages/Affordable-Housing-FMandFM.aspx.*

2. Multifamily Very Low-Income Housing Subgoal—§ 1282.13(c)

The multifamily very low-income housing subgoal is based on the total number of rental units in multifamily properties financed by mortgages purchased by the Enterprises that are affordable to very low-income families, defined as families with incomes less than or equal to 50 percent of area median income. FHFA has considered each of the statutory factors, including updated forecasts of the size of the multifamily market and the comments received on the proposed benchmark levels for this subgoal, which are discussed below. Freddie Mac has traditionally lagged Fannie Mae under this subgoal, but the gap narrowed considerably in 2013 and 2014. Section 1282.13(c) of the final rule sets Fannie Mae's very low-income subgoal benchmark level at 60,000 units for each year of the three-year goals period, as in the proposed rule. The final rule also sets Freddie Mac's very low-income subgoal benchmark level at 60,000 units for each year of the three-year goals period, which is an increase from the proposed annual benchmark level of 43,000 to 50,000 units. This is consistent with the 2015 Conservatorship Scorecard multifamily cap that permits the same volume cap and exclusions for each Enterprise.

The applicable statutory factors, comments received and analyses supporting these benchmark levels are discussed below.

B. Factors Considered in Setting the Multifamily Housing Goal Benchmark Levels

Section 1333(a)(4) of the Safety and Soundness Act requires FHFA to consider the following six factors in setting the multifamily housing goals:

1. National multifamily mortgage credit needs and the ability of the Enterprise to provide additional liquidity and stability for the multifamily mortgage market;

2. The performance and effort of the Enterprise in making mortgage credit available for multifamily housing in previous years;

3. The size of the multifamily mortgage market for housing affordable to low-income and very low-income families, including the size of the multifamily markets for housing of a smaller or limited size;

4. The ability of the Enterprise to lead the market in making multifamily mortgage credit available, especially for multifamily housing affordable to low-income and very low-income families;

5. The availability of public subsidies; and

6. The need to maintain the sound financial condition of the Enterprise.[30]

In setting the benchmark levels for the multifamily housing goals, FHFA has considered each of the six statutory factors. The statutory factors for the multifamily goals are very similar, but not identical, to the statutory factors that were considered in setting the benchmark levels for the single-family housing goals. There are several important distinctions between the single-family housing goals and the multifamily housing goals. While there are separate single-family goals for home purchase and refinancing mortgages, the multifamily goals include all Enterprise multifamily mortgage purchases, regardless of the purpose of the loan. In addition, unlike the single-family goals, the multifamily goals are set based on the total volume of multifamily mortgage purchases, not on a percentage of overall multifamily mortgage purchases.

Another difference between the single-family and multifamily goals is that performance on the multifamily goals is measured based solely on meeting a benchmark level, without any retrospective market measure. The absence of a retrospective market measure for the multifamily goals is due, in part, to the lack of reliable, comprehensive data about new loan origination activity in the multifamily mortgage market. Unlike the single-family mortgage market, where HMDA provides a reasonably comprehensive data set about single-family mortgage originations each year, the multifamily mortgage market (and the market segment that supports properties with affordable market rents) has no such comparable data set. As a result, it can be difficult to correlate different data sets that may rely on different reporting formats—for example, some data are available by dollar volume while other data are available by unit production. The lack of comprehensive data about the multifamily mortgage market is even more apparent with respect to the segments of the market that are targeted to low-income and very low-income renters. Much of the analysis that follows discusses general trends in the overall multifamily mortgage market, although FHFA recognizes that these general trends may not apply to the same extent to all segments of the market.

FHFA has considered each of the required statutory factors, which are discussed below, a number of which are related or overlap.

[30] 12 U.S.C. 4563(a)(4).

C. Analysis of Considerations in Setting the Multifamily Benchmark Levels

1. The Multifamily Mortgage Market: Market Size, Competition and the Affordable Multifamily Market (Factors 1 and 3)

FHFA's consideration of the multifamily mortgage market addresses the size of and competition within the market, as well as the subset of the market that finances units affordable to low-income and very low-income families. Recent trends in the multifamily mortgage market indicate that overall loan volumes have increased substantially from the volumes in 2014, both in terms of total refinancing activity and total financing for property acquisitions and for new multifamily units being completed. FHFA has also considered the importance of Enterprise support of the multifamily mortgage market in light of recent decreases in rental housing affordability.

(i) 2015 Conservatorship Scorecard—Multifamily Limits

Given the increasing participation in the market from private sector capital, FHFA's 2015 Conservatorship Scorecard established a cap of $30 billion on new multifamily loan purchases for each Enterprise. However, consistent with the recent expansion of the market and in order to facilitate market liquidity, especially in the segment of the market that supports properties with affordable rents, FHFA recently revised and expanded the types of affordable housing lending activities that are excluded from the Scorecard cap, as was discussed above.

(ii) Multifamily Mortgage Market Size

The total number of units in multifamily properties in the United States, defined as all units in structures with five or more rental units, was over 18 million in 2013, according to data from the U.S. Census Bureau in the 2013 American Community Survey.[31] Multifamily mortgage origination volume varies significantly from year to year based on a variety of market conditions. During the financial crisis, the size of the multifamily mortgage market decreased significantly before rebounding in 2013 and beyond. Overall, multifamily mortgage originations fell from $147.7 billion in 2007 to $87.9 billion in 2008 to $52.5 billion in 2009, as shown in Table 6.

[31] U.S. Census Bureau, 2013 American Community Survey, National Table C–12–RO. *http://www.census.gov/programs-surveys/ahs/data/2013/national-summary-report-and-tables-ahs-2013.html?eml=gd.*

The declines were even more pronounced in the private sector segment of the market, which decreased from almost $112 billion in 2007 to $46.4 billion in 2008 to $18.4 billion in 2009. The Enterprises' mortgage purchases provided a countercyclical source of liquidity during this same period. While the size of the overall multifamily market was declining, the volume of Enterprise purchases was relatively steady. The combined volume of Enterprise multifamily mortgage purchases in 2007, excluding purchases of commercial mortgage-backed securities (CMBS), was $34.6 billion, and rose to $40 billion in 2008 before declining to $31 billion in 2009.

TABLE 6—GOVERNMENT AND PRIVATE SECTOR MARKET SHARES OF MULTIFAMILY ORIGINATIONS

Year	Total volume ($Bil.)	Fannie Mae (%)	Freddie Mac (%)	Enterprise total (%)	FHA (%)	Private sector (%)
2005	$133.1	11.7%	6.7%	18.4%	2.2%	79.3%
2006	$138.0	11.7%	7.1%	18.8%	1.0%	80.2%
2007	$147.7	13.1%	10.4%	23.4%	0.8%	75.8%
2008	$87.9	25.4%	20.1%	45.5%	1.7%	52.8%
2009	$52.5	30.2%	28.9%	59.2%	5.6%	35.2%
2010	$68.8	24.5%	20.3%	44.8%	15.3%	40.0%
2011	$110.1	20.9%	18.9%	39.8%	10.6%	49.6%
2012	$146.1	21.7%	18.3%	39.9%	10.2%	49.8%
2013	$170.0	16.6%	14.8%	31.4%	10.4%	58.3%
2014	$209.9	16.1%	14.9%	31.0%	6.0%	63.0%

Note: FHA data is for fiscal years 2005 to 2014.
Sources: ''MBA Commercial Real Estate Finance Survey.''
Sources for 2014 data: Fannie Mae, Freddie Mac, and FHA. Total 2014 volume derived from ''MBA Commercial Real Estate Finance Survey'' data.
Note: All multifamily loans in CMBS issuances are included under ''Private Sector,'' regardless of the investor.

Since the financial crisis, the total multifamily origination market has rebounded and has shown increased private capital participation, with private capital defined to include CMBS and insurance company and bank/credit union portfolio purchases. The multifamily new origination market has increased from a low of $52.5 billion in 2009 to $176 billion in 2014.[32] As the size of the overall market has increased, the Enterprise share of the market has decreased, from a high of almost 60 percent in 2009 to just over one-third in 2014.

Volumes in the overall multifamily new origination market are expected to continue to increase between 2015 and 2017, including refinancing activity, financing for newly constructed multifamily units, and financing for property acquisitions. However, the Enterprises are expected to roughly maintain or slightly increase their current percentage share of the overall market due to increased private capital participation and competition.

Comments on Proposed Rule

A comment from public advocacy groups suggested that, in evaluating the size of the multifamily mortgage market, FHFA should include all rental units, cooperative units and condominiums. The comment pointed to data from the American Community Survey suggesting that a more inclusive definition of the market would result in a significantly larger overall market size and, therefore, increased multifamily goal benchmark levels.

FHFA Response

Although certain cooperative housing blanket loans are eligible for goals credit under the housing goals, FHFA considers cooperative and condominium units to be primarily intended to be owner-occupied and, therefore, including them in the overall multifamily market size would overstate the number of rental units and properties available for financing.

(iii) Affordable Multifamily Mortgage Market Segment

FHFA's consideration of the multifamily mortgage market is limited by the lack of comprehensive data about the size of the market for financing properties affordable to low-income and very low-income families. The challenge of identifying goals-qualifying units is made more difficult because utility allowances must be added to the market rent on all individually metered rental units before calculating a unit's affordability.

FHFA recognizes that the portion of the overall multifamily rental market that is affordable to low-income and very low-income families may vary from year to year, that the competition among capital sources within the market as a whole may differ from the competition within the affordable segment of the market, and that the financing volume for the segment of the market that is affordable to very low-income renters is also related to the limited availability of affordable housing subsidies.

Increasing rents and nearly stagnant wages, particularly for low- and very low- income renters, has resulted in a significant decline in rental housing affordability over the past three years. The Safety and Soundness Act requires FHFA to determine affordability based on rents, which FHFA has defined by regulation to include utilities, not exceeding 30 percent of the relevant percentage of household income.[33] However, as mentioned above, a recent Harvard study shows that more than half of all tenants pay more than 30 percent of household income for rental housing, especially in the high-cost urban markets where most renters reside and where much of Fannie Mae and Freddie Mac lending is focused. Tenants in the lowest income brackets, such as at the low-income and very low-income goal levels, pay the highest percentage of their income for rental housing. As a result, there are a declining number of low-income and very low-income units that qualify as affordable under the 30 percent test for the Enterprises to finance, and even fewer in the high-cost urban markets where their lenders are most active but where tenant rent burden is the greatest.[34]

(iv) Factors Impacting the Multifamily Mortgage Market

FHFA has considered a variety of economic indicators and measures

[32] MBA/CREF Forecast of Key Multifamily Real Estate Finance Indicators, February 2015.

[33] 12 U.S.C. 4563(c); 12 CFR 1282.1.

[34] *See* ''State of the Nation's Housing 2015.'' The data and the full report are available at *http://www.jchs.harvard.edu/state-nations-housing-2015-embargoed*.

related to the size and affordability of the multifamily market, including the market fundamentals and the ongoing need for affordable rental units. This section examines the following such factors: Interest rates, property values, rents, vacancy rates, and housing permits, starts and completions. The trends in each of these factors in recent years have tended to show strong demand for multifamily housing relative to the overall supply, which is reflected in higher property values and rents, lower vacancy rates, and increasing multifamily construction. All of these factors indicate that multifamily mortgage origination volumes can be expected to continue at a relatively high rate.

Interest Rates

The volume of multifamily mortgage originations is heavily influenced by interest rates, with lower rates generating higher loan volumes. Multifamily properties benefit from lower interest rates because reduced borrowing costs increase net property cash flow and, thus, an owner's return on equity. Although interest rates rose in 2013, they decreased in 2014 and have remained low compared to historical levels. Continued low rates in 2015 have contributed to increased mortgage origination volumes for both refinancing and acquisition financing.

Property Values

As of the first quarter of 2015, multifamily property values were up over 16 percent from the first quarter of 2014 and more than 34 percent since the first quarter of 2013, and are now above the valuation peak reached in 2007.[35] Rising multifamily property values usually spur increases in refinancings, property sales, and new construction activity. Multifamily property values continued to increase through the first quarter of 2015, with more modest increases expected to continue during the remainder of 2015 through 2017.

Multifamily Vacancy Rates and Rents

During the housing crisis, vacancy rates for multifamily properties increased significantly and median asking rents declined. Since then, vacancy rates have dropped while rents have increased. Rental vacancy rates peaked at over 13 percent in the third quarter of 2009, but have declined each year since then to less than 7.1 percent nationwide in the first quarter of 2015.[36] Median asking rents nationwide have increased steadily since 2011, reaching $734 in 2013 and $756 in the third quarter of 2014.[37] Both the low vacancy rates and higher asking rents indicate that the demand for multifamily housing will remain strong during the three-year goals period.

Multifamily Building Permits, Starts and Completions

Multifamily building permits and construction starts have recovered in recent years, after falling significantly after the housing market crisis. Multifamily building permits averaged 357,000 units annually between 2005 and 2008 but fell dramatically in 2009 and 2010, to approximately 130,000 units per year. The volume of permits has increased since 2010, exceeding 340,000 units in 2013 and almost reaching the same level in 2014.[38] Actual multifamily housing starts have followed the same pattern, averaging approximately 287,000 units annually between 2005 and 2008, decreasing to just under 100,000 units annually in 2009 and 2010, but increasing since then to 338,000 units in 2013 and 339,000 units in 2014.[39]

Multifamily completions have followed a similar pattern. Completions exceeded 250,000 units each year from 2005 through 2009 until declining in 2009 and 2010, when the number of units completed dropped below 150,000 units each year. Multifamily completions have since recovered to pre-2009 levels, reaching 254,000 units in 2014.[40] Given the recent increases in the volume of multifamily building permits and starts, completions are expected to increase in the coming years, which will generate increased demand for permanent mortgage financing.

2. Past Performance of the Enterprises (Factor 2)

The Enterprises have served a consistent and critical role in the multifamily mortgage market in the years before, during, and since the financial crisis. The 2012 housing goals rule increased the overall multifamily goals for 2012 through 2014 compared to previous years, reflecting the Enterprises' increased market share since 2008. However, the 2012 rule also anticipated the increase in private market activity during 2012 through 2014, and as a result set goal levels that declined in each of those years, with 2012 the highest and 2014 the lowest.

As required by the Safety and Soundness Act, in setting the multifamily goals for 2015 through 2017, FHFA has considered the mortgage purchase performance of the Enterprises in previous years. Previously, FHFA had established higher multifamily goals for Fannie Mae than for Freddie Mac, reflecting the more established history and higher overall loan volumes of Fannie Mae's multifamily business. Moreover, because of its delegated underwriting platform, Fannie Mae, through its lenders, was seen to have a greater origination capacity than Freddie Mac, which underwrites each multifamily loan it purchases. Freddie Mac has also typically financed fewer total units than Fannie Mae on the same dollar volume of loan originations. This was because Freddie Mac usually financed fewer properties that had higher leverage, which were located in high-cost, urban core markets. Freddie Mac has also financed fewer small multifamily properties with 50 or fewer units and fewer properties in secondary, tertiary, or rural markets.

However, that changed in 2014 with Freddie Mac's increased loan production of $28.3 billion, which was a new record and only $500 million less than Fannie Mae. It is expected that both Enterprises will sustain similar high levels of loan production during the three-year goals period of the final rule.

Enterprise Performance on Multifamily Low-Income Housing Goal

The multifamily low-income housing goal includes units affordable to low-income families. Enterprise purchases of mortgages that finance properties with units affordable to low-income families over the 2010–2014 period, are shown in Table 7. From 2010 to 2014, Fannie Mae financed an average of 296,000 such units each year, peaking at 375,924 units in 2012, and Freddie Mac financed

[35] Moody's/Real Capital Analytics, ''Composite CPPI Indices'' (July 2015), *https://www.rcanalytics.com/Public/rca_cppi.aspx.*

[36] U.S. Census Bureau, ''Current Population Survey/Housing Vacancy Survey, Series H–111, U.S. Census Bureau, Washington, DC 20233.'' The vacancy rates reported by the U.S. Census Bureau differ from those reported by some other sources, but trends are similar.

[37] U.S. Census Bureau, ''Median Asking Rent for the U.S. and Regions.'' The asking rents reported by the U.S. Census Bureau differ from those reported by some other sources, but trends are similar. For example, data from CB Richard Ellis shows average rent rates at $1,191 in 2010, then increasing steadily to $1,339 in 2013 and to $1,457 in 2014.

[38] U.S. Census Bureau, ''New Privately Owned Housing Units Authorized by Building Permits in Permit-Issuing Places (In structures with 5 units or more).''

[39] U.S. Census Bureau, ''New Privately Owned Housing Started (In structures with 5 units or more).''

[40] U.S. Census Bureau, ''New Privately Owned Housing Units Completed (In structures with 5 units or more).''

an average of 244,000 such units each year, peaking at 298,529 units in 2012. Since 2010, Fannie Mae and Freddie Mac financings have yielded a relatively stable percentage of mortgages financing low-income units relative to their total mortgage purchases, as is shown in Table 7. The share of low-income units financed by Fannie Mae compared to its total multifamily mortgage purchases rose from 68 percent in 2009 to a range of 75 to 77 percent between 2010 and 2014. Similarly, the share of low-income units financed by Freddie Mac rose from 65 percent in 2009 to a range of 75 to 79 percent between 2010 and 2014.[41]

Until 2014, Fannie Mae had consistently financed more low-income units than Freddie Mac, by a relatively stable amount. However, in 2014, due to its increased loan volume, Freddie Mac surpassed Fannie Mae's low-income unit production. In that year, Freddie Mac financed 273,582 low-income units (above its goal of 200,000), compared to Fannie Mae's 262,050 units (above its goal of 250,000).

TABLE 7—ENTERPRISE PAST PERFORMANCE ON LOW-INCOME MULTIFAMILY GOAL, 2006–14

[Goals and performance measured in low-income multifamily units financed]

Year	Fannie Mae				Freddie Mac			
	Total multifamily				Total multifamily			
	Goal	Performance	Units financed	Low income (%)	Goal	Performance	Units financed	Low income (%)
2014	250,000	262,050	372,072	70%	200,000	273,582	366,377	75%
2013	265,000	326,597	430,751	76%	215,000	254,628	341,490	75%
2012	285,000	375,924	501,256	75%	225,000	298,529	377,522	79%
2011	177,750	301,224	390,526	77%	161,250	229,001	290,116	79%
2010	177,750	214,997	286,504	75%	161,250	161,500	216,042	75%
2009	NA	235,199	344,989	68%	NA	167,026	256,346	65%
2008	NA	450,850	653,060	69%	NA	268,036	375,760	71%
2007	NA	392,666	668,963	59%	NA	298,746	388,072	77%
2006	NA	313,620	427,130	73%	NA	174,377	224,608	78%

Source: Performance as reported by the Enterprises for 2014; official performance as determined by FHFA for 2010–13; performance if the goal had been in effect for 2006–09 as calculated by FHFA. ''Low-income'' refers to units affordable to renters with incomes no greater than 80 percent of Area Median Income (AMI), based on rental proxy.

Note: Figures do not include units financed by the purchase of commercial mortgage-backed securities (CMBS).

Enterprise Performance on Multifamily Very Low-Income Subgoal

The multifamily very low-income housing subgoal includes units affordable to very low-income families. Enterprise-financed properties with units affordable to very low-income families from 2010–2013 are shown in Table 8. From 2010 to 2013, Fannie Mae financed an average of 81,000 very low-income units each year, peaking at 108,878 units in 2012, whereas Freddie Mac financed an average of 46,000 such units each year, peaking at 60,084 units in 2012.

In recent years, Fannie Mae has financed a higher percentage of very low-income units than has Freddie Mac, although the difference was very small in 2013, as shown in Table 8. The share of very low-income units financed by Fannie Mae was 18 percent of its overall purchases in 2009, rising to 22 percent in 2011 and 2012, and then falling to 18 percent in 2013 and 16 percent in 2014. Freddie Mac financing of very low-income units was unusually low in 2009, at 8 percent of its overall purchases, but returned to a more typical level of 14 percent in 2010. It has fluctuated since then, increasing to 17 percent in 2013 and decreasing to 13 percent in 2014.[42]

In 2014, both Enterprises reported that they exceeded their very low-income subgoals. As shown in Table 8, Fannie Mae financed 60,542 such units compared to its 2014 goal of 60,000 units, and Freddie Mac financed 48,689 such units compared to its 2014 goal of 40,000 units.

TABLE 8—ENTERPRISE PAST PERFORMANCE ON VERY LOW-INCOME MULTIFAMILY GOAL, 2006–14

[Goals and performance measured in low-income multifamily units financed]

Year	Fannie Mae				Freddie Mac			
	Total multifamily				Total multifamily			
	Goal	Performance	Units financed	Very low income (%)	Goal	Performance	Units financed	Very low income (%)
2014	60,000	60,542	372,072	16%	40,000	48,689	366,377	13%
2013	70,000	78,071	430,751	18%	50,000	56,752	341,490	17%
2012	80,000	108,878	501,256	22%	59,000	60,084	377,522	16%
2011	42,750	84,244	390,526	22%	21,000	35,471	290,116	12%
2010	42,750	53,908	286,504	19%	21,000	29,656	216,042	14%
2009	NA	60,765	344,989	18%	NA	20,302	256,346	8%
2008	NA	96,242	653,060	15%	NA	45,154	375,760	12%
2007	NA	88,901	668,963	13%	NA	59,821	388,072	15%

[41] Enterprise data.

[42] Enterprise data.

TABLE 8—ENTERPRISE PAST PERFORMANCE ON VERY LOW-INCOME MULTIFAMILY GOAL, 2006–14—Continued

[Goals and performance measured in low-income multifamily units financed]

Year	Fannie Mae				Freddie Mac			
	Total multifamily				Total multifamily			
	Goal	Performance	Units financed	Very low income (%)	Goal	Performance	Units financed	Very low income (%)
2006	NA	88,521	427,130	21%	NA	34,638	224,608	15%

Source: Performance as reported by the Enterprises for 2014; official performance as determined by FHFA for 2010–13; performance if the goal had been in effect for 2006–09, as calculated by FHFA. ''Very low-income'' refers to units affordable to renters with incomes no greater than 50 percent of Area Median Income (AMI), based on rental proxy.

Note: Figures do not include units financed by the purchase of commercial mortgage-backed securities (CMBS).

3. Ability of the Enterprises to Lead the Market in Making Multifamily Mortgage Credit Available (Factor 4)

In setting the multifamily housing goals benchmark levels, FHFA has considered the ability of the Enterprises to lead the market in making multifamily mortgage credit available. As discussed, the Enterprises' share of the overall mortgage market increased in the years immediately following the financial crisis and decreased in subsequent years in response to growing private sector participation. Despite the Enterprises' reduced market share in the overall multifamily mortgage market, FHFA expects them to demonstrate leadership in multifamily affordable housing lending, which includes supporting housing for tenants at different income levels in various geographic markets and in various market segments.

4. Availability of Public Subsidies (Factor 5)

The broad decline in rental housing affordability has particularly affected very low-income renters (households with incomes at or below 50 percent of area median income), so the number of market rate units qualifying as affordable for the very low-income goal that are available for the Enterprises to finance is limited and will likely decline in each year of the three-year goals period. Thus, the ability of either Enterprise to meet the very low-income subgoal is largely dependent on the availability of rental housing subsidies to make units affordable to very low-income households (known as targeted affordable housing), because in many rental markets there are few, if any, units with market rents that are affordable to very low-income households using the required 30 percent of income test for rent plus tenant paid utilities.[43]

The number of subsidized projects available to finance is finite due to the limited amount of subsidies available and the limited number of subsidized properties. Thus, it would be difficult for the Enterprises to increase their share of the subsidized housing finance market and to finance greater numbers of such units beyond their current levels of activity.

These factors have less impact on the low-income goal because that goal targets households with incomes at or below 80 percent of area median income, while housing subsidy programs generally target households with incomes at or below 60 percent of area median income.[44] The low-income goal, thus, is usually met through financing properties that contain non-subsidized, market rate units, which have rents that are affordable to low-income households.

5. Need To Maintain Sound Financial Condition of the Enterprises (Factor 6)

In setting the multifamily goal benchmark levels, FHFA also considered the importance of maintaining the Enterprises in sound and solvent financial condition. During the conservatorships, under both stressed and normal market conditions, the delinquency and default performance of Enterprise loans on affordable housing properties has not been significantly different from loans on market rate properties, which have experienced extremely low delinquency and foreclosure rates. The Enterprises should, therefore, be able to sustain or increase their purchases of loans on affordable properties without impacting the Enterprises' safety and soundness or negatively affecting the performance of their portfolios. FHFA continues to monitor the activities of the Enterprises, both in FHFA's capacity as safety and soundness regulator and as conservator. If necessary, FHFA could make appropriate changes to the multifamily goal benchmark levels to ensure the Enterprises' continued safety and soundness.

Analysis

Based on FHFA's analysis of the factors discussed above, the final rule sets the multifamily goals generally higher than the Enterprises' reported actual low-income and very low-income goals performance in 2014, reflecting the substantially increased size of the multifamily finance market in 2015 and the revised 2015 Conservatorship Scorecard.

Beginning with their actual 2014 loan production totals and continuing in 2015, FHFA expects both Enterprises to have substantially equivalent total multifamily loan volumes for each year of the three-year goals period, with their combined volume representing between one-third to 40 percent of the estimated new origination market size during those years. Given the significant expansion of the multifamily market in 2015, the final rule revises the proposed benchmark level for the multifamily low-income goal by setting the same annual level for each Enterprise at 300,000 low-income units for each year of the three-year goals period. The fact that both Enterprises exceeded 250,000 low-income units in each of the past three years, when they had considerably lower annual loan origination volume than in 2015, demonstrates that the low-income goal of 300,000 units is achievable, given the larger size of the current market.

The final rule also revises the proposed benchmark level for the multifamily very low-income goal by setting both Fannie Mae's and Freddie Mac's goals at 60,000 units for each year of the three-year goals period. Fannie Mae's performance was above the

[43] ''America's Rental Housing Markets: Evolving Markets and Needs,'' Harvard Joint Center for Housing Studies (December 2013).

[44] *Ibid.*

60,000 unit level in 2014, and Freddie Mac's performance fell below the 60,000 unit level in 2014. Nonetheless, in light of the significant expansion of the multifamily financing market in 2015 and the revised 2015 Conservatorship Scorecard, FHFA believes that the very low-income goals in the final rule are achievable.

However, in light of the declining number of qualifying affordable low-income units available to finance in the current rental market due to the market forces discussed in previous sections, FHFA expects both Enterprises will require increasing efforts to meet the low-income unit goal during the three-year goals period as compared to previous years. Those efforts will likely include adjustments to existing loan products, expanded specialized lender networks, and increased marketing efforts. FHFA does not expect either Enterprise to engage in any transaction that does not involve a reasonable rate of return. A reasonable rate of return on mortgages for properties with rents affordable to very low- and low-income families may be less than the return earned on other activities, in order to meet the goals. FHFA will take market conditions and other appropriate factors into account in assessing Enterprise performance on the multifamily goals. FHFA could also adjust the levels of the multifamily goals in future years if necessary.

Comments on Proposed Rule

FHFA specifically requested comment in the proposed rule on whether the benchmark levels would be achievable and appropriate for the Enterprises. A number of commenters stated that the benchmark levels should be set at higher levels than proposed. Commenters noted that while the Enterprises' role in the multifamily mortgage market is expected to be maintained or possibly decrease over the coming years as private capital becomes increasingly prevalent, the overall market is expected to continue to grow. A comment from policy advocacy groups stated that, even if the overall volume of Enterprise multifamily mortgage purchases declines, the number of affordable units they support should remain higher than proposed. The comment stated that increased market competition has come from life insurance companies that tend to invest in properties geared toward higher income earners. The comment also noted that both Enterprises easily exceeded both multifamily goals over the past several years. A trade association commenter recommended that the proposed benchmark levels be increased to encourage the Enterprises to expand their relationships with housing finance agencies, noting that the Enterprises have been strong partners in supporting housing finance agencies in the development and rehabilitation of affordable rental properties. Several commenters stated that there is a severe shortage of affordable rental housing and that both Enterprises could do more to support such housing. The commenters, thus, encouraged FHFA to set ''stretch'' benchmark levels as an incentive to the Enterprises to increase their affordable mortgage purchase volumes.

Another trade association commenter stated that in setting the benchmark levels, FHFA should consider market trends such as increased competition from the private market, as well as the interplay with regulatory directives such as the portfolio dollar volume limits for the Enterprises under conservatorship and FHFA's proposed rule on the Enterprise duty to serve underserved markets. The commenter stated that the housing goals should be aligned with the priorities set by FHFA for the Enterprises in conservatorship, whether in the Conservatorship Scorecard or through other means. The commenter recommended that FHFA monitor multifamily market conditions closely to determine whether any of the multifamily goals should be adjusted.

Fannie Mae commented that it was committed to meeting the benchmark levels in the proposed rule, but stated that the multifamily mortgage market has changed and will continue to change, including a decline in the Enterprises' multifamily mortgage market share and an overall trend of increased competition from the private sector. Fannie Mae also stated that while there have been recent increases in the volume of multifamily building permits and housing starts, very little of this new construction is targeting class B and C properties, which in general are older and smaller properties with fewer amenities and which generally provide more affordable units than class A properties. Fannie Mae provided data showing that class B and C properties made up 65 percent of all multifamily properties in 2000, but dropped to 58 percent by 2013. Fannie Mae stated that the market changes will make the proposed benchmark levels difficult to meet, and in the absence of a retrospective market measure for the multifamily goals, indicated that it may request that FHFA reduce the benchmark levels if circumstances warrant in the future.

FHFA also specifically requested comment in the proposed rule on whether the goals should be set at different levels for each Enterprise or if the levels should be the same. Several trade association commenters stated that the benchmark levels of both Enterprises should be the same, while others supported the proposal to raise Freddie Mac's goals levels, which have lagged behind Fannie Mae's goals levels for many years. A trade association commenter recommended that over time, both Enterprises should be subject to the same benchmark levels.

Freddie Mac commented that it welcomes the challenge of gradually increasing its multifamily loan purchases from 2015–2017, but stated that the historical difference in the volume of multifamily business at each Enterprise warrants maintaining the difference in the goal levels between the two Enterprises. Freddie Mac stated that every loan it finances supports affordable rental housing, and historically, approximately 90 percent of the total financing it provides in any given year supports moderate-income households, defined as households with incomes at or below 100 percent of area median income.

A comment from policy advocacy groups suggested that FHFA revisit pre-conservatorship initiatives such as those providing lines of credit to mission-based entities that build or preserve affordable housing. The comment also recommended that FHFA consider providing bonus goals credit for Enterprise purchases of mortgages financing multifamily properties located outside of areas with high concentrations of minority and low-income residents. The comment stated that housing located in communities with better schools, transportation, and employment potential can lead to significant improvements in resident outcomes.

FHFA Response

FHFA has taken into consideration the views of the commenters and has adjusted the goals in the final rule consistent with the expanded size of the market, the revised 2015 Conservatorship Scorecard and to reinforce FHFA's emphasis on providing financing for affordable rental housing. However, there is currently no shortage of private capital serving multifamily lending beyond the Enterprises' established market share, nor does FHFA expect there to be any shortage during the new three-year goals period, including from depository institutions. Mortgage Bankers Association data show the Enterprises' market share falling from over 60 percent during the height of the

recession in 2009, to approximately one-third in 2014, or close to historical norms, with increased volumes in 2015. The Enterprises fulfilled their countercyclical function when most lenders withdrew from the market in 2008 and 2009 and remained the market leaders until commercial mortgage markets stabilized over the past several years. Furthermore, setting goals for the Enterprises that are too high could be disruptive to the multifamily mortgage market by compelling them to compete for lending business already adequately served by private capital sources and potentially making the multifamily mortgage industry more dependent on the Enterprises than is necessary.

FHFA has also concluded that, at this point in the growth of the Enterprises' multifamily businesses, the low-income housing goals should not be set at different levels for each Enterprise for the three-year goals period, because each Enterprise is expected to produce substantially the same loan volumes and unit counts and to have the same share of the multifamily market for mortgage purchases. The final rule sets the low-income goals at the same level for both Enterprises, based in part on FHFA's expectation that the Enterprises combined will comprise one-third to 40 percent of the estimated multifamily market for mortgage purchases for the three-year goals period.

Similarly, the final rule sets the very low-income goals at the same level for both Enterprises, under the assumption that the Enterprises will have similar shares of very low-income units and, thus, should have the same goal levels.

The policy advocacy groups' suggestion to re-establish lines of credit is not addressed in the final rule because that issue is beyond the scope of this specific rulemaking.

Regarding the recommendation on financing properties in certain geographic areas, FHFA will monitor the geographic distribution of the financing provided by the Enterprises to such properties.

As further discussed below, the final rule also changes several definitions to ensure that any rental unit claimed as goals-eligible is, in fact, a unit with affordable rents. These changes are expected, however, to have only a limited impact on the ability of the Enterprises to meet the 2015–2017 multifamily housing goals because they make up only a small percentage of very low- and low-income units financed by the Enterprises.

VIII. New Low-Income Housing Subgoal for Small Multifamily Properties

A. Small Multifamily Housing Subgoal Benchmark Levels in Final Rule—§ 1282.13(d)

The Enterprises have played a relatively limited role in supporting financing for small multifamily properties with 5 to 50 units. The proposed rule included establishment of a new subgoal for Enterprise purchases of mortgages on small multifamily properties with units affordable to low-income families. Based on FHFA's consideration of each of the applicable statutory factors, as well as the comments received on the proposed subgoal, § 1282.13(d) of the final rule establishes a new subgoal for Enterprise purchases of mortgages on small multifamily properties for low-income families. For both Fannie Mae and Freddie Mac, the benchmark levels in the final rule for this subgoal are 6,000 low-income units for 2015; 8,000 such units for 2016; and 10,000 such units for 2017. The benchmark levels in the final rule are generally lower than the levels in the proposed rule for Freddie Mac and substantially lower for Fannie Mae. Recent surveys indicate that there is currently ample liquidity available to small property owners, mainly through local banks and thrifts.[45] Increasing the small multifamily goals to the levels in the proposed rule risks the Enterprises ''crowding out'' smaller lenders. Nonetheless, market conditions can change and both Enterprises must have the capability to serve the small multifamily market during stressed market conditions. The small multifamily goals are modest, but are intended to keep the Enterprises active in this market segment. Consistent with the proposed rule, the final rule defines ''small multifamily property'' as a property with 5 to 50 units.[46] The new small multifamily properties subgoal will provide an additional incentive for the Enterprises to support these properties, which are an important source of affordable rental housing.

The applicable statutory factors, comments received, and analysis supporting these benchmark levels are discussed below.

B. Factors Considered in Setting the Small Multifamily Housing Subgoal Benchmark Levels

The Safety and Soundness Act provides that the Enterprises must report to FHFA on their purchases of mortgages on small multifamily properties with units affordable to low-income families, which may be defined as multifamily properties with 5 to 50 units (as such numbers may be adjusted by FHFA), or as mortgages of up to $5 million (as such amount may be adjusted by FHFA).[47] These purchases (based on units) are included in the quarterly and annual activities reports published by the Enterprises. The Safety and Soundness Act further provides that FHFA may, by regulation, establish additional requirements related to such units.[48] The statutory language, thus, provides FHFA with discretion to define small multifamily properties as those containing 5 to 50 units and to include in the rule a low-income families subgoal for small multifamily properties. FHFA has not established a subgoal for affordable small multifamily properties in previous rules.

The Safety and Soundness Act requires FHFA to consider the same six factors in setting a low-income housing subgoal for small multifamily properties as are considered in setting the multifamily low-income and very low-income housing goals:

1. National multifamily mortgage credit needs;
2. Past performance of the Enterprises;
3. Multifamily mortgage market size;
4. Ability to lead the market;
5. Availability of public subsidies; and
6. The need to maintain the sound financial condition of the Enterprises.[49]

FHFA has considered each of these six factors in setting the benchmark levels for the low-income housing subgoal for small multifamily properties, as further discussed below.

C. Analysis of Considerations in Setting the Small Multifamily Housing Subgoal Benchmark Levels

1. Size of the Small Multifamily Mortgage Market (Factor 3)

Limited data is available on the overall size of the market for mortgages on small multifamily properties. Market data is generally reported based on loan balances rather than by property size, which necessitates using loan balances

[45] ''What Community Banks Are Saying—A Review of Four Community Banks' Small Multifamily Lending Programs,'' Community Developments Investments (May 2015), Office of the Comptroller of the Currency: *http://www2.occ.gov/publications/publications-by-type/other-publications-reports/cdi-newsletter/small-multifamily-rental-spring-2015/small-multifamily-rental-ezine-article-5-community.html.*

[46] The final rule also makes a number of conforming changes throughout part 1282 to reflect the addition of this new small multifamily subgoal.

[47] 12 U.S.C. 4563(a)(3).

[48] *Id.*

[49] 12 U.S.C. 4563(a)(4).

to estimate the size of the market for smaller properties with 5 to 50 units. Although using loan balances between $1 million and $3 million will include some smaller balance loans on larger properties and will exclude some larger loans on smaller properties, it can provide a reasonable estimate of the size of the mortgage market for properties with 5 to 50 units.

According to data from the Mortgage Bankers Association, the volume of multifamily loans with balances from $1 million to $3 million originated in 2006 and 2007 was just over $34 billion each year. These volumes declined significantly in 2008 through 2010, to as low as $8 billion in 2009, but have increased steadily since 2010, reaching $34 billion again in 2012, representing almost 25 percent of all multifamily loans by loan volume originated in 2012.

These trends in origination volumes have followed a similar pattern to those for the overall multifamily mortgage market, where volumes increased starting in 2014 and are expected to continue to increase through 2017 for both the overall market and for the segment consisting of loans with balances between $1 million and $3 million.

2. National Multifamily Mortgage Credit Needs (Factor 1)

Small multifamily properties have different operating and ownership characteristics than larger properties and as a result have different financing needs.[50] Small multifamily properties are more likely to be owned by an individual or small investor and less likely to be managed by a third party property management firm. As a result, these properties are more likely to have informal documentation of the property's financial and other operating records, which can make it more difficult for property owners to obtain financing from some sources, including from the Enterprises.

Small multifamily properties also are often older than larger properties, have fewer, if any, amenities, and tend to have more affordable rents. As a result, small multifamily properties are likely to generate less revenue per unit than larger properties and support less leverage. While these factors make small multifamily properties an important source of affordable rental housing, they can also make financing more difficult to obtain. However, FHFA does not have any data showing that small multifamily property owners' financing needs are not currently being met or that there are liquidity gaps in this segment of the market.

3. Past Performance of Enterprises (Factor 2)

The Enterprises have played a relatively limited role in supporting financing for small multifamily properties, a role that is significantly smaller than their role in the multifamily market overall. In fact, small multifamily properties accounted for less than three percent of the total multifamily units financed by Fannie Mae in 2013, and less than one percent of the total multifamily units financed by Freddie Mac, even though the total small multifamily market comprises approximately 25 percent to one-third of the overall multifamily market.

While it appears that, currently, the small multifamily property finance sector has ample liquidity, primarily from community and larger banks, and that property owners' financing needs are largely being met, the Enterprises' loan products provide borrowers the option of longer, fixed rate loan terms and lower financing costs than other sources of financing, which are important features to some small property owners. Fixed rate financing provides borrowers with a predictable monthly mortgage payment for a longer period, as compared to alternatives such as adjustable rate mortgages or short-term loans with balloon payments, and can lock in lower, predictable mortgage costs that may result in less pressure to raise rents for low-income tenants.

Fannie Mae's purchases of mortgages financing low-income units in small multifamily properties were significantly greater in the years before the mortgage crisis than in subsequent years. Fannie Mae financed at least 40,000 low-income units in small multifamily properties each year between 2006 and 2008, peaking at 59,015 units in 2007, with much of this volume generated through loan pool purchases. Fannie Mae financed 12,552 low-income units in small multifamily properties in 2010, 13,480 such units in 2011, 16,801 such units in 2012, 13,827 such units in 2013, but only 6,732 such units in 2014.

Freddie Mac has played a much smaller role than Fannie Mae in this market, financing 459 low-income units in small multifamily properties in 2010, 691 such units in 2011, 829 such units in 2012, 1,128 such units in 2013, and 2,076 such units in 2014. Table 9 shows the number of low-income units in small multifamily properties financed by mortgages purchased by the Enterprises in 2006–2014.

TABLE 9—ENTERPRISE FUNDING OF LOW-INCOME UNITS IN SMALL MULTIFAMILY PROPERTIES, 2006–14

["Small multifamily properties" are those with 5–50 units]

Year	Fannie Mae			Freddie Mac		
	LI Units	Total units	Low-income (%)	LI Units	Total units	Low-income (%)
2014	6,732	11,880	56.7%	2,076	4,659	44.6%
2013	13,827	21,764	63.5%	1,128	2,375	47.5%
2012	16,801	26,479	63.5%	829	2,194	37.8%
2011	13,480	22,382	60.2%	691	2,173	31.8%
2010	12,552	20,810	60.3%	459	1,978	23.2%
2009	13,466	21,934	61.4%	528	1,619	32.6%
2008	43,782	82,706	52.9%	1,879	3,391	55.4%
2007	59,015	111,221	53.1%	2,147	3,522	61.0%
2006	40,631	60,174	67.5%	773	1,467	52.7%

Source: Funding as reported by the Enterprises for 2014; as calculated by FHFA for 2006–13."Low-income" refers to units affordable to renters with incomes no greater than 80 percent of Area Median Income (AMI), based on rental proxy.

Note: Figures do not include units financed by the purchase of commercial mortgage-backed securities (CMBS).

[50] U.S. Census Bureau, "2011 American Community Survey."

4. Ability of the Enterprises To Lead the Market in Making Small Multifamily Mortgage Credit Available (Factor 4)

In setting the benchmark level for the low-income housing subgoal for small multifamily properties, FHFA considered the ability of the Enterprises to lead the market in making mortgage credit available. As discussed above, the Enterprises have played a smaller role in the small multifamily property mortgage market than in the overall market. The low-income housing subgoal for small multifamily properties will encourage the Enterprises to increase their participation in this market segment. It will also assure that the Enterprises and their lenders maintain an ongoing presence in the small multifamily property mortgage market so their role could be increased if there is a future financial crisis and other participating lenders withdraw from the market. FHFA will continue to assess the impact of Enterprise participation in the small multifamily property mortgage market and could adjust the benchmark levels for this subgoal as necessary.

5. Availability of Public Subsidies (Factor 5)

According to Rental Housing Finance Survey data, the availability of public subsidies for small multifamily properties is primarily through Section 8 rental assistance vouchers, although the data also show that small multifamily properties are less likely to contain subsidized rental units than larger multifamily properties.[51] As discussed above, this is at least in part due to the fact that market rents in small multifamily properties are more likely to be affordable to low- and moderate-income families without needing to use rental subsidies.

6. Need To Maintain Sound Financial Condition of the Enterprises (Factor 6)

In setting the benchmark level for the low-income housing subgoal for small multifamily properties, FHFA also considered the importance of maintaining the Enterprises in sound and solvent financial condition. The delinquency rates for Fannie Mae's overall multifamily loan purchases are very low, as are the delinquency rates for the subset of those loans financing small properties. There is less data available on the performance of loans on small multifamily properties held by banks and thrifts, since detailed reporting data is not available or is combined with reporting on other income-producing properties. However, there is no evidence to suggest that increasing the Enterprises' purchases of loans on small multifamily properties will affect the Enterprises' financial conditions or negatively impact the performance of their loan portfolios as long as prudent underwriting judgments about such loans continue to be made.

FHFA will continue to monitor the activities of the Enterprises, both in FHFA's capacities as safety and soundness regulator and as conservator. If necessary, FHFA could make appropriate changes in the benchmark levels for this subgoal to ensure their continued safety and soundness.

Analysis

The primary benefit of increased purchases of loans on small multifamily properties by the Enterprises is to provide borrowers the opportunity to obtain longer-term, fixed rate financing at relatively low interest rates. Owners of small multifamily properties are more likely to have an adjustable rate mortgage or short-term loans with balloon payments than are owners of large properties.[52] Adjustable rate mortgages usually have terms ranging from 1 to 5 years, with frequent rate adjustments based on changes to the LIBOR index, while balloon mortgages must be paid off or refinanced after a specific time period, often after five years. Further, during periods of financial instability, small property owners may be left with few, if any, sources of mortgage credit. By further addressing this financing need, the Enterprises would bring to small multifamily property owners the same benefits they provide to large multifamily property owners: Lower fixed interest rates, longer loan terms, and continued liquidity during periods of financial instability.

In setting the benchmark levels for the small multifamily property subgoal, FHFA considered the limited role the Enterprises have played in this market and the challenges of financing small multifamily properties, including a lack of standardization in this asset class, which can make the credit risk of small loans more difficult and time-consuming to assess. The mortgage origination process can be more costly, and it may be difficult to include small loans in securitizations for sale to investors. While small multifamily properties tend to have more affordable rents than larger properties, it is less profitable for the Enterprises' lenders to originate and service small loans. As a result, many small property lenders are banks that maintain a retail presence in the communities where properties are located and that can originate small loans for portfolio without securitizing them.[53]

The challenges of supporting mortgage lending for small multifamily properties are even greater for properties with 24 or fewer units than for properties with 25 to 50 units. While the subgoal includes all properties with 5 to 50 units, FHFA expects that most Enterprise purchases of mortgages on small multifamily properties will be for properties with 25 to 50 units. The 2012 Rental Housing Finance Survey provides information on the characteristics of multifamily properties that have 5 to 24 units and properties that have 25 to 49 units.[54] Multifamily properties with 25 to 49 units, unlike 5 to 24 unit properties, have operating characteristics that are similar to those of 50+ unit properties. For example, 25 to 49 unit properties and 50+ unit properties are more likely to be operated by a third party property management firm, have a mortgage, and be newer than 5 to 24 unit properties. The Enterprises should be able to provide additional liquidity to the 25 to 50 unit properties in light of the similarities of this property group to larger multifamily properties. In fact, data provided by Fannie Mae show that about 73 percent of all small multifamily units it financed in 2013 were in 25 to 50 unit properties.

For both Fannie Mae and Freddie Mac, the benchmark levels in the final rule for this subgoal are 6,000 low-income units for 2015, 8,000 such units for 2016, and 10,000 such units for 2017. These benchmark levels are generally lower than the levels in the proposed rule for Freddie Mac and substantially lower than the proposed benchmark levels for Fannie Mae.

By setting relatively low benchmark levels initially in the final rule, FHFA will have an opportunity to assess the impact of the new subgoal. For example, if there is unmet demand for alternative lending products, it is possible that

[51] ''Rental Housing Finance Survey,'' Table 3 (March 27, 2013), *http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2013/HUDNo.13-035.*

[52] ''Rental Housing Finance Survey,'' Tables 2b, 2c, 2d and 3 (March 27, 2013), *http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2013/HUDNo.13-035.*

[53] *See* Fannie Mae, ''Fannie Mae's Role in the Small Multifamily Loan Market'' (First Quarter 2011), *https://www.fanniemae.com/content/fact_sheet/wpmfloanmkt.pdf.*

[54] ''Rental Housing Finance Survey'' (2012), *http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2013/HUDNo.13-035. Although the Rental Housing Finance Survey data do not match FHFA's definition of small multifamily properties precisely (the data use 5 to 49 units instead of 5 to 50 units), the difference is not material.*

additional support from the Enterprises could result in a wider array of long-term, fixed rate financing options for small multifamily property borrowers, with better mortgage terms (such as 10-year fixed rate loans) and lower financing costs than other sources of financing. These savings would lock in lower borrowing expenses for a multi-year period and may result in lower and more stable rents for low-income tenants. On the other hand, if the current market for lending to small multifamily properties is providing adequate long-term, fixed rate financing options for small multifamily property owners and investors, it is possible that the Enterprises would simply be competing on the same terms with existing sources of liquidity for small multifamily properties.

In addition, the Enterprises will be poised to quickly expand their financing activities in the event of a future financial crisis and a withdrawal from this market by other lending sources, such as commercial banks. Without having already established an ongoing market presence in this segment, including engaging the Enterprises' lender base in offering this financing, the Enterprises' programs would be unable to expand quickly when needed.

Comments on Proposed Rule

Most commenters on the proposed new small multifamily subgoal supported establishment of the subgoal. A trade association commenter noted that small multifamily properties play a key role in efforts to provide affordable housing in rural and other less densely populated areas, but that it is often difficult for developers to secure financing for such properties. Comments from a trade association and from policy advocacy groups urged FHFA to monitor developments in the small multifamily market and consider increasing the benchmark levels if market dynamics and the Enterprises' activities and capabilities justify such an increase. The commenters stated that the new subgoal will push the Enterprises to further innovate their approaches to the small multifamily market. The trade association commenter stated that the new subgoal would be an important step toward improving access to affordable, fixed rate financing, which the commenter stated is an urgent need for small multifamily units. Freddie Mac also supported establishment of the subgoal.

A trade association commenter stated that the proposed benchmark levels for the subgoal are high relative to the recent activity of the Enterprises in the small multifamily property market and other capital sources active in the market. The commenter cautioned that if the benchmark levels pressure the Enterprises to be overly aggressive in competing in the small multifamily market, it could result in a shift toward greater government-sponsored financing in this market, rather than promoting liquidity in other markets with substantial scarcity of capital.

A number of commenters suggested that the benchmark levels should increase more gradually from year to year. A trade association commenter noted that the Enterprises, especially Freddie Mac, may need more time to ramp up their small multifamily mortgage programs and that FHFA should consider this in setting the benchmark levels.

Another trade association commenter recommended increasing the proposed benchmark levels in order to promote readily available, consistently-priced, long-term credit. The commenter noted that the proposed levels are a relatively small percentage of the Enterprises' total low-income units. The commenter cited the lack of a functioning secondary market for 5 to 50 unit properties and that nearly three-fourths of small rental properties are affordable to very low-income households without government assistance.

A comment from an academic stated that more research is needed before FHFA makes a decision on establishing a small multifamily low-income subgoal. The comment noted that mortgages on small multifamily properties have significantly higher origination costs compared to large properties, since fixed origination costs are spread over fewer units. The comment stated that it is more efficient for the Enterprises to finance large properties than small properties.

Fannie Mae recommended that FHFA either delay implementation of the small multifamily subgoal to conduct further inquiry and analysis or significantly reduce the proposed benchmark level. Fannie Mae stated that existing data and information are insufficient to establish appropriate benchmark levels. Fannie Mae stated that it has been a leader in financing 5 to 50 unit small properties, notwithstanding the challenges inherent in such financings. Fannie Mae noted, however, that given the challenges with the data, it is difficult for it to fully evaluate the proposed subgoal benchmark levels, stating that the proposed level of 20,000 units for 2015 is likely to be 40 to 50 percent higher than Fannie Mae's own projections for 2015 based on current production.

Fannie Mae commented that it did not believe it would be able to meet the proposed benchmark levels solely through its Delegated Underwriting and Servicing (DUS) flow business. In addition, Fannie Mae stated that it is unclear whether the proposed benchmark levels could be met without re-entering the pools purchase business, which involves acquisition of an aggregation of seasoned permanent mortgages on multifamily rental properties from another lender. Fannie Mae stated that it made such pool acquisitions most recently in 2006–2008, but has not engaged in these transactions since then.

A trade association commenter expressed concerns over the impact of more Enterprise competition in the small multifamily market on smaller lenders. The commenter stated that small lenders may not be able to compete on price given the lower borrowing costs for the Enterprises. In addition, the Enterprises only make non-recourse loans, while small lenders almost always require recourse.

FHFA Response

Regardless of the level of support for this market segment from the secondary market, FHFA does not have any recent evidence of illiquidity or a lack of financing availability in the small multifamily property segment. Further, in spite of the limited empirical data that is currently available about the small multifamily property market, FHFA has determined that the data is sufficient for it to assess the statutory factors used to determine the benchmark levels and has set the benchmark levels in the final rule primarily based on the Enterprises' past and current histories of serving this market segment.

FHFA realizes that both Enterprises, and especially Freddie Mac, have limited experience in purchasing loans on small multifamily properties. The final rule establishes lower benchmark levels for Fannie Mae than the levels in the proposed rule due to the significant drop in small multifamily units Fannie Mae financed in 2014 compared to the levels it financed over previous years, and due to an apparent abundance of capital sources serving this segment of the multifamily market. These final lower benchmark levels should be achievable by Fannie Mae without needing to re-enter the pool purchase business. Consistent with the other multifamily benchmark levels set in this final rule, since Fannie Mae and Freddie Mac are expected to have the same loan volume during the three-year goals period, Fannie Mae will be expected to

purchase the same volume of loans on small multifamily properties as does Freddie Mac, with both Enterprises being held to the same benchmark levels during that time.

The benchmark levels for Freddie Mac in the final rule are modest in volume due to Freddie Mac's limited experience in purchasing loans on small multifamily properties, but increase each year of the three-year goals period commensurate with Freddie Mac's projected increase in loan volume to this market segment.

As discussed above, while it appears that currently the small multifamily property finance sector has ample liquidity, primarily from community and larger banks, and that small multifamily property owners' financing needs are largely being met, the Enterprises' loan products could provide small multifamily property borrowers the option of longer, fixed rate loan terms and lower financing costs than other sources of financing.

FHFA also believes that,_ in light of the subgoal's relatively low benchmark levels in the final rule, the Enterprises will not take significant business away from local banks and thrifts.

A trade association commenter cited challenges facing implementation of a small multifamily mortgage program. Another trade association commenter noted high costs and credit risks of small multifamily lending. Comments from policy advocacy groups and a mission-oriented housing developer noted some of the risks of small multifamily lending including: Disparate borrowers; lack of standardization in underwriting, originating, and servicing, which makes financing more expensive and limits secondary market participation; and large fluctuations in property financial performance. Commenters recommended consideration of these factors in setting the benchmark levels and close monitoring by FHFA of the Enterprises' small multifamily mortgage purchases due to these challenges.

FHFA Response

FHFA has considered the factors pointed out by the commenters but believes that the Enterprises will be able to effectively manage the risks and any additional fixed costs associated with purchasing loans on small multifamily properties, and FHFA will closely monitor the Enterprises' participation in this market segment.

A trade association commenter expressed concern that the Enterprises would concentrate their loan purchases on 25 to 49 unit properties rather than the more numerous and more affordable 5 to 24 unit properties. The commenter noted that existing sources of liquidity for small multifamily properties, especially properties with fewer than 25 units, are not sufficient to meet the needs of the market and that the Enterprises could play a much larger role in supporting those segments of the market. The commenter stated that the Enterprises have not provided sufficient support for small multifamily properties, instead focusing on buildings with more than 50 units. The commenter noted that Fannie Mae has stated that nearly half of its small loan book of business is concentrated in just two MSAs, New York and Los Angeles and recommended that FHFA require the Enterprises to issue annual reports detailing the composition of the Enterprises' multifamily lending portfolios to show how the Enterprises are meeting the goals.

FHFA Response

As noted previously, no evidence has been presented of illiquidity or a lack of financing availability in the small multifamily property segment for properties with fewer than 25 units.

With respect to the proposed definition of ''small multifamily property,'' the Safety and Soundness Act provides FHFA with discretion to define ''small multifamily property'' either in terms of the number of units in the property or in terms of the size of the loan.[55] Both Enterprises commented that the proposed definition of 5–50 units is different from the definitions used and reported by the Enterprises for their respective small loan products, both of which are based on the unpaid principal balance of the loan. Fannie Mae noted that the Mortgage Bankers Association also uses loan balances. Freddie Mac recommended that FHFA define ''small multifamily property'' as either properties with 5 to 50 units or a loan balance of up to $5 million. Freddie Mac stated that this definition would be consistent with the Safety and Soundness Act language and would facilitate the use of more accurate data in market size estimations for purposes of evaluating the appropriate levels for the small multifamily housing subgoal.

FHFA Response

FHFA has decided in the final rule not to define ''small multifamily property'' using loan amount, because some larger multifamily properties with more than 50 units may obtain low-leverage financing, meaning the Enterprise loan is small but the property securing the loan is not. Including smaller loans on larger properties would tend to overstate the level of support that the Enterprises provide for small multifamily properties.

Modifications of Multifamily Mortgages

Freddie Mac also recommended that modifications of multifamily mortgages be treated as mortgage purchases for purposes of the housing goals. Freddie Mac stated that such modifications mitigate risk and the adverse impacts of foreclosure, thereby benefiting tenants by preventing disinvestment, maintaining building services, and helping avoid destabilizing the surrounding community.

FHFA Response

FHFA agrees that for troubled multifamily properties at risk of default, loan modifications, which may split a loan into supportable and cash flow only payments and/or reduce the loan interest rate, are effective means of avoiding foreclosure and the potentially negative effects on tenants and communities. Indeed, these risk mitigation tools are already in wide use by the Enterprises and are their primary tools to address, stabilize, and resolve troubled multifamily assets and avoid foreclosure and further losses. However, Freddie Mac did not offer any reasons why loan modifications should be counted the same as new loan acquisitions for purposes of providing housing goals credit. Because simply modifying an existing loan on an existing Enterprise-financed property that has already been counted towards the housing goals does not represent a new loan on a property that was not previously financed, FHFA has determined that there is no reason to provide housing goals credit for such loan modifications. Although FHFA counts income-eligible single-family HAMP modifications as refinancing mortgages for purposes of the single-family housing goals, it began doing so to encourage the Enterprises to engage fully in that program. The same rationale is not applicable to modifications of multifamily mortgages.

IX. Section-by-Section Analysis of Other Changes in Final Rule

The final rule also revises other provisions of the housing goals regulation, as discussed below.

A. Changes to Definitions—§ 1282.1

The final rule makes changes to definitions used in the current housing goals regulation, including: (1) Definitions related to rent and utilities; (2) the definition of ''dwelling unit;'' (3)

[55] *See* 12 U.S.C. 4563(a)(3).

technical definition changes; and (4) other changes to definitions. The changes are discussed below.

1. Definitions Related to Rent and Utilities

Rents are used to determine the affordability of a unit for purposes of counting under the housing goals. Consistent with the proposed rule, the final rule consolidates and simplifies several terms related to rents that are defined separately in the current regulation. Specifically, the final rule deletes the separate definitions of ''contract rent'' and ''utility allowance,'' with the substance of those definitions included in a revised definition of ''rent.''

''Rent'' is defined generally in the final rule as the actual rent, or the average rent by unit size, for a dwelling unit. The rent is to be determined by the Enterprises based on the total combined rent for all bedrooms in the dwelling unit including fees or charges for management and maintenance services and any included utility charges. Where the rent does not also include all utilities provided to the unit, then ''rent'' also includes either the actual cost of utilities not included in the rent or a utility allowance, which is further discussed below.

Comments on Proposed Rule

Two policy advocacy groups supported clarification of the definition of ''rent'' as proposed.

Freddie Mac recommended that the definition of ''rent'' be revised to delete the proposed requirement that rent reflect the total combined rent for all bedrooms in the dwelling unit because in certain circumstances, such as student housing, there is a separate lease for each room in a unit and the combined rent of each room may not be equal to the rent if all four bedrooms were rented out under one lease. This aspect of the definition of ''rent'' relates to the more general issue regarding the definition of ''dwelling unit,'' which is discussed in more detail below in the context of the definition of ''dwelling unit.''

FHFA Response

The final rule maintains the proposed requirement that rents for individual bedrooms in a dwelling unit be combined for purposes of determining the affordability of the dwelling unit in shared living arrangements. This requirement mirrors the revised definition of ''dwelling unit'' under the final rule, which generally does not permit individual bedrooms in a single living space to be treated as separate units for purposes of the housing goals.

Sources of Information for Determining Utility Allowances

The final rule expands the sources of information that may be used by an Enterprise for determining the utility allowance. Specifically, consistent with the proposed rule, the final rule allows an Enterprise to use the utility allowance established by a state or local housing finance agency that is used in determining the affordability of low-income housing tax credit (LIHTC) properties for the area where the property is located.

The current regulation requires the Enterprises to take into account the cost of utilities for rental units in determining affordability for purposes of the housing goals. The definition of ''rent'' provides that if the rent includes all utilities, the Enterprises must use that rent to determine affordability. If the rent does not include all utilities, then the Enterprises may use either: (a) Data on the actual cost of utilities paid by individual tenants but not included in the rent; or (b) a ''utility allowance.'' The current definition of ''utility allowance'' allows the use of either a nationwide average utility allowance provided by FHFA or the utility allowances issued by the U.S. Department of Housing and Urban Development (HUD), the Enterprises' former mission regulator, under the Section 8 Program for the area where the property is located. The expanded definition of ''utility allowance'' in the final rule will allow the Enterprises to use the same utility allowance data that is used in the administration of the LIHTC program and will facilitate alignment in determining affordability for such units.

Comments on Proposed Rule

A comment, signed by several members of Congress, stated that the proposed new source for calculating the utility allowance is acceptable and appropriate.

Freddie Mac recommended that the Enterprises also be permitted to use a fixed 8 percent of the rent as a proxy for utility costs. Freddie Mac stated that while the alternatives in the proposed rule for calculating utility allowances would more accurately reflect actual utility costs, it would be an administrative burden to implement. Freddie Mac also provided data on average operating expenses and utilities from the ''2013 Survey of Operating Income and Expense in Rental Apartment Communities.'' Based on that data, Freddie Mac suggested that the Enterprises be permitted to calculate the utility allowance as a fixed 8 percent of the rent.

FHFA Response

In order to provide additional flexibility in determining accurate rent levels that better reflect local and regional differences in utility costs, the final rule expands the permitted ways to determine the utility allowance as discussed above. The Enterprises will continue to have the option to use the nationwide average utility allowance provided by FHFA or the utility allowance established under the HUD Section 8 Program.

While the final rule does not adopt the alternative measure for determining utility allowances proposed by Freddie Mac, FHFA notes that the proposed and final rule language regarding the nationwide average utility allowances does not specify the sole method by which FHFA will determine such allowances. The current nationwide average utility allowances are fixed numbers based on data from the American Housing Survey, but the regulation is sufficiently broad to allow FHFA to adopt the measure proposed by Freddie Mac at a future date, without changing the regulation itself, if it chooses to do so.

Nationwide Average Utility Allowances

In the Notice accompanying the proposed rule, FHFA noted that it planned to issue updated figures for the nationwide average utility allowances as more recent American Housing Survey data becomes available. FHFA is providing updated figures to the Enterprises by letters, which will be posted on FHFA's Web site. These revised nationwide average utility allowances are based on the most recent American Housing Survey data available, as follows:

Type of property	Number of Bedrooms			
	Efficiency	1	2	3 or more
Multifamily	$50	$77	$110	$149
Single-family	$70	$111	$161	$219

Definition of ''Rental Unit''

Consistent with the proposed rule, the final rule streamlines the current regulation by deleting the term ''rental housing'' in § 1282.1, and replacing this term in § 1282.17 with the term ''rental units,'' the only other place in the regulation where the term ''rental housing'' appears.

Definition of ''Utilities''

Consistent with the proposed rule, the final rule revises the existing definition of ''utilities'' to expand the list of excluded services. The current regulation excludes charges for cable and telephone services from the definition of ''utilities.'' The revised definition also excludes all subscription-based television, telephone and internet services (regardless of whether provided by a cable provider or other provider).

2. Definition of ''Dwelling Unit''—Shared Living Arrangements

The final rule revises the current definition of ''dwelling unit'' by limiting the definition to include only units with plumbing and kitchen facilities. Section 1282.1 of the current regulation defines ''dwelling unit'' as ''a room or unified combination of rooms intended for use, in whole or in part, as a dwelling by one or more persons, and includes a dwelling unit in a single-family property, multifamily property, or other residential or mixed-use property.'' The proposed rule would have added a provision limiting the definition to units with complete plumbing and kitchen facilities. After considering the comments on the proposed change, the final rule adopts this limitation but omits the word ''complete,'' to ensure that FHFA retains flexibility, if necessary, to provide more specific guidance on specific classes of transactions in the future.

Limiting the definition of ''dwelling unit'' to units with plumbing and kitchen facilities is intended to address shared living arrangements where separate individuals rent separate bedrooms but share common areas and cooking and sanitary facilities. The final rule does this by providing that a unified combination of rooms will be treated as a single dwelling unit, regardless of whether there are individual leases for the separate bedrooms in the unit, if the rooms share plumbing and kitchen facilities. FHFA may provide additional guidance regarding whether particular types of housing should be counted as separate dwelling units despite the limitation added by this final rule.

Comments on Proposed Rule

One comment letter, signed by several members of Congress, supported the proposed change to the definition of ''dwelling unit,'' stating that it makes sense to count a unit as a single unit no matter how many bedrooms it has.

Fannie Mae agreed with the new definition but recommended that seniors housing units that lack a full kitchen (*e.g.,* kitchenettes) or have no cooking facilities in the units due to safety concerns, such as in seniors housing Alzheimer's units, be considered ''dwelling units'' for housing goals purposes.

Freddie Mac opposed the proposed revision to the definition of ''dwelling unit,'' stating that the change may restrict the availability of safe, affordable housing for seniors and students, and could impact single-room occupancy (SRO) living space. Freddie Mac noted that shared living arrangements represent an important segment of the affordable housing market and are often used by unrelated persons who live together due to a lack of affordable housing alternatives. Freddie Mac also noted that the availability of affordable housing for students is becoming increasingly important as the costs of higher education continue to rise. Freddie Mac recommended that a bedroom rented to a tenant pursuant to a separate and independent lease be counted as a separate dwelling unit for purposes of the housing goals. Freddie Mac also suggested alternative criteria that could be used to limit potential ''over-counting'' of individual rooms in a single dwelling: Whether there are separate and independent leases; whether a separate rent amount is identifiable and reported; and/or whether each bedroom has a separate entrance and lock.

FHFA Response

FHFA has decided to adopt the revised definition of ''dwelling unit'' as proposed, with one change as described above. Under the final rule, bedrooms sharing the same plumbing and kitchen facilities will be treated as a single dwelling unit for housing goals counting purposes. For example, four individuals living in a shared living arrangement with separate bedrooms but with shared bathrooms and kitchen would be considered a single dwelling unit with four bedrooms rather than four efficiency units. For purposes of determining affordability under the housing goals, the rent for the dwelling unit would be the aggregate of all rent payments made by all of the individuals residing in the dwelling unit, even if each individual who resides in a bedroom has entered into a separate lease agreement or if the bedrooms have separate locks.

This change will also clarify the appropriate calculation of rent for dwelling units in student housing or other shared living arrangements in a single dwelling unit. Potential over-counting of such shared units under the housing goals can occur when the rent for each bedroom is calculated as if it were a separate unit. Thus, four bedrooms renting for $500 each could be considered affordable for housing goals purposes if they were considered efficiency units, but may not be affordable if they were considered a single four-bedroom unit renting for $2,000. To avoid potential over-counting of the Enterprises' housing goals performance, FHFA has decided to adopt the revised definition as proposed, except that the final rule omits the word ''complete.''

FHFA recognizes that the Enterprises purchase mortgages secured by multifamily properties with a variety of different purposes and configurations. While the definition of ''dwelling unit'' will generally prevent an Enterprise from receiving credit under the housing goals for individual bedrooms that share the same plumbing and kitchen facilities, FHFA retains authority under § 1282.16(e) to determine how any class of transactions will be treated for purposes of the housing goals. FHFA may exercise this authority in the future to permit housing goals credit for particular types of housing, such as certain types of seniors housing or group housing for people with special needs, which may lack separate plumbing or kitchen facilities but that

otherwise meet the criteria to be considered a separate dwelling unit. FHFA will provide any such guidance to the Enterprises, and post such guidance on FHFA's public Web site, in writing in accordance with the procedures in § 1282.16(e).

3. Technical Definition Changes

Consistent with the proposed rule, the final rule makes a number of technical changes to the existing definitions in § 1282.1. Specifically, the final rule removes two definitions that are not used anywhere in the current regulation, other than the definitions themselves: ''HMDA'' and ''working day.'' The final rule also revises the definition of ''families in low-income areas'' to remove the reference to ''block numbering areas,'' which conforms the words used in the definition to the terminology currently used by the U.S. Census Bureau. In addition, the final rule revises the existing definition of ''HOEPA mortgage'' to reflect renumbering in the statute cited in the definition.

Comments on Proposed Rule

FHFA did not receive any comments on these technical revisions, and the final rule adopts the changes as proposed.

4. Other Changes to Definitions

Other definitional changes in § 1282.1 are discussed below in the corresponding section dealing with the substantive provisions to which the definitions relate. These changes include: (i) Deleting the definitions of ''mortgage with unacceptable terms or conditions'' and ''rental housing;'' and (ii) adding a definition for ''efficiency.'' The definition of ''small multifamily property'' was discussed above under the section on the new small multifamily property subgoal.

B. General Counting Requirements—§ 1282.15

The final rule revises a number of provisions related to counting single-family owner-occupied units and rental units under the housing goals. Some provisions are being revised or eliminated because they are no longer necessary based on the affordability information that is available to the Enterprises. Other provisions are being amended or added in order to provide greater clarity and to minimize cases where a unit may be treated as affordable when it is not in fact affordable.

1. Use of Area Median Income at Single-Family Mortgage Loan Origination Date

Consistent with the proposed rule, the final rule revises current § 1282.15(b)(1) to provide that, for purposes of determining whether single-family mortgage loan purchases may be counted under a housing goal, the income of the mortgagors shall be determined based on the area median income as of the date the mortgage loan was originated, rather than as of the date of the mortgage loan application.

The data that is reported to the Enterprises typically includes an origination date, which is used by the Enterprises for purposes of determining affordability. This change conforms the regulatory language to the existing practice of the Enterprises.

Comments on Proposed Rule

FHFA did not receive any comments on this change, and the final rule adopts the change as proposed.

2. Removal of Affordability Estimation Provision for Mortgages on Single-Family Owner-Occupied Units—§ 1282.15(b)

Consistent with the proposed rule, the final rule revises current § 1282.15(b) by removing the affordability estimation provisions in current paragraphs (b)(2) and (b)(3) for mortgages on single-family owner-occupied units where the borrower's income information is not available, and provides in § 1282.15(b)(2) that such mortgages may not be counted in the numerator but will still be included in the denominator for any of the housing goals.[56] This change in the treatment of single-family mortgages with missing borrower income information is similar to the treatment of HOEPA loans under § 1282.16(d) and will continue to provide an incentive for the Enterprises to maintain their high rate of income data collection.

The current regulation allows the Enterprises to estimate affordability for single-family owner-occupied mortgages by multiplying the number of mortgage purchases with missing borrower income information in each census tract by the percentage of all single-family owner-occupied mortgage originations in the respective tracts that would count toward achievement of each housing goal, as determined by FHFA based on the most recent HMDA data available. The current regulation further provides that the estimation methodology may be used up to a nationwide maximum calculated by multiplying, for each census tract, the percentage of all single-family owner-occupied mortgage originations with missing borrower incomes (as determined by FHFA based on the most recent HMDA data available for home purchase and refinancing mortgages, respectively) by the number of Enterprise mortgage purchases secured by single-family owner-occupied properties for each census tract, summed up over all census tracts.

Comments on Proposed Rule

A housing advocacy group commenter agreed that mortgages with missing income data should not be included in the numerator for housing goals counting purposes. The final rule adopts the change as proposed.

3. Determination of Affordability of Rental Units Based on Rents, Not Incomes—§ 1282.15(d)(1)

Consistent with the proposed rule, the final rule revises current § 1282.15(d) to provide that, in determining whether rental units count under the housing goals, the affordability of a unit shall be determined based solely on the rent for the unit.

The current regulation provides that the affordability of rental units is to be determined based on the tenant's actual income, if available, and based on rents if the tenant's income is not available. Because lenders generally do not collect income information on tenants, the Enterprises use rents in all cases (except for certain seniors housing units) to determine affordability for purposes of the housing goals. The revision in the final rule to use rents, thus, conforms the counting rule to the Enterprises' actual practices and recognizes the general unavailability of actual tenant income data. The revision also more closely aligns the regulation's language with section 1333(c) of the Safety and Soundness Act, which provides that FHFA shall evaluate the performance of the Enterprises under the multifamily housing goals ''based on whether the rent levels are affordable.'' [57]

Section 1333(c) provides that to be counted as an affordable rent for purposes of the housing goals, a unit's rent may not exceed 30 percent of the maximum income level of very low- or low-income families, adjusted for the number of bedrooms in a unit.[58] Section 1282.19 of the current regulation sets forth tables containing the applicable

[56] The denominator includes the Enterprise's total purchases of mortgages on owner-occupied single-family properties and is measured separately for home purchase mortgages and for refinancing mortgages. The numerator includes only those purchases of mortgages that actually meet the criteria for a particular housing goal.

[57] 12 U.S.C. 4563(c).

[58] *Id.*

affordable amounts for each of the income categories targeted under the housing goals, adjusted for the number of bedrooms in a unit.

Comments on Proposed Rule

FHFA did not receive any comments on this change, and the final rule adopts the change as proposed.

4. Reliance on Other Housing Program Affordability Restrictions for Determining Affordability of Rental Units—§ 1282.15(d)(2)

Consistent with the proposed rule, § 1282.15(d)(2) of the final rule adopts a new counting rule for rental units that are subject to affordability restrictions of local, state, or federal affordable housing programs, with a clarification regarding the applicable affordability restrictions. This provision is intended to ease the Enterprises' operational compliance requirements for determining affordability of units that are already required to be affordable under a separate governmental housing program.

The final rule permits an Enterprise to determine the affordability of rental units for housing goals purposes using the housing program's maximum permitted income level for a renter household or the maximum permitted rent for the units. Although affordability for a multifamily property is generally determined based solely on rent levels for each unit, the final rule permits rental units that are subject to affordability restrictions of local, state, or federal affordable housing programs to be counted assuming that the program restricts affordability based on tenant income or rent levels. The final rule clarifies that in order for a unit to be counted as affordable for purposes of the housing goals under a housing program with eligibility limits on income, the maximum income level for the unit under the program must be no greater than the maximum income level for the applicable family or unit size under each goal as set forth in § 1282.17 or § 1282.18, as appropriate. For a housing program with eligibility limits on rent, the maximum rent level for the unit under the program must be no greater than the maximum rent level for each goal, adjusted for unit size as set forth in § 1282.19.

If a property includes both units with affordability restrictions and units that are not restricted but that would nonetheless qualify as affordable, an Enterprise may only rely on the program restriction for purposes of determining affordability for the actual units that are restricted, with the affordability of the remainder of the units determined based on rent data.

An example of an applicable affordable housing program is the LIHTC program. LIHTC units restricted for occupancy by tenants with incomes at 50 percent of area median income and rents not exceeding 30 percent of tenant income, adjusted for bedroom count and household size, will receive credit toward the multifamily very low-income housing subgoal, and the Enterprises will not have to separately determine affordability for such units.

The Notice accompanying the proposed rule stated that the Enterprises must also confirm that the LIHTC or other monitoring entity that exercises compliance oversight over the property has determined that the units are in compliance with the program's affordability restrictions as to maximum tenant incomes or maximum permitted rents charged. FHFA expects the Enterprises to have appropriate procedures in place to ensure the accuracy and reliability of the information they report to FHFA regarding whether units meet the necessary criteria for counting under the housing goals. Therefore, the final rule does not include a specific requirement for the Enterprises to document compliance with the housing programs' affordability restrictions on maximum tenant incomes or rents. Confirming compliance with the affordability restrictions is a standard due diligence requirement imposed on lenders who are authorized to participate in the Enterprises' loan programs. In addition, LIHTC properties rarely go out of compliance with their affordability restrictions because of the potentially adverse tax consequences to investors. LIHTC properties are also subject to ongoing compliance monitoring by designated oversight agencies and other participants in the transaction.

Comments on Proposed Rule

Several housing advocacy groups, Fannie Mae and Freddie Mac supported the proposed new counting rule for properties with affordability restrictions on the basis that compliance with the restrictions is already monitored by a designated public agency and it would be redundant for the Enterprises to independently conduct such compliance monitoring themselves.

Fannie Mae recommended expanding the proposal to include limited equity cooperatives (where unit affordability is tied to limitations on the amount of equity shareholders may retain when they sell their cooperative shares) when the cooperative units are subject to rent and income restrictions that meet the affordability targets for low-income and very low-income families if the units are rented out. Fannie Mae noted that such properties are generally valued and the blanket loan is sized using unrestricted market rents. As a result, limited equity cooperatives that are subject to rent restrictions are generally not counted as affordable for housing goals purposes.

Freddie Mac recommended that the proposal be revised to allow an Enterprise to rely on a property owner's certification of compliance with the applicable income and rent restrictions, rather than having to obtain a certification from the housing program's monitoring entity. Freddie Mac stated that most housing programs that would qualify under the proposal rely on a property owner's certification of compliance.

A trade association commenter opposed the proposal, stating that it would undermine secondary market support for affordable housing by favoring financing of subsidized multifamily properties over affordable non-subsidized multifamily properties.

FHFA Response

Regarding counting rules for rental units in limited equity cooperatives, FHFA has determined that, because of the wide variance among cooperative bylaws that govern the types of rent and occupancy restrictions (if any) that may be imposed on cooperative owners who rent out their units, the counting rule described in this section will not apply to limited equity cooperatives. Instead, the Enterprises will follow the rule's requirements for determining the affordability of a particular cooperative unit's rent. If a limited equity cooperative's bylaws limit the rent and income of tenants who may occupy a cooperative unit at levels that would qualify for housing goals credit, then that can be recognized by the lender or the Enterprise when establishing the comparable rent for the unit, thereby receiving housing goals credit.

Regarding verification of compliance with regulatory agreements, as noted above, FHFA expects the Enterprises to have appropriate procedures in place to ensure the accuracy and reliability of the information they report to FHFA regarding whether units meet the necessary criteria for counting under the housing goals. FHFA agrees that certifications from property owners would be sufficient for purposes of verifying compliance with rent and income restrictions, but it is not necessary to include a specific provision regarding documentation in the regulation itself.

Regarding favoring financing for subsidized over affordable non-subsidized units, FHFA does not believe

that allowing the Enterprises to rely on the income and rent compliance determinations of other affordable housing programs would necessarily mean that the Enterprises would, therefore, decide to purchase more loans on properties subsidized by such programs rather than purchasing loans on properties with similarly affordable market rents. Furthermore, the number of subsidized units available to finance is limited by the availability of housing subsidies, whereas the number of affordable market rate units is only limited by market conditions.

5. Counting Unoccupied Units—§ 1282.15(d)(3)

Consistent with the proposed rule, the final rule consolidates the current provisions related to unoccupied units, including model units and rental offices, into a single provision located at § 1282.15(d)(3). As under the current rule, § 1282.15(d)(3) of the final rule provides that a unit in a multifamily property that is unoccupied because it is being used as a model unit or rental office may be counted for purposes of the multifamily housing goals and subgoals only if an Enterprise determines that the number of such units is reasonable and minimal considering the size of the multifamily property. The method for determining affordability for such units is found in the definition of ''contract rent'' under § 1282.1 of the current regulation.

Consistent with the current regulation, § 1282.15(d)(3) of the final rule also provides that anticipated rent for unoccupied units may be the market rent for similar units in the neighborhood as determined by the lender or appraiser for underwriting purposes.

Comments on Proposed Rule

FHFA did not receive any comments on the proposed changes, and the final rule adopts the changes as proposed.

6. Missing Bedroom Data for Rental Units—§ 1282.15(e)(1)

Consistent with the proposed rule, the final rule revises § 1282.15(e)(1) to provide that a rental unit for which the number of bedrooms is missing shall be considered an efficiency unit for purposes of calculating unit affordability. This provision is moved here from current § 1282.19(f) so that all provisions on missing information are included in the same section of the regulation, and as a result the final rule deletes the current § 1282.19(f). Consistent with the proposed rule, § 1282.1 of the final rule adds a definition for ''efficiency'' to mean a dwelling unit having no separate bedrooms or 0 bedrooms.

Under § 1282.15(d)(1), the affordability of a rental unit is calculated taking into account adjustment for the unit size under § 1282.19 based on the number of bedrooms in the unit. However, this adjustment is not possible when data on the number of bedrooms is unavailable. Because the Enterprise will have in fact purchased a mortgage secured by the rental unit, consistent with the current regulation, the final rule allows the unit to count towards the housing goals if it qualifies for the lowest-rent unit permitted to receive goals credit under the rule, *i.e.,* as an efficiency.

Comments on Proposed Rule

FHFA did not receive any comments on this change, and the final rule adopts the change as proposed.

7. Reduction in Cap on Estimating Affordability for Rental Units—§ 1282.15(e)(2)

Consistent with the proposed rule, the final rule revises current § 1282.15(e)(2) to reduce the cap for the number of rental units for which an Enterprise may estimate the rent from 10 percent to 5 percent of the total number of rental units in properties securing multifamily mortgages purchased by the Enterprise in the current year. The final rule does not adopt the proposal to count seniors housing units where additional services are included in the rent toward the 5 percent cap, so such units will continue to be excluded from the cap as under their current treatment. The purpose of lowering the estimation cap to 5 percent is to provide an incentive for the Enterprises to collect rent information for their multifamily mortgage purchases.

Under the current regulation, an Enterprise is permitted to use estimated rent for purposes of determining affordability of a rental unit where both income and rent information are unavailable. The current regulation allows the Enterprises to estimate affordability by multiplying the number of rental units with missing affordability information in each census tract by the percentage of all rental units in the respective tracts that would count toward achievement of each goal and subgoal, as determined by FHFA based on the most recent decennial census. The estimation methodology may currently be used up to a nationwide maximum of 10 percent of the total number of rental units in properties securing multifamily mortgages purchased by the Enterprise in the current year. Rental units in excess of this maximum percentage cap, and any units for which estimation information is not available, may not be counted for purposes of the multifamily housing goal and subgoal. The Enterprises have been permitted to estimate affordability for seniors housing units where additional services are included in the rent because of the difficulty of separating out the housing expenses from the non-housing related services in the rent amount, and those seniors housing units have been excluded from the maximum percentage cap.

As discussed above, under the final rule, the Enterprises will determine the affordability of rental units based on the rents, not on the income of the tenants. Missing rent data rates for multifamily mortgages purchased by the Enterprises are generally very low given the Enterprises' requirements for submission of underwriting and property level information from their lenders as of the date of mortgage acquisition. Historically, the Enterprises' affordability estimations have fallen below 5 percent for units subject to the rent estimation cap. In 2014, Fannie Mae estimated affordability for 5.5 percent of all rental units counted toward the multifamily low-income housing goal (3.8 percent of total acquisitions), but almost all of those units were either seniors housing units or in cooperative buildings and so were excluded from the rent estimation cap. Only 0.01 percent of Fannie Mae's total acquisitions in 2014 were missing data and subject to the rent estimation cap. Freddie Mac estimated affordability for 7.5 percent of rental units counted toward that goal in 2014 (5.6 percent of total acquisitions), but only 0.23 percent of its total acquisitions were subject to the rent estimation cap. In a change from the proposed rule, and consistent with current practice, FHFA has determined that seniors housing units where additional services are included in the rent should continue to be excluded from the affordability estimation cap because the purpose of the cap is to incentivize the Enterprises to obtain rent data but that data cannot be obtained for these seniors housing units because the housing and non-housing expenses are both included in a single rent payment. In addition, as discussed above, the final rule now permits the Enterprises to determine affordability based on the affordability restrictions imposed under other governmental housing programs, which will eliminate the need to estimate affordability in those cases and further lower the number of units counted towards the estimation cap.

In short, given the very few situations where estimation may be necessary, and the exclusion of seniors housing units with additional services included in the rent and subsidized properties with affordability restrictions from the estimation cap, lowering the cap to 5 percent is unlikely to have an impact on Enterprise performance under the multifamily goals as neither Enterprise is likely to exceed the cap. As a result, the final rule reduces the cap for the number of rental units for which an Enterprise may estimate the rent from 10 percent to 5 percent, as in the proposed rule.

Comments on Proposed Rule

Freddie Mac provided the only comment on this proposal. Freddie Mac recommended that the cap on estimating affordability for rental units remain at 10 percent. Freddie Mac stated that two of the other changes discussed in the proposed rule—counting seniors housing units with additional services included in the rent towards the cap and providing goals credit for Enterprise purchases of blanket loans on manufactured housing communities—would increase the number of rental units for which estimation is needed, making it more likely that an Enterprise might reach the cap.

FHFA Response

Separate from and prior to this rulemaking, FHFA has provided guidance to the Enterprises on the appropriate treatment under the housing goals for both seniors housing units and blanket loans on manufactured housing communities. As discussed in more detail in the appropriate section on each issue, the final rule does not make any change to the counting rules treatment for either seniors housing units or blanket loans on manufactured housing communities. As a result, neither seniors housing units nor blanket loans on manufactured housing communities will have any impact on the number of rental units for which estimation is needed.

8. Changes To Reflect U.S. Census Bureau Terminology—§ 1282.15(g)(2)

Consistent with the proposed rule, the final rule revises § 1282.15(g)(2) to eliminate outdated terminology used for purposes of determining split areas in which a dwelling unit is located in determining area median income for affordability determinations. Due to changes implemented by the U.S. Census Bureau, it is no longer necessary to include references to the ''block-group enumeration district,'' the ''nine-digit zip code,'' or other geographic divisions partially located in more than one area.

Comments on Proposed Rule

FHFA did not receive any comments on the proposed changes, and the final rule adopts the changes as proposed.

C. Determining Affordability for Blanket Loans on Cooperative Housing—§ 1282.16(c)(5)

The final rule revises § 1282.16(c)(5) to provide that the affordability of units securing a blanket loan on a cooperative property (*i.e.,* a loan that is secured by the entire property) must be determined solely on the basis of comparable market rents that were used by the lender or the Enterprise in underwriting the blanket loan (''underwriting rents''). In response to a comment from Freddie Mac, the final rule permits an Enterprise to use its own underwriting rents, a change from the proposed rule which would have only allowed use of the lender's underwriting rents. If the underwriting rents are not available for the blanket loan on a cooperative property, the units may not be counted towards the multifamily housing goals. Determining affordability for blanket loans on cooperative housing based on the rent estimation methodology will no longer be permitted. Share loans used by residents to finance the purchase of a cooperative unit remain eligible for credit under the single-family housing goals even if the Enterprise also holds a blanket loan on the same cooperative property that may be eligible for multifamily housing goals credit.

As discussed above, the final rule revises § 1282.15(d)(1) to require the Enterprises to use rent levels to determine the affordability of rental units. In the case of blanket loans on housing cooperatives, there is no rent data available because all units are owned by the cooperative in which each unit resident owns shares, which allows the shareholder to occupy one or more units in the property. Shareholders pay a monthly fee to cover expenses for common area upkeep and maintenance and to pay their pro rata share of any blanket loan payments. In 2013, blanket loans on cooperative housing accounted for 2.7 percent and 1.4 percent of multifamily mortgages purchased by Fannie Mae and Freddie Mac, respectively.

Because of the absence of rental data for cooperatives, the Enterprises have used the estimated rent methodology under § 1282.15(e) discussed above to determine whether units in cooperatives count towards the multifamily housing goals. Under § 1282.15(e), this methodology permitted the Enterprises to assume that the same percentage of low- and very low-income affordable rental units (by unit size) as are located in the census tract where the cooperative property is located are also present in the cooperative being financed. For example, if a cooperative property is in a census tract where multifamily properties average a certain percentage of low- and very low-income units, then the cooperative property is assumed to have the same percentage of low- and very low-income affordable units. In some geographic areas, particularly in certain parts of New York City, the rent estimation methodology may significantly overstate the number of low- and very low-income units that are eligible for goals credit in a specific cooperative property. This is because some census tracts in these geographic areas have great variations in unit rents due to the large number of subsidized, rent controlled, and rent stabilized units that are in close proximity to luxury market rate cooperative and rental properties. A luxury building in such a census tract could be determined under the rent estimation methodology to have low- and very low-income units that it does not actually have simply because the census tract has a significant number of such units. Due to these concerns, the final rule provides that the affordability of units in a cooperative property securing a blanket loan shall be determined solely on the basis of comparable rents used by the lender or the Enterprise in underwriting the blanket loan.

Comments on Proposed Rule

Several commenters supported the proposal to require that comparable rents rather than rent estimation be used to determine affordability of units in cooperative properties, although the reasons for their support were not articulated.

Fannie Mae supported the proposal, but also recommended that blanket loans on cooperative housing be permitted to count towards the housing goals if the property is a limited equity cooperative subject to rent restrictions. Fannie Mae stated that the affordability of such cooperative units should be based on the maximum permitted rent levels established under the rent restrictions for those units, as imposed by the cooperative's bylaws.

Freddie Mac opposed the proposal, recommending that the current rent estimation methodology be retained for determining affordability for blanket loans on cooperative housing. Freddie Mac stated that while it is possible that the use of the rent estimation

methodology might result in overstating the number of low- and very low-income units in certain census tracts where lower-income cooperatives are in close proximity to luxury market rate housing, it questioned whether there is any data indicating that such overstatement has actually occurred.

Freddie Mac stated that if the proposal is adopted in the final rule, the rule should clarify that it is permissible for Freddie Mac to use its own underwriting rents rather than the rents used by the lenders, for purposes of determining affordability. Freddie Mac stated that it does not rely on a delegated underwriting model and instead re-underwrites each multifamily loan that it purchases.

FHFA Response

Regarding counting rules for rental units in limited equity cooperatives, as discussed in a previous section, FHFA has determined that, because of the wide variance among limited equity cooperative bylaws with respect to the types of rent and occupancy restrictions (if any) that may be imposed on cooperative owners who rent out their units, the Enterprises should follow their standard practice of determining the affordability of a specific unit's rent in limited equity cooperatives.

As to retaining the current rent estimation methodology for cooperatives, FHFA disagrees with Freddie Mac's comments for the reasons stated previously in this section.

As to establishing the underwriting rents for cooperative units, FHFA agrees that relying on an Enterprise's own underwriting rents should be permissible and has adopted this option in the final rule.

D. Mortgages With Unacceptable Terms or Conditions—§ 1282.16(d)

Consistent with the proposed rule, the final rule revises § 1282.16(d), which prohibits the Enterprises from receiving housing goals credit for purchases of ''mortgages with unacceptable terms or conditions,'' by eliminating the reference to that term, and amends § 1282.1 by removing the definition of ''mortgage with unacceptable terms or conditions.'' The final rule maintains the current prohibition on receiving housing goals credit for purchases of HOEPA mortgages, defined as mortgages covered by section 103(bb) of the Home Ownership and Equity Protection Act (15 U.S.C. 1602(bb)), as implemented by the Bureau of Consumer Financial Protection (CFPB).

The regulation currently defines ''mortgages with unacceptable terms or conditions'' to include single-family mortgages with excessive interest rates or costs, mortgages with certain prepayment penalties, and mortgages with prepaid credit life insurance. ''Mortgages with unacceptable terms or conditions'' also include mortgages with terms contrary to banking regulator guidance on nontraditional and subprime lending and mortgages originated using practices that do not comply with fair lending requirements.

Under the current regulation, ''mortgages with unacceptable terms or conditions'' and ''HOEPA mortgages'' must be included in the denominator for purposes of the housing goals. However, such mortgages are excluded from counting in the numerator, regardless of whether the loans would otherwise qualify. This treatment was intended to create a disincentive to purchasing such mortgages, by effectively lowering the goals performance of an Enterprise. In practice, these provisions have not affected the housing goals performance of the Enterprises because the Enterprises have purchased very few such mortgages. For example, in 2014, Fannie Mae reported it purchased one mortgage that met the definition of ''mortgages with unacceptable terms or conditions.'' Freddie Mac did not purchase any such mortgages in 2014.

Comments on Proposed Rule

Several advocacy groups recommended that high-cost loans should count in both the numerator and denominator for a housing goal because some of these loans can provide access to credit for underserved households if properly underwritten and given CFPB protections. However, the commenters stated that FHFA should monitor these loans closely to ensure consumers are not being overcharged for mortgages.

A housing advocacy group commenter recommended continuing the prohibition on ''mortgages with unacceptable terms and conditions.'' The commenter stated that keeping the phrase ''mortgages with unacceptable terms and conditions'' in the regulation would give FHFA the flexibility to address any new abusive loan products entering the market.

FHFA Response

The final rule eliminates the provisions related to ''mortgages with unacceptable terms or conditions,'' consistent with the proposed rule. As a result of the Enterprises' own mortgage purchase eligibility criteria, the Enterprises purchase virtually no mortgages that would be considered ''mortgages with unacceptable terms and conditions'' under the current housing goals regulation. Accordingly, the prohibition on receiving housing goals credit for purchases of such mortgages is not necessary in the regulation text.

In addition, the housing goals are not the most effective regulatory tool available for FHFA to discourage purchases of predatory or otherwise unsuitable mortgages. FHFA has regulatory authority to directly prohibit purchases by the Enterprises of any types of mortgages it determines are unsuitable. For example, FHFA prohibits the purchase of HOEPA loans by the Enterprises. FHFA has also required the Enterprises to limit their mortgage purchases to those that meet Qualified Mortgage product characteristics under the regulations implementing the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). Qualified Mortgage product characteristics are those related to the loan product itself rather than to the borrowers and their debt-to-income ratio. As a result, the Enterprises are generally prohibited from purchasing interest-only or negatively amortizing loans, balloon loans, 40-year loans, or loans with points and fees greater than three percentage points or up to five percentage points for smaller loans. To the extent that FHFA identifies any types of mortgages that meet Qualified Mortgage product criteria yet are not suitable for the Enterprises or for borrowers, FHFA may restrict Enterprise purchases of such mortgages in the future.

Higher Rate Mortgages in FHFA's Measurement of the Market

FHFA's measurement of the single-family mortgage market, which is used to determine the retrospective market share for the single-family housing goals under § 1282.12(b), as well as to set the prospective benchmark levels for the goals, is intended to reflect the portion of the overall single-family market that is eligible for purchase by the Enterprises. FHFA currently excludes mortgages with rate spreads of 150 basis points or more above the applicable average prime offer rate (APOR) as reported in the Home Mortgage Disclosure Act data.

In the proposed rule, FHFA specifically requested comment on whether mortgages with rate spreads that exceed 150 basis points above APOR should continue to be excluded from FHFA's measurement of the market, or whether a higher rate spread threshold should be established.

Comments on Proposed Rule

A housing advocacy group commenter recommended that FHFA continue to exclude loans with rate spreads more than 150 basis points above APOR. A trade association commenter noted that because the Enterprises already purchase mortgages with rate spreads more than 150 basis points above APOR, such loans should be included in the market size calculation. The commenter also stated that loans with rate spreads more than 650 basis points above APOR, which is the HOEPA trigger level for high-cost loans, should not be included.

FHFA Response

The final rule does not make any change to the existing regulation, which excludes loans with rate spreads more than 150 basis points above APOR from the retrospective market measure for the single-family housing goals. FHFA used the same exclusion in determining the size of the market in its analysis supporting the prospective benchmark levels for the single-family housing goals. FHFA recognizes that some mortgages purchased by the Enterprises may have rate spreads that exceed 150 basis points above APOR while still meeting the Enterprises' established underwriting criteria. However, other loans with rate spreads more than 150 basis points above APOR may not meet Enterprise underwriting criteria. While excluding loans with rate spreads more than 150 basis points above APOR is not a perfect substitute for excluding loans that do not meet Enterprise underwriting criteria, FHFA has determined that it is a reasonable approximation given the limited data available under HMDA.

E. Housing Goals Guidance—§ 1282.16(e)

Consistent with the proposed rule, § 1282.16(e) of the final rule adds a new provision requiring FHFA to make available on FHFA's public Web site (*www.fhfa.gov)* any determinations issued under § 1282.16(e) regarding the appropriate treatment of particular transactions or classes of transactions under the housing goals.

This change is intended to ensure that both Enterprises and any other interested parties are aware of any guidance that FHFA provides to either Enterprise regarding the appropriate housing goals treatment of any transactions in which they may engage, regardless of whether or not those transactions are covered in the housing goals regulation. FHFA and HUD, the Enterprises' predecessor mission regulator, from time to time have issued guidance on particular issues. To promote clear and consistent treatment of all transactions engaged in by either Enterprise, FHFA will make guidance issued to the Enterprises available on FHFA's public Web site.

Comments on Proposed Rule

Fannie Mae commented that Enterprise requests for guidance from FHFA often include confidential Enterprise business information that is subject to limitations on public disclosure. Fannie Mae recommended that the proposal be revised to state explicitly that any confidential business information submitted by an Enterprise in connection with a request will be excluded or redacted from any public release of a determination under this provision.

FHFA Response

FHFA recognizes that any confidential business information submitted by an Enterprise is subject to limitations on its public release. It is not necessary for the housing goals regulation to specifically cross-reference the applicable provisions on confidentiality in order for them to apply. Any public release of a determination under the housing goals would be made subject to the existing limitations on the release of confidential Enterprise information.

X. Seniors Housing Units and Skilled Nursing Units

The proposed rule would have incorporated into the regulation guidance that is currently in effect regarding the treatment of seniors housing units and skilled nursing units under the housing goals. The proposed rule would not have made any substantive changes to the guidance currently in effect.

Currently, seniors housing units are counted towards the housing goals, provided that the units meet the requirements that apply generally for multifamily housing. However, some seniors housing units with additional services included in the rent require that a prospective resident pay an up-front entrance fee as a condition of occupancy in addition to the monthly rent. Units with large up-front entrance fees are excluded from counting towards the housing goals because such fees make it difficult to distinguish between the portion of the up-front entrance fee that constitutes the actual monthly rent for purposes of determining affordability, and because in most instances large up-front entrance fees mean that the units are not affordable to low-income or very low-income families who would not be able to occupy a unit in any case.

Skilled nursing units are generally excluded from counting under the housing goals because their principal purpose is to provide medical services and housing is incidental to those purposes.

After consideration of the comments received on these provisions, FHFA has determined that it is not necessary to include the existing guidance on seniors housing units and skilled nursing units in the regulation itself. FHFA will make the current guidance available to the public on its Web site in accordance with the procedures described above under § 1282.16(e).

Comments on Proposed Rule—Seniors Housing Units

A comment letter signed by several members of Congress supported the proposed housing goals eligibility for seniors housing units with small up-front entrance fees, but stated that FHFA should monitor any adverse impacts on asset-rich seniors with low incomes. An advocacy group, while supporting the proposal, was also concerned with the impact of such fees on asset-rich, but income-poor, seniors.

Fannie Mae commented that it would be difficult to apply the proposal, stating that there is no consistent way of defining what are appropriate up-front entrance fees in the seniors housing industry. Fannie Mae recommended that in lieu of trying to determine which up-front entrance fees would be appropriate, a maximum amount of $12,500 should be established as an appropriate up-front entrance fee, based on current pricing in the seniors housing market.

Freddie Mac stated that the proposed limitation on up-front entrance fees was too broad and would exclude affordable seniors housing units with relatively small up-front ''community fees.'' Freddie Mac recommended that FHFA revise the proposal to allow units to be counted towards the housing goals unless there are large up-front entrance fees other than application processing fees, first-month advanced rent payments, security deposit fees, community fees, and other similar fees.

FHFA Response

As noted above, no substantive changes to the current guidance are being made at this time. FHFA may issue further guidance at a later date on what constitutes a ''large'' up-front entrance fee such that a seniors housing unit with services may be excluded from counting towards the housing goals.

Freddie Mac also commented that alternative methods should be permitted for determining affordability in seniors housing units with services rather than relying on the affordability estimation methodology in § 1282.15(e)(2), stating that the current methodology understates their affordability. Freddie Mac recommended that the Enterprises be permitted to determine the level of tenant incomes based on the age of the tenant and the census tract area median income for that age group. Freddie Mac also recommended that the Enterprises be permitted to rely on the receipt of Medicaid benefits as a proxy for income in determining the income level of a resident in a seniors housing unit.

FHFA Response

Under the current regulation, seniors housing units that do not include additional services in the rent are treated as multifamily dwelling units for purposes of the housing goals, with affordability determined based on the unit rent. Seniors housing units that include additional services in the rent are currently treated as multifamily dwelling units with missing data for purposes of determining affordability under the estimation provisions of § 1282.15(e)(2). As discussed above and consistent with current practice, under the final rule, seniors housing units with additional services included in the rent will continue to be excluded from the estimation cap in § 1282.15(e)(3). FHFA will consider whether to conduct further review of the alternatives proposed by Freddie Mac to determine whether they would be appropriate methods for determining affordability. If FHFA changes how affordability is determined for seniors housing units, it will post the revised guidance on FHFA's public Web site in accordance with § 1282.16(e).

Comments on Proposed Rule—Skilled Nursing Units

Fannie Mae recommended that the proposed definition of ''skilled nursing unit'' be narrowed by distinguishing between units that are principally residential and units with a principal purpose of providing medical services on a temporary basis. Specifically, Fannie Mae suggested revising the definition to mean ''a seniors housing unit, the principal purpose of which is to provide 24-hour skilled medical services on a temporary basis rather than to serve as a residence.''

Freddie Mac recommended similar changes to the proposed definition of ''skilled nursing unit.'' Freddie Mac noted that many facilities provide a range of services and that the market has trended toward continuing care retirement communities. Freddie Mac also noted that the services provided in a particular unit may change over time. Freddie Mac proposed defining ''skilled nursing unit'' as ''a multifamily property unit dedicated to providing tenants aged 55 and over with 24-hour licensed medical services that go beyond assistance with activities of daily living. Activities of daily living may include management of medications, bathing, dressing, toileting, ambulating and eating.''

FHFA Response

The definition of ''skilled nursing unit'' in the proposed rule was not intended to include other types of continuing care retirement communities where housing is also a principal purpose. FHFA may provide revised guidance at a later date on the definition of ''skilled nursing unit.'' FHFA will post any revised guidance on its public Web site in accordance with § 1282.16(e).

XI. Blanket Loans on Manufactured Housing Communities

FHFA intends to make available to the public on its Web site, in accordance with the procedures under § 1282.16(e), its existing guidance which provides that blanket loans on manufactured housing communities are excluded from counting under the multifamily housing goals. FHFA specifically requested comment in the proposed rule on whether blanket loans on manufactured housing communities owned by either residents, investors, or cooperatively by residents, should be eligible for multifamily housing goals credit.

The final rule does not revise the current regulation to allow blanket loans on manufactured housing communities to count under the multifamily housing goals. It is difficult to accurately determine a manufactured housing unit's affordability under the housing goals because bedroom count information on individual manufactured housing units in the communities is not collected by the Enterprises, and the pad rent alone does not include the full cost of housing for the residents, which includes paying for their unit financing. Therefore, the practical question of how to determine housing costs and affordability, including how to adjust household size for the number of bedrooms in a unit so as to accurately apply the rent estimation alternative, cannot be answered at this time given available data. FHFA will continue to evaluate the treatment of manufactured housing communities in connection with its rulemaking for the Enterprises' Duty to Serve underserved markets under 12 U.S.C. 4565. FHFA may issue further guidance on the appropriate treatment of blanket loans on manufactured housing communities under the housing goals at a later date.

Comments on Proposed Rule

FHFA received extensive comments in response to its request for comment on the potential inclusion of blanket loans on manufactured housing communities under the multifamily housing goals. All but one of the commenters on this issue recommended counting such loans for goals credit. Fannie Mae noted that purchases of blanket loans on manufactured housing communities are comparable to purchases of blanket loans on cooperative buildings and condominium projects and should be treated similarly for purposes of the housing goals. Both Fannie Mae and Freddie Mac stated that manufactured housing is an important source of low-cost housing, particularly for lower income households. Fannie Mae provided data illustrating the affordability of manufactured housing as compared to other housing types. Freddie Mac stated that manufactured homes account for between 7 and 8 percent of all single-family housing units. Freddie Mac also noted that manufactured housing is particularly important as a source of affordable housing in rural communities, where other housing options often are not available. Fannie Mae and Freddie Mac also provided substantial additional comments on how to define and count blanket loans on manufactured housing communities.

FHFA Response

Due to the practical limitations on determining affordability described above, FHFA has determined not to allow blanket loans on manufactured housing communities to count under the housing goals. FHFA will instead separately consider the treatment of manufactured housing communities in connection with its rulemaking for the Enterprises' Duty to Serve underserved markets.

XII. Paperwork Reduction Act

This final rule does not contain any information collection requirement that would require the approval of the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Therefore, FHFA has not submitted any information to OMB for review.

XIII. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that a regulation that has a significant economic impact on a substantial number of small entities, small businesses, or small organizations must include an initial regulatory flexibility analysis describing the regulation's impact on small entities. Such an analysis need not be undertaken if the agency has certified that the regulation will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). FHFA has considered the impact of the rule under the Regulatory Flexibility Act. The General Counsel of FHFA certifies that this rule will not have a significant economic impact on a substantial number of small entities because the regulation applies to Fannie Mae and Freddie Mac, which are not small entities for purposes of the Regulatory Flexibility Act.

List of Subjects in 12 CFR Part 1282

Mortgages, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons stated in the **SUPPLEMENTARY INFORMATION**, under the authority of 12 U.S.C. 4511, 4513, and 4526, FHFA amends part 1282 of Title 12 of the Code of Federal Regulations as follows:

PART 1282—ENTERPRISE HOUSING GOALS AND MISSION

■ 1. The authority citation for part 1282 continues to read as follows:

Authority: 12 U.S.C. 4501, 4502, 4511, 4513, 4526, 4561–4566.

■ 2. Amend § 1282.1(b) as follows:
■ a. Remove the definition of ''Contract rent'';
■ b. Revise the definition of ''Dwelling unit'';
■ c. Add in alphabetical order a definition of ''Efficiency'';
■ d. Revise the definition of ''Families in low-income areas'';
■ e. Remove the definition of ''HMDA'';
■ f. Revise the definition of ''HOEPA mortgage'';
■ g. Remove the definition of ''Mortgage with unacceptable terms or conditions'';
■ h. Revise the definition of ''Rent'';
■ i. Remove the definition of ''Rental housing'';
■ j. Add in alphabetical order a definition of ''Small multifamily property'';
■ k. Revise the definition of ''Utilities''; and
■ l. Remove the definitions of ''Utility allowance,'' and ''Working day''.

The revisions and additions read as follows:

§ 1282.1 Definitions.

* * * * *

(b)* * *

Dwelling unit means a room or unified combination of rooms with plumbing and kitchen facilities intended for use, in whole or in part, as a dwelling by one or more persons, and includes a dwelling unit in a single-family property, multifamily property, or other residential or mixed-use property.

Efficiency means a dwelling unit having no separate bedrooms or 0 bedrooms.

* * * * *

Families in low-income areas means:

(i) Any family that resides in a census tract in which the median income does not exceed 80 percent of the area median income;

(ii) Any family with an income that does not exceed area median income that resides in a minority census tract; and

(iii) Any family with an income that does not exceed area median income that resides in a designated disaster area.

* * * * *

HOEPA mortgage means a mortgage covered by section 103(bb) of the Home Ownership and Equity Protection Act (HOEPA) (15 U.S.C. 1602(bb)), as implemented by the Bureau of Consumer Financial Protection.

* * * * *

Rent means the actual rent or average rent by unit size for a dwelling unit.

(i) Rent is determined based on the total combined rent for all bedrooms in the dwelling unit, including fees or charges for management and maintenance services and any utility charges that are included.

(A) Rent concessions shall not be considered, *i.e.,* the rent is not decreased by any rent concessions.

(B) Rent is net of rental subsidies, *i.e.,* the rent is decreased by any rental subsidy.

(ii) When the rent does not include all utilities, the rent shall also include:

(A) The actual cost of utilities not included in the rent;

(B) The nationwide average utility allowance, as issued periodically by FHFA;

(C) The utility allowance established under the HUD Section 8 Program (42 U.S.C. 1437f) for the area where the property is located; or

(D) The utility allowance for the area in which the property is located, as established by the state or local housing finance agency for determining the affordability of low-income housing tax credit properties under section 42 of the Internal Revenue Code (26 U.S.C. 42).

* * * * *

Small multifamily property means any multifamily property with at least 5 dwelling units but no more than 50 dwelling units.

Utilities means charges for electricity, piped or bottled gas, water, sewage disposal, fuel (oil, coal, kerosene, wood, solar energy, or other), and garbage and trash collection. Utilities do not include charges for subscription-based television, telephone, or internet service.

* * * * *

■ 3. Amend § 1282.11 by revising paragraph (a)(1) to read as follows:

§ 1282.11 General.

(a) * * *

(1) Three single-family owner-occupied purchase money mortgage housing goals, a single-family owner-occupied purchase money mortgage housing subgoal, a single-family refinancing mortgage housing goal, a multifamily special affordable housing goal, and two multifamily special affordable housing subgoals;

* * * * *

■ 4. Revise § 1282.12 to read as follows:

§ 1282.12 Single-family housing goals.

(a) *Single-family housing goals.* An Enterprise shall be in compliance with a single-family housing goal if its performance under the housing goal meets or exceeds either:

(1) The share of the market that qualifies for the goal; or

(2) The benchmark level for the goal.

(b) *Size of market.* The size of the market for each goal shall be established annually by FHFA based on data reported pursuant to the Home Mortgage Disclosure Act for a given year. Unless otherwise adjusted by FHFA, the size of the market shall be determined based on the following criteria:

(1) Only owner-occupied, conventional loans shall be considered;

(2) Purchase money mortgages and refinancing mortgages shall only be counted for the applicable goal or goals;

(3) All mortgages flagged as HOEPA loans or subordinate lien loans shall be excluded;

(4) All mortgages with original principal balances above the conforming loan limits for single unit properties for the year being evaluated (rounded to the nearest $1,000) shall be excluded;

(5) All mortgages with rate spreads of 150 basis points or more above the applicable average prime offer rate as reported in the Home Mortgage

Disclosure Act data shall be excluded; and

(6) All mortgages that are missing information necessary to determine appropriate counting under the housing goals shall be excluded.

(c) *Low-income families housing goal.* The percentage share of each Enterprise's total purchases of purchase money mortgages on owner-occupied single-family housing that consists of mortgages for low-income families shall meet or exceed either:

(1) The share of such mortgages in the market as defined in paragraph (b) of this section in each year; or

(2) The benchmark level, which for 2015, 2016, and 2017 shall be 24 percent of the total number of purchase money mortgages purchased by that Enterprise in each year that finance owner-occupied single-family properties.

(d) *Very low-income families housing goal.* The percentage share of each Enterprise's total purchases of purchase money mortgages on owner-occupied single-family housing that consists of mortgages for very low-income families shall meet or exceed either:

(1) The share of such mortgages in the market as defined in paragraph (b) of this section in each year; or

(2) The benchmark level, which for 2015, 2016, and 2017 shall be 6 percent of the total number of purchase money mortgages purchased by that Enterprise in each year that finance owner-occupied single-family properties.

(e) *Low-income areas housing goal.* The percentage share of each Enterprise's total purchases of purchase money mortgages on owner-occupied single-family housing that consists of mortgages for families in low-income areas shall meet or exceed either:

(1) The share of such mortgages in the market as defined in paragraph (b) of this section in each year; or

(2) A benchmark level which shall be set annually by FHFA notice based on the benchmark level for the low-income areas housing subgoal, plus an adjustment factor reflecting the additional incremental share of mortgages for moderate-income families in designated disaster areas in the most recent year for which such data is available.

(f) *Low-income areas housing subgoal.* The percentage share of each Enterprise's total purchases of purchase money mortgages on owner-occupied single-family housing that consists of mortgages for families in low-income census tracts or for moderate-income families in minority census tracts shall meet or exceed either:

(1) The share of such mortgages in the market as defined in paragraph (b) of this section in each year; or

(2) The benchmark level, which for 2015, 2016, and 2017 shall be 14 percent of the total number of purchase money mortgages purchased by that Enterprise in each year that finance owner-occupied single-family properties.

(g) *Refinancing housing goal.* The percentage share of each Enterprise's total purchases of refinancing mortgages on owner-occupied single-family housing that consists of refinancing mortgages for low-income families shall meet or exceed either:

(1) The share of such mortgages in the market as defined in paragraph (b) of this section in each year; or

(2) The benchmark level, which for 2015, 2016, and 2017 shall be 21 percent of the total number of refinancing mortgages purchased by that Enterprise in each year that finance owner-occupied single-family properties.

■ 5. Revise § 1282.13 to read as follows:

§ 1282.13 Multifamily special affordable housing goal and subgoals.

(a) *Multifamily housing goal and subgoals.* An Enterprise shall be in compliance with a multifamily housing goal or subgoal if its performance under the housing goal or subgoal meets or exceeds the benchmark level for the goal or subgoal, respectively.

(b) *Multifamily low-income housing goal.* The benchmark level for each Enterprise's purchases of mortgages on multifamily residential housing affordable to low-income families shall be at least 300,000 dwelling units affordable to low-income families in multifamily residential housing financed by mortgages purchased by the Enterprise in each year for 2015, 2016, and 2017.

(c) *Multifamily very low-income housing subgoal.* The benchmark level for each Enterprise's purchases of mortgages on multifamily residential housing affordable to very low-income families shall be at least 60,000 dwelling units affordable to very low-income families in multifamily residential housing financed by mortgages purchased by the Enterprise in each year for 2015, 2016, and 2017.

(d) *Small multifamily low-income housing subgoal.* (1) For the year 2015, the benchmark level for each Enterprise's purchases of mortgages on small multifamily properties affordable to low-income families shall be at least 6,000 dwelling units affordable to low-income families in small multifamily properties financed by mortgages purchased by the Enterprise.

(2) For the year 2016, the benchmark level for each Enterprise's purchases of mortgages on small multifamily properties affordable to low-income families shall be at least 8,000 dwelling units affordable to low-income families in small multifamily properties financed by mortgages purchased by the Enterprise.

(3) For the year 2017, the benchmark level for each Enterprise's purchases of mortgages on small multifamily properties affordable to low-income families shall be at least 10,000 dwelling units affordable to low-income families in small multifamily properties financed by mortgages purchased by the Enterprise.

■ 6. Amend § 1282.15 by revising paragraphs (b), (c), (d), (e) and (g)(2) to read as follows:

§ 1282.15 General counting requirements.

* * * * *

(b) *Counting owner-occupied units.* (1) Mortgage purchases financing owner-occupied single-family properties shall be evaluated based on the income of the mortgagors and the area median income at the time the mortgage was originated. To determine whether mortgages may be counted under a particular family income level, *i.e.,* low- or very low-income, the income of the mortgagors is compared to the median income for the area at the time the mortgage was originated, using the appropriate percentage factor provided under § 1282.17.

(2) Mortgage purchases financing owner-occupied single-family properties for which the income of the mortgagors is not available shall be included in the denominator for the single-family housing goals and subgoal, but such mortgages shall not be counted in the numerator of any single-family housing goal or subgoal.

(c) *Counting dwelling units for multifamily housing goal and subgoals.* Performance under the multifamily housing goal and subgoals shall be measured by counting the number of dwelling units that count toward achievement of a particular housing goal or subgoal in all multifamily properties financed by mortgages purchased by an Enterprise in a particular year. Only dwelling units that are financed by mortgage purchases, as defined by FHFA, and that are not specifically excluded as ineligible under § 1282.16(b), may be counted for purposes of the multifamily housing goal and subgoals.

(d) *Counting rental units*—(1) *Use of rent.* For purposes of counting rental units toward achievement of the multifamily housing goal and subgoals, mortgage purchases financing such units shall be evaluated based on rent and whether the rent is affordable to the income group targeted by the housing goal and subgoals. A rent is affordable if the rent does not exceed the maximum levels as provided in § 1282.19.

(2) *Affordability of rents based on housing program requirements.* Where a multifamily property is subject to an affordability restriction under a housing program that establishes the maximum permitted income level for a tenant or a prospective tenant or the maximum permitted rent, the affordability of units in the property may be determined based on the maximum permitted income level or maximum permitted rent established under such housing program for those units. If using income, the maximum income level must be no greater than the maximum income level for each goal, adjusted for family or unit size as provided in § 1282.17 or § 1282.18, as appropriate. If using rent, the maximum rent level must be no greater than the maximum rent level for each goal, adjusted for unit size as provided in § 1282.19.

(3) *Unoccupied units.* Anticipated rent for unoccupied units may be the market rent for similar units in the neighborhood as determined by the lender or appraiser for underwriting purposes. A unit in a multifamily property that is unoccupied because it is being used as a model unit or rental office may be counted for purposes of the multifamily housing goal and subgoals only if an Enterprise determines that the number of such units is reasonable and minimal considering the size of the multifamily property.

(4) *Timeliness of information.* In evaluating affordability under the multifamily housing goal and subgoals, each Enterprise shall use tenant and rental information as of the time of mortgage acquisition.

(e) *Missing data or information for multifamily housing goal and subgoals.* (1) Rental units for which bedroom data are missing shall be considered efficiencies for purposes of calculating unit affordability.

(2) When an Enterprise lacks sufficient information to determine whether a rental unit in a property securing a multifamily mortgage purchased by an Enterprise counts toward achievement of the multifamily housing goal or subgoals because rental data is not available, an Enterprise's performance with respect to such unit may be evaluated using estimated affordability information by multiplying the number of rental units with missing affordability information in properties securing multifamily mortgages purchased by the Enterprise in each census tract by the percentage of all rental dwelling units in the respective tracts that would count toward achievement of each goal and subgoal, as determined by FHFA based on the most recent decennial census.

(3) The estimation methodology in paragraph (e)(2) of this section may be used up to a nationwide maximum of 5 percent of the total number of rental units in properties securing multifamily mortgages purchased by the Enterprise in the current year. Multifamily rental units in excess of this maximum, and any units for which estimation information is not available, shall not be counted for purposes of the multifamily housing goal and subgoals.

* * * * *

(g) * * *

(2) When an Enterprise cannot precisely determine whether a mortgage is on dwelling unit(s) located in one area, the Enterprise shall determine the median income for the split area in the manner prescribed by the Federal Financial Institutions Examination Council for reporting under the Home Mortgage Disclosure Act (12 U.S.C. 2801 *et seq.*), if the Enterprise can determine that the mortgage is on dwelling unit(s) located in:

(i) A census tract; or

(ii) A census place code.

* * * * *

■ 7. Amend § 1282.16 by revising paragraphs (c)(5), (d), and (e) to read as follows:

§ 1282.16 Special counting requirements.

* * * * *

(c) * * *

(5) *Cooperative housing and condominiums.* (i) The purchase of a mortgage on a cooperative housing unit (''a share loan'') or a mortgage on a condominium unit shall be treated as a mortgage purchase for purposes of the housing goals. Such a purchase shall be counted in the same manner as a mortgage purchase of single-family owner-occupied units.

(ii) The purchase of a blanket mortgage on a cooperative building or a mortgage on a condominium project shall be treated as a mortgage purchase for purposes of the housing goals. The purchase of a blanket mortgage on a cooperative building shall be counted in the same manner as a mortgage purchase of a multifamily rental property, except that affordability must be determined based solely on the comparable market rents used in underwriting the blanket loan. If the underwriting rents are not available, the loan shall not be treated as a mortgage purchase for purposes of the housing goals. The purchase of a mortgage on a condominium project shall be counted in the same manner as a mortgage purchase of a multifamily rental property.

(iii) Where an Enterprise purchases both a blanket mortgage on a cooperative building and share loans for units in the same building, both the mortgage on the cooperative building and the share loans shall be treated as mortgage purchases for purposes of the housing goals. Where an Enterprise purchases both a mortgage on a condominium project and mortgages on individual dwelling units in the same project, both the mortgage on the condominium project and the mortgages on individual dwelling units shall be treated as mortgage purchases for purposes of the housing goals.

* * * * *

(d) *HOEPA mortgages.* HOEPA mortgages shall be treated as mortgage purchases for purposes of the housing goals and shall be included in the denominator for each applicable single-family housing goal, but such mortgages shall not be counted in the numerator for any housing goal.

(e) *FHFA review of transactions.* FHFA may determine whether and how any transaction or class of transactions shall be counted for purposes of the housing goals, including treatment of missing data. FHFA will notify each Enterprise in writing of any determination regarding the treatment of any transaction or class of transactions under the housing goals. FHFA will make any such determinations available to the public on FHFA's Web site, *www.fhfa.gov.*

§ 1282.17 [Amended]

■ 8. Amend § 1282.17 in the introductory text by removing the phrase ''rental housing'' and adding in its place the phrase ''rental units''.

§ 1282.19 [Amended]

■ 9. Amend § 1282.19 by removing paragraph (f).

■ 10. Amend § 1282.20 by revising paragraph (b) to read as follows:

§ 1282.20 Determination of compliance with housing goals; notice of determination.

* * * * *

(b) *Multifamily housing goal and subgoals.* The Director shall evaluate each Enterprise's performance under the multifamily low-income housing goal, the multifamily very low-income housing subgoal, and the small multifamily low-income housing subgoal, on an annual basis. If the Director determines that an Enterprise has failed, or there is a substantial probability that an Enterprise will fail, to meet a multifamily housing goal or subgoal established by this subpart, the Director shall notify the Enterprise in writing of such preliminary determination.

* * * * *

Dated: August 13, 2015.

Melvin L. Watt,

Director, Federal Housing Finance Agency.

[FR Doc. 2015–20880 Filed 9–2–15; 8:45 am]

BILLING CODE 8070–01–P

FEDERAL REGISTER

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Part III

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Chapter 1
48 Parts 4, 7, 23, et al.
Federal Acquisition Regulations; Final Rules

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR 2015–0051, Sequence No. 4]

Federal Acquisition Regulation; Federal Acquisition Circular 2005–84; Introduction

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of final rules.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rules agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) in this Federal Acquisition Circular (FAC) 2005–84. A companion document, the *Small Entity Compliance Guide* (SECG), follows this FAC. The FAC, including the SECG, is available via the Internet at *http://www.regulations.gov.*

DATES: For effective dates see the separate documents, which follow.

FOR FURTHER INFORMATION CONTACT: The analyst whose name appears in the table below in relation to the FAR case. Please cite FAC 2005–84 and the specific FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755.

RULES LISTED IN FAC 2005–84

Item	Subject	FAR Case	Analyst
I	EPEAT Items	2013–016	Gray.
II	Technical Amendments.		

SUPPLEMENTARY INFORMATION: Summaries for each FAR rule follow. For the actual revisions and/or amendments made by these rules, refer to the specific item numbers and subjects set forth in the documents following these item summaries. FAC 2005–84 amends the FAR as follows:

Item I— EPEAT Items (FAR Case 2013–016)

This rule finalizes an interim rule that implemented changes in the Electronic Product Environmental Assessment Tool (EPEAT®)-registry requirements at FAR subpart 23.7. The FAR requirement to procure EPEAT®-registered products was revised to incorporate the revised standard applicable to personal computer products and to add the standards for imaging equipment and televisions. The final rule also amends the procedures relating to the exceptions to the requirement to procure EPEAT®-registered products. There is no significant economic impact on small businesses.

Item II—Technical Amendments

Editorial changes are made at FAR 4.605(e), 31.205–6(o)(2)(iii)(A), 35.017–7 Introductory text, 52.213–4(b)(1)(ix) and 52.219–1 Alternate I (c)(9).

Dated: August 26, 2015.

William Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Federal Acquisition Circular (FAC) 2005–84 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2005–84 is effective September 3, 2015 except for item I which is effective October 5, 2015.

Dated: August 26, 2015.

Claire M. Grady,

Director, Defense Procurement and Acquisition Policy.

Dated: August 26, 2015.

William Clark,

Acting Senior Procurement Executive/Deputy CAO, Office of Acquisition Policy, U.S. General Services Administration.

Dated: August 19, 2015.

William P. McNally,

Assistant Administrator, Office of Procurement, National Aeronautics and Space Administration.

[FR Doc. 2015–21740 Filed 9–2–15; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 7, 23, and 52

[FAC 2005–84; FAR Case 2013–016; Item I; Docket 2013–0016, Sequence 1]

RIN 9000–AM71

Federal Acquisition Regulation; EPEAT Items

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: DoD, GSA, and NASA are adopting as final, with changes, an interim rule amending the Federal Acquisition Regulation (FAR) to implement changes in the Electronic Product Environmental Assessment Tool (EPEAT®) registry.

DATES: *Effective:* October 5, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Gray, Procurement Analyst, at 202–208–6726, for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAC 2005–84, FAR Case 2013–016.

SUPPLEMENTARY INFORMATION:

I. Background

DoD, GSA and NASA published an interim rule in the **Federal Register** at 79 FR 35859 on June 24, 2014, to expand the Federal requirement to procure EPEAT®-registered products beyond personal computer products to cover imaging equipment (*i.e.,* copiers, digital duplicators, facsimile machines, mailing machines, multifunction devices, printers, and scanners) and televisions and modify the existing FAR requirements to recognize the revised standard applicable to computer products. One respondent submitted public comments on the interim rule. Comments were also received informally from within the Government.

II. Discussion and Analysis

The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (the Councils) reviewed the comments in the development of the final rule. A discussion of the comments is provided as follows:

A. Summary of Significant Changes in Response to Public Comments

There is no significant change in the final rule in response to the public comments received.

B. Analysis of Public Comments

1. EPEAT® Issues

Comment: The respondent expressed concern about the use of EPEAT® standards because it is a registered trademark and manufacturers must purchase an annual license. The respondent also expressed concern over the use of a private entity as a source of standards for Government purchasing. The respondent recommended that the Government rely on the underlying ANSI-accredited technical standards used by EPEAT®, such as the IEEE 1680™ family of standards, and accept third party certification of conformance to the IEEE 1680™ family of standards. The respondent recommended issuing further guidance clarifying the reliance on the IEEE 1680™ family of standards when new product categories are added.

Response: The requirement to purchase ''EPEAT®-registered'' electronic products was established under the interim rule for FAR Case 2006–030 which was published in the **Federal Register** at 72 FR 73215 on December 26, 2007. The FAR case implemented section 2(h) of Executive Order (E.O.) 13423, Strengthening Federal Environmental, Energy, and Transportation Management. Subsequently, E.O. 13514, Federal Leadership in Environmental, Energy, and Economic Performance, directed agencies to purchase EPEAT®-registered products as part of a broader goal to advance sustainable acquisition. Although E.O.s 13423 and 13514 have now been superseded by E.O. 13693, Planning for Federal Sustainability in the Next Decade, this final rule does not change the requirement to purchase EPEAT®-registered products. The FAR will be revised to be consistent with the new E.O. 13693, which does not endorse any private labels. It does, however, clearly require in section 3(l) that Federal agencies ensure a procurement preference for environmentally sustainable electronic products. EPEAT® continues to be an important tool for agencies to utilize to comply with the electronic stewardship goals that are required by E.O. 13693.

2. Interim Rule

Comment: The respondent stated that the decision to publish this rule as an interim rule misapplied the ''urgent and compelling'' exception to the standard notice and comment process.

Response: This action was appropriate because imaging equipment and television items have already been added to the EPEAT® registry. Therefore, under the requirements of E.O.s 13423 and 13514, agencies are already required to fulfill at least 95 percent of their annual acquisition requirement for electronic products with EPEAT®-registered electronic products.

C. Other Changes

Based on informal comments from within the Government, the final rule amends FAR 23.704(a) to reflect more clearly the language in E.O. 13423 as it pertains to the requirement for agencies, when acquiring electronic product, to meet at least 95 percent of those requirements with an EPEAT®-registered electronic product. The exceptions to this requirement are also amended to align with both E.O.s. Products that fall within the exceptions in FAR paragraphs 23.704(a)(1)(i) through (iii) are not included when calculating the achievement of the 95 percent goal. A determination by the agency head is not required if no EPEAT®-registered product meets agency requirements, but the agency head may provide an exemption in accordance with FAR 23.105.

However, a determination is required, in accordance with agency procedures, if the agency decides not to acquire an EPEAT®-registered product because the product will not be cost effective over the life of the product (FAR 23.704(a)(2)). Because the E.O.s do not provide an exception based on cost, such an acquisition would be included as noncompliant, when calculating achievement of the 95 percent goal.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

DoD, GSA, and NASA have prepared a Final Regulatory Flexibility Analysis (FRFA) consistent with the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The FRFA is summarized as follows:

Executive Order 13423 (signed January 24, 2007, and published in the **Federal Register** at 72 FR 3919 on January 26, 2007) requires Federal agencies to satisfy at least 95 percent of their requirements for electronic products with EPEAT®-registered electronic products unless there is not an EPEAT® standard for such product. As of today, products must conform to the IEEE 1680™ family of standards in order to be listed on the EPEAT® product registry. The EPEAT® requirement, including a specific requirement for the purchase of EPEAT®-registered personal computer products, was added to the FAR by FAR Case 2006–030. Since that final rule was issued on January 15, 2009, the IEEE has published an updated standard for personal computer products and two additional standards, for imaging equipment and televisions, and these standards have been added to the EPEAT® system. The objective of this final rule is to implement the changes to the EPEAT® registry.

No comments were raised by the public in response to the initial regulatory flexibility analysis.

Searching within the EPEAT® registry on October 1, 2014, the following numbers of products were listed as registered in the United States:

Product category	Bronze	Silver	Gold	Total
Personal computer products	12	321	1,182	1,515
Imaging equipment	263	450	81	794
Televisions	1	205	37	243

These numbers refer to products, not individual companies. However, most (90–100 percent) of the companies with products listed on the EPEAT® registry are large businesses. These companies pay an annual fee, based on a sliding scale determined by the firm's revenue for that product the previous year, in order to be able to list the products on the EPEAT® registry.

However, purchasers often procure EPEAT®-registered products through resellers or distributors rather than directly from the manufacturers. These resellers are often small businesses. EPA's Office of Small Business Programs stated that the majority of the resellers and distributors for EPEAT®-registered products are categorized as small businesses. Further, only the actual manufacturer pays to list products on the EPEAT® registry. The resellers or distributors pay no fees but reap the benefit of the EPEAT® categorization. Therefore, there will be little or no impact on small businesses due to this rule.

There are no reporting, recordkeeping, or other compliance requirements associated with this rule. The only requirement is that businesses submitting proposals to the Government be aware of the EPEAT® registry and Web site and refer to it during the preparation of proposals. Small entities can comply with the requirements either as manufacturers, resellers, or distributors.

Interested parties may obtain a copy of the FRFA from the Regulatory Secretariat. The Regulatory Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

V. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 7, 23, and 52

Government procurement.

Dated: August 26, 2015.

William F. Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Interim Rule Adopted as Final With Changes

Accordingly, the interim rule amending 48 CFR parts 7, 23, and 52, which was published in the **Federal Register** at 79 FR 35859 on June 24, 2014, is adopted as a final rule with the following changes:

■ 1. The authority citation for 48 CFR parts 7, 23, and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 7—ACQUISITION PLANS

7.103 [Amended]

■ 2. Amend section 7.103 by removing from paragraph (p)(2) ''non-ozone depleting'' and adding ''non-ozone-depleting'' in its place.

PART 23—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG–FREE WORKPLACE

23.000 [Amended]

■ 3. Amend section 23.000 by removing from paragraph (d) ''non-ozone depleting'' and adding ''non-ozone-depleting'' in its place.

■ 4. Amend section 23.704 by revising paragraph (a) and removing from paragraph (b)(1)(iii) ''Meets EPA'' and adding ''Meet EPA'' in its place, the revised text reads as follows:

23.704 Electronic products environmental assessment tool.

(a) *General.* (1) As required by E.O.s 13423 and 13514, agencies, when acquiring an electronic product to meet their requirements, shall meet at least 95 percent of those requirements with Electronic Product Environmental Assessment Tool (EPEAT®)-registered electronic products, unless—

(i) There is no EPEAT® standard for such product;

(ii) No EPEAT®-registered product meets agency requirements; or

(iii) The agency head has provided an exemption in accordance with 23.105.

(2) Contracting officers, when acquiring an electronic product, except as specified in paragraphs (a)(1)(i), (ii), or (iii) of this section, shall acquire an EPEAT®-registered electronic product, unless the agency determines, in accordance with agency procedures, that the EPEAT®-registered product will not be cost effective over the life of the product.

(3) This section applies to acquisitions of electronic products to be used in the United States, unless otherwise provided by agency procedures. When acquiring electronic products to be used outside the United States, agencies must use their best efforts to comply with this section.

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 5. Amend section 52.212–5 by revising the date of the clause, paragraphs (b)(36)(ii) and (b)(39)(i), to read as follows:

52.212–5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items (Oct 2015)

* * * * *

(b) * * *

__(36)(i) * * *

(ii) Alternate I (**OCT 2015**) of 52.223–13.

* * * * *

__(39)(i) 52.223–16, Acquisition of EPEAT®-Registered Personal Computer Products (OCT 2015) (E.O.s 13423 and 13514).

* * * * *

■ 6. Amend section 52.223–13 by revising the date of the Alternate I; and removing from paragraph (b) of Alternate I ''EPEAT'' and adding ''EPEAT®'' in its place. The revised text reads as follows:

52.223–13 Acquisition of EPEAT®-Registered Imaging Equipment.

* * * * *

Alternate I (OCT 2015) * * *

* * * * *

■ 7. Amend section 52.223–16 by revising the date of the clause; and removing from paragraph (c) ''EPEAT'' and adding ''EPEAT®'' in its place. The revised text reads as follows:

52.223–16 Acquisition of EPEAT®-Registered Personal Computer Products.

* * * * *

Acquisition of EPEAT®-Registered Personal Computer Products (OCT 2015)

* * * * *

[FR Doc. 2015–21746 Filed 9–2–15; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 4, 31, 35, and 52

[FAC 2005–84; Item II; Docket No. 2015–0052; Sequence No. 3]

Federal Acquisition Regulation; Technical Amendments

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This document makes amendments to the Federal Acquisition Regulation (FAR) in order to make editorial changes.

DATES: *Effective:* September 3, 2015.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat Division (MVCB), 1800 F Street NW., 2nd Floor, Washington, DC 20405, 202–501–4755, for information pertaining to status or publication schedules. Please cite FAC 2005–84, Technical Amendments.

SUPPLEMENTARY INFORMATION:

In order to update certain elements in 48 CFR parts 4, 31, 35, and 52 this document makes editorial changes to the FAR. The change to part 31 adds text erroneously deleted during the production of FAR Case 2011–019, published at 78 FR 37697 (June 21, 2013).

List of Subject in 48 CFR Parts 4, 31, 35, and 52

Government procurement.

Dated: August 26, 2015.

William Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 4, 31, 35, and 52 as set forth below:

■ 1. The authority citation for 48 CFR parts 4 and 31 continues to read as follow:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 4—ADMINISTRATIVE MATTERS

4.605 [Amended]

■ 2. Amend section 4.605 by removing from paragraph (e) ''by October 1, 2015'' and adding ''by March 31, 2016'' in its place.

PART 31—CONTRACT COST PRINCIPLES AND PROCEDURES

■ 3. Amend section 31.205–6 by revising paragraph (o)(2)(iii)(A) to read as follows:

31.205–6 Compensation for personal services.

* * * * *

(o) * * *

(2) * * *

(iii) * * *

(A) Be measured and assigned in accordance with one of the following two methods described under paragraphs (o)(2)(iii)(A)(*1*) or (o)(2)(iii)(A)(*2*) of this subsection:

(*1*) Generally accepted accounting principles. However, transitions from the pay-as-you-go method to the accrual accounting method must be handled according to paragraphs (o)(2)(iii)(A)(*1*)(*i*) through (*iii*) of this subsection.

(*i*) In the year of transition from the pay-as-you-go method to accrual accounting for purposes of Government contract cost accounting, the transition obligation shall be the excess of the accumulated PRB obligation over the fair value of plan assets determined in accordance with subparagraph (o)(2)(iii)(E) of this section; the fair value must be reduced by the prepayment credit as determined in accordance with subparagraph (o)(2)(iii)(F) of this subsection.

(*ii*) PRB cost attributable to the transition obligation assigned to the current year that is in excess of the amount assignable to accounting periods on the basis of a straight line amortization of the transition obligation over the average remaining working lives of active employees covered by the PRB plan or a 20-year period, whichever period is longer, is unallowable. However, if the plan is comprised of inactive participants only, the PRB cost attributable to the transition obligation assigned to the current year that is in excess of the amount assignable to accounting periods on a straight line amortization of the transition obligation over the average future life expectancy of the participants is unallowable.

(*iii*) For a plan that transitioned from pay-as-you-go to accrual accounting for Government contract cost accounting prior to July 22, 2013, the unallowable amount of PRB cost attributable to the transition obligation amortization shall continue to be based on the cost principle in effect at the time of the transition until the original transition obligation schedule is fully amortized.

(*2*) Contributions to a welfare benefit fund determined in accordance with applicable Internal Revenue Code. Allowable PRB costs based on such contributions shall—

(*i*) Be measured using reasonable actuarial assumptions, which shall include a health care inflation assumption unless prohibited by the Internal Revenue Code provisions governing welfare benefit funds;

(*ii*) Be assigned to accounting periods on the basis of the average working lives of active employees covered by the PRB plan or a 15 year period, whichever period is longer. However, if the plan is comprised of inactive participants only, the cost shall be spread over the average future life expectancy of the participants; and

(*iii*) Exclude Federal income taxes, whether incurred by the fund or the contractor (including any increase in PRB costs associated with such taxes), unless the fund holding the plan assets is tax-exempt under the provisions of 26 U.S.C 501(c).

* * * * *

PART 35—RESEARCH AND DEVELOPMENT CONTRACTING

■ 4. The authority citation for 48 CFR part 35 is revised to read as follow:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

35.017–7 [Amended]

■ 5. Amend section 35.017–7 by removing ''the Secretary of Transportation'' and adding ''the Secretary of Homeland Security'' in its place.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 6. The authority citation for 48 CFR part 52 continues to read as follow:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

■ 7. Amend section 52.213–4 by revising the date of the clause and paragraph (b)(1)(ix) to read as follows:

52.213–4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items).

* * * * *

Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items) (SEP 2015)

* * * * *

(b) * * *

(1) * * *

(ix) 52.222–55, Minimum Wages Under Executive Order 13658 (DEC 2014) (Executive Order 13658) (Applies when 52.222–6 or 52.222–41 are in the contract and performance in whole or in part is in the

United States (the 50 States and the District of Columbia)).

* * * * *

■ 8. Amend section 52.219–1 by revising the date of Alternate I, introductory text and the first sentence of paragraph (c)(9) to read as follows:

52.219–1 Small Business Program Representations.

* * * * *

Alternate I (SEP 2015). As prescribed in 19.309(a)(2), add the following paragraph (c)(9) to the basic provision:

(9) [*Complete if offeror represented itself as disadvantaged in paragraph (c)(2) of this provision.* * * *

* * * * *

[FR Doc. 2015–21748 Filed 9–2–15; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR 2015–0051, Sequence No. 4]

Federal Acquisition Regulation; Federal Acquisition Circular 2005–84; Small Entity Compliance Guide

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of DOD, GSA, and NASA. This *Small Entity Compliance Guide* has been prepared in accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of the rules appearing in Federal Acquisition Circular (FAC) 2005–84, which amends the Federal Acquisition Regulation (FAR). An asterisk (*) next to a rule indicates that a regulatory flexibility analysis has been prepared. Interested parties may obtain further information regarding these rules by referring to FAC 2005–84, which precedes this document. These documents are also available via the Internet at *http://www.regulations.gov.*

DATES: September 3, 2015.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact the analyst whose name appears in the table below. Please cite FAC 2005–84 and the FAR case number. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755.

RULES LISTED IN FAC 2005–84

Item	Subject	FAR Case	Analyst
*I	EPEAT Items	2013–016	Gray.
II	Technical Amendments.		

SUPPLEMENTARY INFORMATION: Summaries for each FAR rule follow. For the actual revisions and/or amendments made by these rules, refer to the specific item numbers and subjects set forth in the documents following these item summaries. FAC 2005–84 amends the FAR as follows:

Item I—EPEAT Items (FAR Case 2013–016)

This rule finalizes an interim rule that implemented changes in the Electronic Product Environmental Assessment Tool (EPEAT®)-registry requirements at FAR subpart 23.7. The FAR requirement to procure EPEAT®-registered products was revised to incorporate the revised standard applicable to personal computer products and to add the standards for imaging equipment and televisions. The final rule also amends the procedures relating to the exceptions to the requirement to procure EPEAT®-registered products. There is no significant economic impact on small businesses.

Item II—Technical Amendments

Editorial changes are made at FAR 4.605(e), 31.205–6(o)(2)(iii)(A), 35.017–7 Introductory text, 52.213–4(b)(1)(ix) and 52.219–1 Alternate I (c)(9).

Dated: August 26, 2015.

William Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2015–21752 Filed 9–2–15; 8:45 am]

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FEDERAL REGISTER

Vol. 80 Thursday,
No. 171 September 3, 2015

Part IV

The President

Federal Register
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Thursday, September 3, 2015

Presidential Documents

Title 3—

The President

Proclamation 9309 of August 31, 2015

National Alcohol and Drug Addiction Recovery Month, 2015

By the President of the United States of America

A Proclamation

Every day, resilient Americans with substance use disorders summon extraordinary courage and strength and commit to living healthy and productive lives through recovery. From big cities to small towns to Indian Country, substance use disorders affect the lives of millions of Americans. This month, we reaffirm our unwavering commitment to all those who are seeking or in need of treatment, and we recognize the key role families, friends, and health care providers play in supporting those on the path to a better tomorrow.

This year's theme is ''Join the Voices for Recovery: Visible, Vocal, Valuable!'' It encourages us all to do our part to eliminate negative public attitudes associated with substance use disorders and treatment. People in recovery are part of our communities—they are our family and friends, colleagues and neighbors—and by supporting them and raising awareness of the challenges they face, we can help eradicate prejudice and discrimination associated with substance use disorders, as well as with co-occurring mental disorders. Prevention and treatment work, and people recover—and we must ensure all those seeking help feel empowered, encouraged, and confident in their ability to take control of their future. Americans looking for help for themselves or their loved ones can call 1–800–662–HELP or use the ''Treatment Locator'' tool at *www.SAMHSA.gov.*

My Administration remains dedicated to pursuing evidence-based strategies to address substance use disorders as part of our National Drug Control Strategy. Seeking to widen pathways to recovery, our strategy supports the integration of substance use treatment into primary health care settings and the expansion of support services in places such as high schools, institutions of higher education, and throughout the criminal justice system. In the wake of public health crises related to non-medical use of prescription drugs and heroin in communities across our Nation, my Administration has pledged considerable resources to help Federal, State, and local authorities boost prevention efforts, improve public health and safety, and increase access to treatment in communities across the country. And the Affordable Care Act has extended substance use disorder and mental health benefits and Federal parity protections to millions of Americans.

Behavioral health is essential to overall health, and recovery is a process through which individuals are able to improve their wellness, live increasingly self-directed lives, and strive to fulfill their greatest potential. During National Alcohol and Drug Addiction Recovery Month, we reaffirm our belief that recovery and limitless opportunity are within reach of every single American battling substance use disorders, and we continue our work to achieve this reality.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2015 as National Alcohol and Drug Addiction Recovery Month. I call upon the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2015–22327
Filed 9–2–15; 11:15 am]
Billing code 3295–F5

Presidential Documents

Proclamation 9310 of August 31, 2015

National Childhood Cancer Awareness Month, 2015

By the President of the United States of America

A Proclamation

Pediatric cancer affects thousands of young Americans each year. It is the leading cause of disease-related death for children, and this year, more than 10,000 of our Nation's youth will be diagnosed with this tragic disease. Every September, America honors all those who have been affected by this life-threatening illness: young girls and boys whose childhoods have been cut short, the loved ones who know the pain pediatric cancer causes, and the communities across our country that rally to support their friends and neighbors during difficult times. As a Nation, we come together to stand with those who have experienced devastating loss, and we renew our commitment to advance research, improve treatment, and ensure a brighter, healthier future for all young Americans.

Over the past 35 years, mortality rates for some types of pediatric cancer have declined by more than 50 percent, and thanks to major advancements in research and treatment efforts, our Nation has significantly improved its understanding and response to this disease. Today, innovative studies are leading to real breakthroughs—reminding us of the importance of supporting scientific discovery and moving our Nation closer to finding cures. Despite these gains, the specific causes of pediatric cancer remain largely unknown, and much work still remains to be done.

My Administration is committed to advancing the fight against childhood cancer by supporting the vital studies that will continue to build on this progress. Last year, I signed the Gabriella Miller Kids First Research Act, which established the 10-Year Pediatric Research Initiative Fund, and I will keep urging the Congress to continue investing the millions of dollars available in this fund to support medical innovation and life-changing breakthroughs. I was also proud to appoint a pediatric oncologist to the National Cancer Advisory Board earlier this year. And this past January, I announced my Administration's Precision Medicine Initiative, which invests in research to better understand cancer and other diseases, helping the United States lead a new era of medicine—one that delivers the right treatment at the right moment.

Childhood cancer is devastating, and as families face the enormous burdens it brings, they deserve the security that comes with access to quality, affordable health care. Under the Affordable Care Act, children cannot be denied health insurance due to pre-existing conditions such as cancer. Provisions in the law also eliminate annual and lifetime dollar limits on coverage and prohibit insurance companies from denying participation in an approved clinical trial for cancer or another life-threatening disease.

Pediatric cancer limits the dreams of too many of our Nation's daughters and sons and deprives our country of their enormous potential. During National Childhood Cancer Awareness Month, we remember the many children who have been taken from us too soon, and we extend our support to all those who continue to battle this illness with incredible strength and courage. Let us honor those on the front lines—the health care providers, researchers, community organizations, and advocacy groups—who work tirelessly to ensure our Nation's youth have every opportunity to grow and

thrive, and let us renew our commitment to forging a future free from cancer in all its forms.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2015 as National Childhood Cancer Awareness Month. I encourage all citizens, government agencies, private businesses, non-profit organizations, and other groups to join in activities that will increase awareness and prevention of childhood cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2015–22328
Filed 9–2–15; 11:15 am]
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Presidential Documents

Proclamation 9311 of August 31, 2015

National Childhood Obesity Awareness Month, 2015

By the President of the United States of America

A Proclamation

Five years ago, our Nation came together to put an end to the preventable epidemic of childhood obesity and observed National Childhood Obesity Awareness Month for the first time. Since then, childhood obesity rates have stopped rising, and we have seen an encouraging drop in obesity rates among children ages 2 to 5 years old. Despite this progress, more work remains to ensure every young person can lead a prosperous and productive life—more than 30 percent of American children are still overweight or obese. This month, we pause to remember our commitment to our Nation's youth and renew our focus on improving the health and well-being of our country's most precious resource.

This year marks the fifth anniversary of First Lady Michelle Obama's *Let's Move!* initiative, which has partnered with parents, community leaders, and professionals across the public and private sectors to encourage and expand access to the physical activities and nutritious foods that help our kids grow up healthy. Millions of children are now attending schools and day care centers that serve healthier food and ensure kids get the 60 minutes of physical activity a day they need. Across America, city, town, and county governments are supporting these efforts—building communities where kids can safely walk or bike to school, participate in a summer meal program, or join a local athletic league. And we are proud that our Nation's businesses have joined in the fight by working to create healthier kids' menus at restaurants and cut trillions of calories from the food and beverage products children consume. All Americans can do their part to combat childhood obesity, and I invite everyone to visit *www.LetsMove.gov* to learn more about our accomplishments and find additional resources on how to help children eat well and stay active.

To solve the problem of childhood obesity within a generation, we must ensure the advances we have made are not reversed, including by upholding science-based nutrition standards for school meals. By improving nutritional quality in federally supported school lunches and breakfasts, we are not only ensuring children have access to the nourishing food they need to make healthy choices and succeed in school, but we are also providing the foundation for a stronger, healthier society. As a Nation, we can expand on this progress by working to make sure the same quality food is accessible to all children at home, no matter who they are or where they live. This will require our country to continue focusing on the local availability and affordability of healthy foods—an effort I am committed to supporting as President. Additionally, my Administration is fighting to ensure families have opportunities to be active and get outside together, and that is why we launched our Every Kid in a Park initiative, which provides all fourth graders and their families with free access to our National Parks and other Federal lands for an entire year.

During National Childhood Obesity Awareness Month and throughout the entire year, let us each commit to reaching toward a healthy lifestyle so we can serve as examples of healthy eating and active living for our Nation's children. Eliminating childhood obesity will require every American to play

their part, and together we can work toward building healthy, active communities where all children can realize their dreams and meet their full potential.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2015 as National Childhood Obesity Awareness Month. I encourage all Americans to learn about and engage in activities that promote healthy eating and greater physical activity by all our Nation's children.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2015–22329
Filed 9–2–15; 11:15 am]
Billing code 3295–F5

Presidential Documents

Proclamation 9312 of August 31, 2015

National Ovarian Cancer Awareness Month, 2015

By the President of the United States of America

A Proclamation

This year, more than 14,000 women will lose their lives to ovarian cancer—the most deadly of all female reproductive system cancers—and more than 21,000 of our mothers, daughters, wives, and sisters will be diagnosed with this terrible disease. Every day across our country, families, friends, and communities come together to support and empower those who are fighting for their lives, offering encouragement and bringing hope for a cancer-free future. During National Ovarian Cancer Awareness Month, our Nation pauses to lift up all those who know the pain of this disease, honor those we have lost, and renew our commitment to fighting ovarian cancer through more effective prevention, detection, and treatment.

Ovarian cancer is difficult to detect early—there is no simple and reliable way to screen for it and symptoms are often not clear until later stages. By recognizing possible warning signs and unexplained changes, women can increase their likelihood of detecting ovarian cancer in its early stages when treatment is most effective and the chances for recovery are greatest. To bolster these efforts, my Administration has continued to invest in innovative research to improve early detection and treatment of ovarian cancer, and we are working hard to increase public awareness among women about all types of gynecological cancers. To learn more about risk factors and symptoms, Americans can visit *www.Cancer.gov/Ovarian.*

I encourage all women to speak with their health care providers about ovarian cancer. Under the Affordable Care Act, most health plans are now required to cover well-woman visits without copays or deductibles—providing millions of women with the opportunity to access critical care and talk with health care professionals about risks they may face. Provisions in the law also eliminate annual and lifetime dollar limits on coverage and prohibit insurance companies from denying participation in an approved clinical trial for cancer or another life-threatening disease. The law also forbids insurers from denying coverage due to a pre-existing condition, such as cancer or a family history of cancer.

This month, we stand with all those who continue to fight this devastating disease and with those who have lost loved ones because of it. Along with the advocates, medical researchers, and health care providers who tirelessly battle this disease every day, we rededicate ourselves to the urgent work of increasing awareness and improving care for those with ovarian cancer—and we continue forging a future free from cancer in all its forms.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2015 as National Ovarian Cancer Awareness Month. I call upon citizens, government agencies, organizations, health care providers, and research institutions to raise ovarian cancer awareness and continue helping Americans live longer, healthier lives.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2015–22330
Filed 9–2–15; 11:15 am]
Billing code 3295–F5

Presidential Documents

Proclamation 9313 of August 31, 2015

National Preparedness Month, 2015

By the President of the United States of America

A Proclamation

Every year, communities across our country face emergencies—from unforeseen natural disasters to deliberate acts—that test our Nation's grit and challenge us to overcome tragedy. While my Administration is working to keep all Americans safe, each of us can do our part. Together, we can protect our families and help our communities by planning for emergencies and for the unexpected. Every September, we celebrate our Nation's spirit of resilience by rededicating ourselves to the important task of being prepared in the face of any crisis.

Emergencies come in many forms—from house fires to accidents to hurricanes—and can strike anywhere in America. We cannot always control how, when, or where they occur, but we can prepare practical responses before disasters strike. By discussing with our families, friends, and neighbors how we will protect ourselves and our communities, we can contribute to and share in a stronger, more resilient society. The theme of this year's National Preparedness Month is ''Don't Wait. Communicate. Make Your Emergency Plan Today.'' This month, I encourage all Americans to bolster their readiness in the event of a crisis. To learn more about the disasters common to where you live, the resources available in your area, and how to prepare, visit *www.Ready.gov* or *www.Listo.gov.*

When emergencies happen, our Nation must ensure that communities have the support and resources they need to respond and recover. Since taking office, I have worked hard to expedite the recovery and rebuilding efforts in areas impacted by disaster. As we commemorate the 10th anniversary of Hurricane Katrina, my Administration remains focused on addressing the needs of survivors, investing in hard-hit neighborhoods, and ensuring those affected are able to rebuild with greater confidence, optimism, and resilience. My Administration has always been dedicated to coordinating readiness and relief efforts between Federal agencies, organizations, corporations, and local partners—because together, with a united approach, we can lift up communities and help them emerge stronger.

No challenge poses a greater threat to our future than climate change. Cities along our Eastern seaboard now flood at high tide, and in the West, wildfire season now lasts most of the year. Some communities are parched by the worst drought in generations, while others have been drenched by unprecedented rainfall. Our climate is changing quickly, and it poses a threat to our Nation's safety and security. That is why we must work toward a sound environment today, and why my Administration is committed to pursuing clean energy through initiatives like the Clean Power Plan. Additionally, as part of my Climate Action Plan, we are committed to building infrastructure that can withstand more frequent and powerful natural disasters and to supporting our communities—including low-income, minority, and tribal communities—as they prepare for these impacts. Together, by ensuring everyone understands the dangers of climate change and by making responsible choices, we can secure a cleaner, safer world for future generations.

On September 30, people from cities and towns in all corners of our Nation will join with the Federal Government to take action as part of America's PrepareAthon! I urge Americans to make a plan and participate in this important opportunity to increase their own preparedness. During National Preparedness Month, let us all renew our commitment to ready ourselves, our families, and our communities for any challenge.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2015 as National Preparedness Month. I encourage all Americans to recognize the importance of preparedness and work together to enhance our resilience and readiness.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2015–22331
Filed 9–2–15; 11:15 am]
Billing code 3295–F5

Presidential Documents

Proclamation 9314 of August 31, 2015

National Prostate Cancer Awareness Month, 2015

By the President of the United States of America

A Proclamation

Every year, America pauses to raise awareness of prostate cancer and reaffirm our resolve to defeat it. One of the most common cancers among American men, prostate cancer will kill more than 27,500 of our Nation's fathers, husbands, sons, and brothers this year, and more than 220,000 Americans will be diagnosed with it in 2015 alone. With each diagnosis comes pain and heartache, and for too many it leads to extreme hardship and unimaginable loss. As a country, we stand with all those who are fighting prostate cancer, their families, and every person who knows the challenges it brings, and we renew our commitment to combating this devastating disease.

Decades of innovative research have helped to reduce prostate cancer's mortality through more effective prevention, detection, and treatment. And while the exact causes of prostate cancer remain unknown, medical research has identified well-established risk factors with which men should be familiar, such as age, family history, and race. By working to raise awareness of prostate cancer, we can help men make more informed decisions about their health—including choices which may help prevent cancer, such as avoiding smoking, maintaining a healthy diet and weight, and exercising regularly. I encourage all men, especially those at higher risk, to speak with a health care professional to learn how prostate cancer could affect them. Everyone can learn more by visiting *www.Cancer.gov/Prostate.*

My Administration is committed to ensuring that Americans have every opportunity to live long and healthy lives. Cancer should not be a death sentence, nor should it condemn individuals to a life of poverty just because they do not have access to the quality, affordable care they need. That is why we fought so hard for the Affordable Care Act—a law which has helped more than 16 million uninsured Americans gain the security they deserve. The law also prevents insurance companies from denying coverage due to a pre-existing condition, such as cancer, and it eliminates annual and lifetime dollar limits on coverage that could disrupt prostate cancer treatments.

We will also continue to support the types of groundbreaking research that have made a difference for so many cancer patients. Earlier this year, I announced my plan to invest in research to better understand cancer and other diseases, thereby determining how best to treat each patient. This Precision Medicine Initiative aims to accelerate biomedical discoveries and revolutionize how our Nation combats disease.

During National Prostate Cancer Awareness Month, we honor all those we have lost, and we redouble our efforts to beat prostate cancer once and for all. Together, with our Nation's advocates, medical researchers, health care providers, and all those who have been touched by cancer, let us resolve to continue our work toward a future free from cancer in all its forms.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2015

as National Prostate Cancer Awareness Month. I encourage all citizens, government agencies, private businesses, non-profit organizations, and other groups to join in activities that will increase awareness and prevention of prostate cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2015–22332
Filed 9–2–15; 11:15 am]
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Presidential Documents

Proclamation 9315 of August 31, 2015

National Wilderness Month, 2015

By the President of the United States of America

A Proclamation

The beauty of America's wilderness has always been central to our character as a Nation. Our untrammeled lands and waters are part of a rich legacy that is carried forward from one generation to the next, reflecting a spirit of conservation deeply rooted in the quintessential American belief that each of us has an equal share in these special places and an equal responsibility to protect them. Every day, individuals across our country embody this idea by maintaining our trails and parks, working to restore cherished sites, and inspiring communities to preserve the areas they treasure.

Since I took office, I have been committed to protecting the pristine areas that enrich our lives and our country. That is why I have set aside more lands and waters than any other President in our history, including by designating more than 2 million new acres of wilderness. And to ensure our children have the chance to experience the wonder within our protected lands, my Administration launched the Every Kid in a Park initiative, which provides free admission to public lands for all fourth graders and their families—enabling more young Americans to discover the land with which our Nation has been blessed.

For more than a half-century, the Land and Water Conservation Fund has helped to protect these iconic places and make it easier for families to spend time outside. The Fund has advanced over 40,000 local projects by making critical investments, including in National Parks, baseball fields, battlefields, and community green spaces. I continue to call on the Congress to act to ensure this vital tool of environmental stewardship and community development does not expire by fully and permanently funding the Land and Water Conservation Fund, and as President, I will keep working to make it easier for all families to enjoy our great outdoors no matter where they live.

Our National Parks, wildlife refuges, forests, and public lands are also essential for expanding economic opportunity, creating jobs, and fueling local economies. My Administration is committed to partnering with cities and States to make sure they have the resources they need to protect these outdoor spaces in the face of extreme weather events that imperil our security and the livelihood of our communities. Climate change threatens our lands and waters, as well as the health and well-being of future generations. That is why we have taken commonsense actions to combat climate change, ensure the resilience of our neighborhoods, and protect our natural resources for our children and grandchildren.

During National Wilderness Month, let us recommit to preserving the places that remind us of who we are and of all that our Nation is. Let us renew our resolve to protect America's incomparable natural splendor in our time so it can endure as a birthright of every citizen and shape the lives and dreams of generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2015 as National Wilderness Month. I invite all Americans to visit and enjoy

our wilderness areas, to learn about their vast history, and to aid in the protection of our precious national treasures.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2015–22333
Filed 9–2–15; 11:15 am]
Billing code 3295–F5

Reader Aids

Federal Register

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

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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**.

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