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# Rules and Regulations

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## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

### 5 CFR Part 1605

### Default Investment Fund Errors

**AGENCY:** Federal Retirement Thrift Investment Board.

**ACTION:** Final rule.

**SUMMARY:** The Federal Retirement Thrift Investment Board (Agency) is amending its regulations to codify procedures for correcting certain default investment fund errors.

**DATES:** This rule is effective September 22, 2015.

**FOR FURTHER INFORMATION CONTACT:** Austen Townsend at (202) 864–8647.

**SUPPLEMENTARY INFORMATION:** The Agency administers the Thrift Savings Plan (TSP), which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99–335, 100 Stat. 514. The TSP provisions of FERSA are codified, as amended, largely at 5 U.S.C. 8351 and 8401–79. The TSP is a tax-deferred retirement savings plan for Federal civilian employees, members of the uniformed services, and spouse beneficiaries. The TSP is similar to cash or deferred arrangements established for private-sector employees under section 401(k) of the Internal Revenue Code (26 U.S.C. 401(k)).

On August 17, 2015, the Agency published a proposed rule with request for comments in the **Federal Register** (80 FR 49173, August 17, 2015). The Agency received no comments and, therefore, is publishing the proposed rule as final without change.

**Regulatory Flexibility Act**

I certify that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation will affect Federal civilian employees and spouse beneficiaries who participate in the Thrift Savings Plan, which is a Federal defined contribution retirement savings plan created under the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99–335, 100 Stat. 514, and which is administered by the Agency.

**Paperwork Reduction Act**

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act.

**Unfunded Mandates Reform Act of 1995**

Pursuant to the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 602, 632, 653, 1501–1571, the effects of this regulation on state, local, and tribal governments and the private sector have been assessed. This regulation will not compel the expenditure in any one year of $100 million or more by state, local, and tribal governments, in the aggregate, or by the private sector. Therefore, a statement under section 1532 is not required.

**Submission to Congress and the General Accounting Office**

Pursuant to 5 U.S.C. 810(a)(1)(A), the Agency submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States before publication of this rule in the **Federal Register**. The rule is not a major rule as defined in 5 U.S.C. 804(2).

**List of Subjects in 5 CFR Part 1605**

Government employees, Pensions, Retirement.

**Gregory T. Long,**

*Executive Director, Federal Retirement Thrift Investment Board.*

For the reasons stated in the preamble, the Agency amends 5 CFR chapter VI as follows:

## PART 1605—CORRECTION OF ADMINISTRATIVE ERRORS

■ 1. The authority citation for part 1605 continues to read as follows:

**Authority:** 5 U.S.C. 8351, 8432(a), 8432(d), 8474(b)(5) and (c)(1). Subpart B also issued under section 1043(b) of Public Law 104–106, 110 Stat. 186 and § 7202(m)(2) of Public Law 101–508, 104 Stat. 1388.

■ 2. Amend § 1605.2 by revising the section heading and paragraphs (b)(1)(i) and (c) to read as follows:

**§ 1605.2 Calculating, posting, and charging breakage on late contributions and loan payments.**

* * * * *

(b) * * *

(1) * * *

(i) Use the participant's contribution allocation on file for the ''as of'' date to determine how the funds would have been invested. If there is no contribution allocation on file, or one cannot be derived based on the investment of contributions, the TSP will consider the funds to have been invested in the default investment fund in effect for the participant on the ''as of'' date.

* * * * *

(c) *Posting contributions and loan payments.* Makeup and late contributions, late loan payments, and breakage, will be posted to the participant's account according to his or her contribution allocation on file for the posting date. If there is no contribution allocation on file for the posting date, they will be posted to the default investment fund in effect for the participant.

* * * * *

■ 3. Add § 1605.3 to subpart A to read as follows:

**§ 1605.3 Calculating, posting, and charging breakage on errors involving investment in the wrong fund.**

(a) The TSP will calculate and post breakage on date of birth errors that result in default investment in the wrong L Fund, contribution allocation errors, and interfund transfer errors.

(b) The TSP will charge the employing agency for positive breakage on incorrect dates of birth caused by employing agency error that result in default investment in the wrong L Fund. A date of birth change received from an employing agency will not trigger corrective action other than to update the date of birth. To initiate a breakage calculation for an employee, the employing agency must notify the TSP that the participant is entitled to breakage.

■ 4. Amend § 1605.13 by revising paragraph (a)(3) to read as follows:

**§ 1605.13 Back pay awards and other retroactive pay adjustments.**

(a) * * *

(3) All contributions made under this paragraph (a) and associated breakage will be invested according to the participant's contribution allocation on the posting date. Breakage will be calculated using the share prices for the default investment fund in effect for the participant in accordance with § 1605.2 unless otherwise required by the employing agency or the court or other tribunal with jurisdiction over the back pay case.

* * * * *

■ 5. Amend § 1605.16 by revising paragraphs (a) and (b) to read as follows:

**§ 1605.16 Claims for correction of employing agency errors; time limitations.**

(a) *Agency's discovery of error.* (1) Upon discovery of an error made within the past six months involving the correct or timely remittance of payments to the TSP (other than a retirement system misclassification error, as covered in paragraph (c) of this section), an employing agency must promptly correct the error on its own initiative. If the error was made more than six months before it was discovered, the agency may exercise sound discretion in deciding whether to correct it, but, in any event, the agency must act promptly in doing so.

(2) For errors involving incorrect dates of birth caused by employing agency error that result in default investment in the wrong L Fund, the employing agency must promptly notify the TSP that the participant is entitled to breakage if the error is discovered within 30 days of either the date the TSP provides the participant with a notice reflecting the error or the date the TSP makes available on its Web site a participant statement reflecting the error, whichever is earlier. If it is discovered after that time, the employing agency may use its sound discretion in deciding whether to pay breakage, but, in any event, must act promptly in doing so.

(b) *Participant's discovery of error.* (1) If an agency fails to discover an error of which a participant has knowledge involving the correct or timely remittance of a payment to the TSP (other than a retirement system misclassification error as covered by paragraph (c) of this section), the participant may file a claim with his or her employing agency to have the error corrected without a time limit. The agency must promptly correct any such error for which the participant files a claim within six months of its occurrence; if the participant files a claim to correct any such error after that time, the agency may do so at its sound discretion.

(2) For errors involving incorrect dates of birth that result in default investment in the wrong L Fund of which a participant or beneficiary has knowledge, he or she may file a claim for breakage with the employing agency no later than 30 days after either the date the TSP provides the participant with a notice reflecting the error or the date the TSP makes available on its Web site a participant statement reflecting the error, whichever is earlier. The employing agency must promptly notify the TSP that the participant is entitled to breakage.

(3) If a participant or beneficiary fails to file a claim for breakage for errors involving incorrect dates of birth in a timely manner, the employing agency may nevertheless, in its sound discretion, pay breakage on any such error that is brought to its attention.

* * * * *

■ 6. Amend § 1605.22 by revising paragraphs (b)(2) and (c)(2) and (3) to read as follows:

**§ 1605.22 Claims for correction of Board or TSP record keeper errors; time limitations.**

* * * * *

(b) * * *

(2) For errors involving an investment in the wrong fund caused by Board or TSP record keeper error, the Board or the TSP record keeper must promptly pay breakage if it is discovered within 30 days of the issuance of the most recent TSP participant (or loan) statement, transaction confirmation, or other notice that reflected the error, whichever is earlier. If it is discovered after that time, the Board or TSP record keeper may use its sound discretion in deciding whether to pay breakage, but, in any event, must act promptly in doing so.

(c) * * *

(2) For errors involving an investment in the wrong fund of which a participant or beneficiary has knowledge, he or she may file a claim for breakage with the Board or TSP record keeper no later than 30 days after the TSP provides the participant with a transaction confirmation or other notice reflecting the error, or makes available on its Web site a participant statement reflecting the error, whichever is earlier. The Board or TSP record keeper must promptly pay breakage for such errors.

(3) If a participant or beneficiary fails to file a claim for breakage concerning an error involving an investment in the wrong fund in a timely manner, the Board or TSP record keeper may nevertheless, in its sound discretion, pay breakage for any such error that is brought to its attention.

* * * * *

■ 7. Amend § 1605.31 by revising paragraph (d) to read as follows:

**§ 1605.31 Contributions missed as a result of military service.**

* * * * *

(d) *Breakage.* The employee is entitled to breakage on agency contributions made under paragraph (c) of this section. The employee will elect to have the calculation based on either the contribution allocation(s) on file for the participant during the period of military service or the default investment fund in effect for the participant; the participant must make this election at the same time his or her makeup schedule is established pursuant to § 1605.11(c).

[FR Doc. 2015–24093 Filed 9–21–15; 8:45 am]

**BILLING CODE 6760–01–P**

## OFFICE OF GOVERNMENT ETHICS

### 5 CFR Parts 2600, 2601, and 2604

**RIN 3209–AA40, 3209–AA41, 3209–AA39**

### Organization and Functions; Implementation of Statutory Gift Acceptance Authority; Freedom of Information Act

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Final rule.

**SUMMARY:** The U.S. Office of Government Ethics (OGE) is issuing this final rule to update and streamline its organization and functions regulation and its statutory gift acceptance authority implementation. The final rule also updates and streamlines OGE's Freedom of Information Act (FOIA) regulation to reflect OGE's existing policy and practice and to implement changes to the FOIA. Finally, the final rule extends a requester's time to file an administrative appeal, makes administrative changes, and updates cost figures for calculating and charging fees.

**DATES:** *Effective date:* October 22, 2015.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Matis, Assistant Counsel, Office of Government Ethics, 202–482–9216.

**SUPPLEMENTARY INFORMATION:**

#### I. Introduction

On April 3, 2015, OGE published proposed amendments to update and streamline its organization and functions regulation, its statutory gift acceptance authority implementation,

and its FOIA regulation. OGE invited comments from the public and other agencies through June 2, 2015. OGE received one comment regarding the changes to its FOIA regulation, from the Office of Government Information Services (OGIS). This comment was generally supportive of the proposed changes but suggested clarifications and additional revisions beyond those proposed by OGE. OGE also received two comments objecting to OGE's exercise of its statutory gift acceptance authority. The comments are discussed further below.

**II. Discussion of Public Comments and the Final Rule**

OGE received two comments objecting to its exercise of its statutory gift acceptance authority, asserting that the receipt of any gift by a government official is a conflict of interest. Part 2601 implements the authority granted to OGE in section 403 of the Ethics in Government Act of 1978, 5 U.S.C. app. 403, to accept gifts on behalf of the United States for the purpose of facilitating the work of the agency. The proposed revisions merely update the regulation to reflect changes to OGE's organizational structure and will have no substantive effect on OGE's implementation of the authority granted it by section 403 of the Ethics in Government Act. Furthermore, potential conflict of interest concerns are sufficiently addressed by §§ 2601.203 and 2601.204, which prohibit OGE from soliciting or accepting a gift that would reflect unfavorably upon the ability of the agency, or any employee of the agency, to carry out OGE responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs. OGE will adopt the revisions to part 2601 as proposed.

OGE received one comment regarding the proposed revisions to its FOIA regulation, from the Office of Government Information Services (OGIS) of the National Archives and Records Administration. OGIS provided a number of constructive suggestions, primarily regarding language clarity and best practices in processing FOIA requests, many of which OGE has incorporated into the final rule.

As suggested by OGIS, the language of § 2604.102 was revised to further clarify the intersection between the FOIA and the Privacy Act. Definitions of ''requester category'' and ''fee waiver'' were added to § 2604.103 and the definition of ''person'' was expanded. The definitions of ''FOIA Public Liaison'' and ''FOIA Requester Service Center'' were updated to refer to the relevant designations in the FOIA.

OGIS suggested that OGE use the term ''perfected'' rather than ''received'' in §§ 2604.301 and 2604.504. OGE acknowledges that it may seem counterintuitive that, under some circumstances, a request may be deemed not to be ''received'' even though it has been successfully delivered to the agency. Upon consideration, however, OGE concluded that the principles of plain language, which caution against using jargon, support retention of the current language. The term ''perfected'' is neither found in the text of the FOIA nor is used in this context in everyday language. Therefore, OGE concluded that the term ''received'' is clearer than the term ''perfected.'' In reaching this conclusion, OGE considered the fact that a number of agencies, including the Department of Justice, continue to use the term ''received'' in their FOIA fee provisions. Although the suggested revision has not been incorporated into the final rule, OGE decided to clarify § 2604.301 by adding language explaining that if, in the course of negotiating fees, the requester does not respond to correspondence from OGE, OGE will administratively close the request after 30 calendar days. This change has been incorporated into the final rule.

OGE also revised § 2604.304 to extend the period for a requester to appeal from 30 to 45 calendar days. OGIS suggested that OGE allow 60 days for requesters to appeal, noting that mail screening by Federal agencies can slow the time it takes appeals to reach their destination. Because § 2604.304 calculates the period for appeal from the date the requester receives OGE's response until the date the requester sends an appeal, delays in mail processing will have no impact on the requester's right of appeal. Nonetheless, OGE is extending the period to appeal to 45 calendar days in the spirit of cooperation with the requester community, which has publically advocated for agencies to institute longer appeal deadlines.

With regard to § 2604.301(a), OGIS noted that the FOIA does not require requesters to indicate that their requests are being made under the FOIA. OGE will not refuse to process a request because it is not clearly marked as a FOIA request. The rule's language stating that requesters ''should . . . clearly indicate that the subject is a Freedom of Information Act request'' is intended to facilitate faster processing, not impose a mandatory requirement on requesters. As such, it is appropriately included in the rule's instructions on addressing requests and has not been revised in the final rule.

In addition, OGIS made several suggestions regarding best practices in the processing of requests. Although OGE generally agrees with these best practices and follows them, it concluded that it is not necessary or advisable to incorporate all such practices into the agency's FOIA regulation, particularly if the suggested changes, on balance, add administrative burden to OGE's small FOIA program while providing little additional benefit to requestors. Specifically, OGIS suggested that acknowledgements include a brief description of the request and that requesters be advised that they can request an estimated date of completion. Although these suggestions are not incorporated into the final rule, it is OGE's practice to include a description of the request and estimated date of completion in all acknowledgements. Likewise, as suggested, OGE advises requesters when information they have requested is publically available and directs them to where the information can be located. OGIS suggested that the regulation be revised to notify requesters that OGE will provide a brief description of redacted information when possible. Although this suggestion is not incorporated into the final rule, it is OGE's practice to describe redacted information if it is not clear from the context and if it is possible without revealing exempt information. Finally, OGIS suggested that language be added to § 2604.304(a) advising requesters that they may appeal the adequacy of OGE's search, even if the agency asserts that it has released all records. Although this suggestion is not incorporated into the final rule, OGE provides information on appeal rights in all response letters, including those granting requests in full.

**III. Statutory Authority**

OGE is promulgating this rulemaking under the authority of 5 U.S.C. 301, 552 (as amended), and 553 and 5 U.S.C. app 105(b).

**IV. Matters of Regulatory Procedure**

*Regulatory Planning and Review (Executive Orders 12866 and 13563)*

In promulgating this rulemaking, OGE has adhered to the regulatory philosophy and the applicable principals of regulation set forth in Executive Orders 12866 and 13563. The rule has not been reviewed by the Office of Management and Budget because it is not a significant regulatory action for the purposes of Executive Order 12866.

*Congressional Review Act*

The rule is not a major rule as defined in 5 U.S.C. Chapter 8, Congressional Review of Agency Rulemaking.

*Paperwork Reduction Act*

The rule is not subject to section 3504(h) of the Paperwork Reduction Act, 44 U.S.C. 3501, because it does not contain any information collection requirements subject to approval by the Office of Management and Budget.

*Federalism (Executive Order 13132)*

The rule will not have substantial direct effects 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. Therefore, in accordance with Executive Order 13132, OGE has determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

*Unfunded Mandates Reform Act*

The rule neither imposes an unfunded mandate of more than $100 million per year nor imposes a significant or unique effect on State, local or tribal governments, or the private sector.

*Regulatory Flexibility Act*

As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on a substantial number of small entities because this regulation will affect only people and organizations who file FOIA requests with OGE.

*Civil Justice Reform (Executive Order 12988)*

It is hereby certified that this rule does not unduly burden the judicial system and meets the requirements of Executive Order 12988.

**List of Subjects**

*5 CFR Parts 2600 and 2601*

Administrative practice and procedure, Organization and functions (Government agencies).

*5 CFR Part 2604*

Administrative practice and procedure, Archives and records, Confidential business information, Freedom of information, Reporting and recordkeeping requirements.

Approved: September 14, 2015.

**Walter M. Shaub, Jr.,**

*Director, Office of Government Ethics.*

For the reasons set out in the preamble, OGE amends 5 CFR parts 2600, 2601, and 2604 as follows:

## PART 2600—ORGANIZATION AND FUNCTIONS OF THE OFFICE OF GOVERNMENT ETHICS

■ 1. The authority citation for part 2600 continues to read as follows:

**Authority:** 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

■ 2. Amend § 2600.101 by revising the first sentence of paragraph (a) to read as follows:

### § 2600.101 Mission and history.

(a) The U.S. Office of Government Ethics (OGE) was established by the Ethics in Government Act of 1978, Public Law 95–521, 92 Stat. 1824 (1978). * * *

* * * * *

■ 3. Amend § 2600.102 by revising paragraphs (a) and (b) to read as follows:

### § 2600.102 Contact information.

(a) *Address.* OGE is located at 1201 New York Avenue NW., Suite 500, Washington, DC 20005–3917. OGE does not have any regional offices. OGE's general email address is *contactoge@oge.gov.*

(b) *Web site.* Information about OGE and its role in the executive branch ethics program as well as copies of publications that have been developed for training, educational and reference purposes are available electronically on OGE's Web site (*www.oge.gov*). OGE has posted on its Web site various Executive Orders, statutes, and regulations that together form the basis for the executive branch ethics program. The site also contains ethics advisory opinions and letters published by OGE, as well as other pertinent information.

* * * * *

■ 4. Revise § 2600.103 to read as follows:

### § 2600.103 Office of Government Ethics organization and functions.

OGE's Director is appointed by the President and confirmed by the Senate for a five-year term. Additional information regarding OGE's organization and functions is available on its Web site at *www.oge.gov.*

## PART 2601—IMPLEMENTATION OF OFFICE OF GOVERNMENT ETHICS STATUTORY GIFT ACCEPTANCE AUTHORITY

■ 5. The authority citation for part 2601 continues to read as follows:

**Authority:** 5 U.S.C. App. (Ethics in Government Act of 1978).

■ 6. Amend § 2601.103 by revising the first sentence of paragraph (a) and the first sentence of paragraph (d) to read as follows:

### § 2601.103 Policy.

(a) *Scope.* OGE may use its statutory authority to solicit, accept and utilize gifts to the agency that aid or facilitate the agency's work. * * *

* * * * *

(d) *Endorsement.* Acceptance of a gift pursuant to this part will not in any way be deemed to be an endorsement of the donor, or the donor's products, services, activities, or policies. * * *

* * * * *

■ 7. Amend § 2601.105 by revising the introductory text, removing the definition of ''Administrative Division'' and revising the definitions of ''Agency,'' ''Authorized agency official,'' ''Director,'' and ''Employee'' to read as follows:

### § 2601.105 Definitions.

As used in this part:

*Agency* means the U.S. Office of Government Ethics (OGE).

*Authorized agency official* means the Director of OGE or the Director's delegee.

*Director* means the Director of OGE.

*Employee* means an employee of OGE.

* * * * *

■ 8. Amend § 2601.202 by revising paragraphs (a), (b), (d), and (f) to read as follows:

### § 2601.202 Procedure.

(a) The authorized agency official will have the authority to solicit, accept, refuse, return, or negotiate the terms of acceptance of a gift.

(b) An employee, other than an authorized agency official, will immediately forward all offers of gifts covered by this part regardless of value to an authorized agency official for consideration and will provide a description of the gift offered. An employee will also inform an authorized agency official of all discussions of the possibility of a gift. An employee will not provide a donor with any commitment, privilege, concession or other present or future benefit (other

than an appropriate acknowledgment) in return for a gift.

* * * * *

(d) Gifts may be acknowledged in writing in the form of a letter of acceptance to the donor. The amount of a monetary gift will be specified. In the case of nonmonetary gifts, the letter will not make reference to the value of the gift. Valuation of nonmonetary gifts is the responsibility of the donor. Letters of acceptance will not include any statement regarding the tax implications of a gift, which remain the responsibility of the donor. No statement of endorsement should appear in a letter of acceptance to the donor.

* * * * *

(f) A gift of money or the proceeds of a gift will be deposited in an appropriately documented agency fund. A check or money order should be made payable to the ''U.S. Office of Government Ethics.''

■ 9. Amend § 2601.203 by revising paragraph (a) to read as follows:

**§ 2601.203 Conflict of interest analysis.**

(a) A gift will not be solicited or accepted if the authorized agency official determines that such solicitation or acceptance of the gift would reflect unfavorably upon the ability of the agency, or any employee of the agency, to carry out OGE responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.

* * * * *

■ 10. Amend § 2601.204 by revising the Note to § 2601.204 to read as follows:

**§ 2601.204 Conditions for acceptance.**

* * * * *

**Note to § 2601.204:** Nothing in this part will prohibit the agency from offering or providing the donor an appropriate acknowledgment of its gift in a publication, speech or other medium.

■ 11. Amend § 2601.301 by revising paragraphs (a) and (b) and the introductory text of paragraph (c) to read as follows:

**§ 2601.301 Accounting of gifts.**

(a) OGE's Designated Agency Ethics Official (DAEO) will ensure that gifts are properly accounted for by following appropriate internal controls and accounting procedures.

(b) The DAEO will maintain an inventory of donated personal property valued at over $500. The inventory will be updated each time an item is sold, excessed, destroyed or otherwise disposed of or discarded.

(c) The DAEO will maintain a log of all gifts valued at over $500 accepted pursuant to this part. The log will include, to the extent known:

* * * * *

## PART 2604—FREEDOM OF INFORMATION ACT RULES AND SCHEDULE OF FEES FOR THE PRODUCTION OF PUBLIC FINANCIAL DISCLOSURE REPORTS

■ 12. Revise part 2604 to read as follows:

## PART 2604—FREEDOM OF INFORMATION ACT RULES AND SCHEDULE OF FEES FOR THE PRODUCTION OF PUBLIC FINANCIAL DISCLOSURE REPORTS

### Subpart A—General Provisions

Sec.



### Subpart B—FOIA Public Reading Room Facility and Web Site; Index Identifying Information for the Public



### Subpart C—Production and Disclosure of Records Under FOIA



### Subpart D—Exemptions Under FOIA



### Subpart E—Schedule of Fees



### Subpart F—Annual OGE FOIA Report



### Subpart G—Fees for the Reproduction and Mailing of Public Financial Disclosure Reports



**Authority:** 5 U.S.C. 552; 5 U.S.C. App. 101–505; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235; E.O. 13392, 70 FR 75373, 3 CFR, 2005 Comp., p. 216.

### Subpart A—General Provisions

**§ 2604.101 Purpose.**

This part contains the regulations of the U.S. Office of Government Ethics (OGE) implementing the Freedom of Information Act (FOIA), as amended. It describes how any person may obtain records from OGE under the FOIA. It also implements section 105(b)(1) of the Ethics in Government Act of 1978 (Ethics Act), as amended, which authorizes an agency to charge reasonable fees to cover the cost of reproduction and mailing of public financial disclosure reports requested by any person.

**§ 2604.102 Applicability.**

(a) *General.* The FOIA and this rule apply to all OGE records. However, if another law sets forth procedures for the disclosure of specific types of records, such as section 105 of the Ethics in Government Act of 1978, 5 U.S.C. appendix, OGE will process a request for those records in accordance with the procedures that apply to those specific records. See 5 CFR 2634.603 and subpart G of this part. If there is any record which is not required to be released under those provisions, OGE will consider the request under the FOIA and this rule, provided that the special Ethics Act access procedures cited must be complied with as to any record within the scope thereof.

(b) *The relationship between the FOIA and the Privacy Act of 1974.* The Freedom of Information Act applies to third-party requests for documents concerning the general activities of the government and of OGE in particular. The Privacy Act of 1974, 5 U.S.C. 552a, applies to records that are about individuals, but only if the records are in a system of records as defined in the Privacy Act. When an individual requests access to his or her own records that are contained in an OGE system of records, the individual is making a Privacy Act request, not a FOIA request. Although OGE determines whether a request is a FOIA or Privacy Act request, OGE processes requests in accordance with both laws and will not deny access by a first party to a record under the FOIA or the Privacy Act if the record is available to that individual under both statutes. This provides the greatest degree of lawful access while safeguarding individuals' personal privacy.

(c) *Records available through routine distribution procedures.* When the record requested includes material published and offered for sale (*e.g.,* by the Government Publishing Office) or which is available to the public through an established distribution system (such as that of the National Technical Information Service of the Department of Commerce), OGE will explain how the record may be obtained through

those channels. If the requester, after having been advised of such alternative access, asks for regular FOIA processing instead, OGE will provide the record in accordance with its usual FOIA procedures under this part.

**§ 2604.103 Definitions.**

As used in this part:

*Agency* has the meaning given in 5 U.S.C. 551(1) and 5 U.S.C. 552(f).

*Business information* means trade secrets or other commercial or financial information, provided to OGE by a submitter, which arguably is protected from disclosure under Exemption 4 of the Freedom of Information Act.

*Business submitter* means any person who provides business information, directly or indirectly, to OGE and who has a proprietary interest in the information.

*Chief FOIA Officer* means the OGE official designated in 5 U.S.C. 552(k) to provide oversight of all of OGE's FOIA program operations.

*Commercial use* means, when referring to a request, that the request is from, or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or of a person on whose behalf the request is made. Whether a request is for a commercial use depends on the purpose of the request and the use to which the records will be put. When a request is from a representative of the news media, a purpose or use supporting the requester's news dissemination function is not a commercial use.

*Direct costs* means those expenditures actually incurred in searching for and duplicating (and, in the case of commercial use requesters, reviewing) records to respond to a FOIA request. Direct costs include the salary of the employee performing the work and the cost of operating duplicating machinery. Not included in direct costs are overhead expenses such as costs of space and heating or lighting of the facility in which the records are stored.

*Duplication* means the process of making a copy of a record. Such copies include photocopies, flash drives, and optical discs.

*Educational institution* means a preschool, elementary or secondary school, institution of undergraduate or graduate higher education, or institute of professional or vocational education, which operates a program of scholarly research.

*Fee waiver* means waiving or reducing processing fees if a requester can demonstrate that certain statutory standards are satisfied, including that the information is in the public interest and is not requested for a commercial interest.

*FOIA Officer* means the OGE employee designated to handle various initial FOIA matters, including requests and related matters such as fees.

*FOIA Public Liaison* means the OGE official designated in 5 U.S.C. 552(a)(6)(B)(ii) and 552(l) to review upon request any concerns of FOIA requesters about the service received from OGE's FOIA Requester Service Center and to address any other FOIA-related inquiries.

*FOIA Requester Service Center* means the OGE unit designated under E.O. 13392 and referenced in 5 U.S.C. 552(l) to answer any questions requesters have about the status of OGE's processing of their FOIA requests.

*Freedom of Information Act* or *FOIA* means 5 U.S.C. 552.

*Noncommercial scientific institution* means an institution that is not operated solely for purposes of furthering its own or someone else's business, trade, or profit interests, and that is operated for purposes of conducting scientific research the results of which are not intended to promote any particular product or industry.

*Office or OGE* means the United States Office of Government Ethics.

*Person* has the meaning given in 5 U.S.C. 551(2), including ''an individual, partnership, corporation, association, or public or private organization other than an agency.''

*Records* means any handwritten, typed, or printed documents (such as memoranda, books, brochures, studies, writings, drafts, letters, transcripts, and minutes) and documentary material in other forms (such as electronic documents, electronic mail, magnetic tapes, cards or discs, paper tapes, audio or video recordings, maps, photographs, slides, microfilm and motion pictures) that are either created or obtained by OGE and are under its control. It does not include objects or articles such as exhibits, models, equipment, and duplication machines or audiovisual processing materials.

*Representative of the news media* means a person or entity that gathers information of potential interest to a segment of the public, uses editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. In this clause, the term ''news'' means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large and publishers of periodicals (but only if such entities qualify as disseminators of ''news'') who distribute their products to the general public or who make their products available for purchase or subscription by the general public, and entities that may disseminate news through other media, such as electronic dissemination of text. Freelance journalists will be considered as representatives of a news media entity if they can show a solid basis for expecting publication through such an entity. A publication contract is such a basis, and the requester's past publication record may show such a basis.

*Request* means any request for records made pursuant to 5 U.S.C. 552(a)(3).

*Requester* means any person who makes a request for records to OGE.

*Requester category* means one of three classifications that OGE assigns to requesters to determine whether OGE will charge fees for search, review and duplication. These categories are: Commercial requesters; noncommercial scientific or educational institutions or representatives of the news media; and all other requesters.

*Review* means the process of initially, or upon appeal (see § 2604.501(b)(3)), examining documents located in a response to a request to determine whether any portion of any document is permitted to be withheld. It also includes processing documents for disclosure, such as redacting portions which may be withheld. Review does not include time spent resolving general legal and policy issues regarding the application of exemptions.

*Search* means the time spent looking for material manually or by automated means that is responsive to a request, including page-by-page or line-by-line identification of material within documents.

*Working days* means calendar days, excepting Saturdays, Sundays, and legal public holidays.

**§ 2604.104 Preservation of records.**

OGE will preserve all correspondence pertaining to the requests that it receives under this part, as well as copies of all responsive records, until disposition or destruction is authorized by title 44 of the United States Code or the National Archives and Records Administration's General Records Schedule. Records will not be disposed of while they are the subject of a pending request, appeal, or lawsuit.

**§ 2604.105 Other rights and services.**

Nothing in this part will be construed to entitle any person, as of right, to any service or to the disclosure of any record to which such person is not entitled under the FOIA.

## Subpart B—FOIA Public Reading Room Facility and Web Site; Index Identifying Information for the Public

### § 2604.201 Public reading room facility and Web site.

(a)(1) *Location of public reading room facility.* OGE maintains a public reading room facility at its offices located at 1201 New York Avenue NW., Suite 500, Washington, DC 20005–3917. Persons desiring to utilize the reading room facility should contact OGE, in writing or by telephone: 202–482–9300, TDD: 202–482–9293, or FAX: 202–482–9237, to arrange a time to inspect the materials available there.

(2) *Web site.* The records listed in paragraph (b) of this section that were created on or after November 1, 1996, or which OGE is otherwise able to make electronically available, along with the OGE FOIA and Public Records Guide and OGE's annual FOIA reports, are also available via OGE's Web site (*www.oge.gov*). OGE will proactively identify additional records of interest to the public and will post such records on its Web site when practicable.

(b) *Records available.* The OGE public reading room facility contains OGE records which are required by 5 U.S.C. 552(a)(2) to be made available for public inspection and copying, including:

(1) Any final opinions, as well as orders, made in the adjudication of cases;

(2) Any statements of policy and interpretation which have been adopted by OGE and are not published in the **Federal Register**;

(3) Any administrative staff manuals and instructions to staff that affect a member of the public, and which are not exempt from disclosure under section (b) of the FOIA;

(4) Copies of records created by OGE that have been released to any person under subpart C of this part which, because of the nature of their subject matter, OGE determines have become or are likely to become the subject of subsequent requests for substantially the same records, together with a general index of such records; and

(5) A general index of the records referred to under § 2604.201(b)(4).

(c) *Copying.* The cost of copying information available in OGE's public reading room facility will be imposed on a requester in accordance with the provisions of subpart E of this part.

(d) OGE may delete from the copies of materials made available under this section any identifying details necessary to prevent a clearly unwarranted invasion of personal privacy. Any such deletions will be explained in writing and the extent of such deletions will be indicated on the portion of the records that are made available or published, unless the indication would harm an interest protected by the FOIA exemption pursuant to which the deletions are made. If technically feasible, the extent of any such deletions will be indicated at the place in the records where they are made.

### § 2604.202 Index identifying information for the public.

(a) OGE will maintain and make available for public inspection and copying a current index of the materials available at its public reading room facility which are required to be indexed under 5 U.S.C. 552(a)(2).

(b) The Director of the Office of Government Ethics has determined that it is unnecessary and impracticable to publish quarterly or more frequently and distribute (by sale or otherwise) copies of each index and supplements thereto, as provided in 5 U.S.C. 552(a)(2). The Office will provide copies of such indexes upon request, at a cost not to exceed the direct cost of duplication and mailing, if sending records by other than ordinary mail.

## Subpart C—Production and Disclosure of Records Under FOIA

### § 2604.301 Requests for records.

(a) *Addressing requests.* Requests for copies of records may be made by mail or email. Requests sent by mail should be addressed to the FOIA Officer, U.S. Office of Government Ethics, 1201 New York Avenue NW., Suite 500, Washington, DC 20005–3917. The envelope containing the request and the letter itself should both clearly indicate that the subject is a Freedom of Information Act request. Email requests should be sent to *usoge@oge.gov* and should indicate in the subject line that the message contains a Freedom of Information Act request.

(b) *Description of records.* Each request must reasonably describe the desired records in sufficient detail to enable OGE personnel to locate the records with a reasonable amount of effort. A request for a specific category of records will be regarded as fulfilling this requirement if it enables responsive records to be identified by a technique or process that is not unreasonably burdensome or disruptive of OGE operations.

(1) Wherever possible, a request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record.

(2) If the FOIA Officer determines that a request does not reasonably describe the records sought, the FOIA Officer will either advise the requester what additional information is needed to locate the record, or otherwise state why the request is insufficient. The FOIA Officer will also extend to the requester an opportunity to confer with OGE personnel with the objective of reformulating the request in a manner which will meet the requirements of this section.

(c) *Agreement to pay fees.* The filing of a request under this subpart will be deemed to constitute an agreement by the requester to pay all applicable fees charged under subpart E of this part, up to $25.00, unless a waiver of fees is sought. The request may also specify a limit on the amount the requester is willing to spend, or may indicate a willingness to pay an amount greater than $25.00, if applicable. In cases where a requester has been notified that actual or estimated fees may amount to more than $25.00, the request will be deemed not to have been received until the requester has agreed to pay the anticipated total fee. If, in the course of negotiating fees, the requester does not respond to correspondence from OGE, OGE will administratively close the FOIA request after 30 calendar days have passed from the date of its last correspondence to the requester.

(d) *Requests for records relating to corrective actions.* No record developed pursuant to the authority of 5 U.S.C. app. 402(f)(2) concerning the investigation of an employee for a possible violation of any provision relating to a conflict of interest will be made available pursuant to this part unless the request for such information identifies the employee to whom the records relate and the subject matter of any alleged violation to which the records relate. Nothing in this subsection will affect the application of subpart D of this part to any record so identified.

(e) *Seeking expedited processing.* (1) A requester may seek expedited processing of a FOIA request if a compelling need for the requested records can be shown.

(2) ''Compelling need'' means:

(i) Circumstances in which failure to obtain copies of the requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) An urgency to inform the public about an actual or alleged Federal Government activity, if the request is made by a person primarily engaged in disseminating information.

(3) A requester seeking expedited processing should so indicate in the

initial request, and should state all the facts supporting the need to obtain the requested records quickly. The requester must also certify in writing that these facts are true and correct to the best of the requester's knowledge and belief.

**§ 2604.302 Response to requests.**

(a) *Acknowledgement of requests.* If the FOIA Officer determines that a request will take longer than 10 working days to process, OGE will send a written acknowledgment that includes the request's individualized tracking number.

(b) *Response to initial request.* The FOIA Officer is authorized to grant or deny any request for a record and to determine appropriate fees.

(c) *Referral to, or consultation with, another agency.* When a requester seeks access to records that originated in another Government agency subject to the FOIA, OGE will normally refer the request to the other agency for response; alternatively, OGE may consult with the other agency in the course of deciding itself whether to grant or deny a request for access to such records. If OGE refers the request to another agency, it will notify the requester of the referral and provide a point of contact within the receiving agency. If release of certain records may adversely affect United States relations with foreign governments, OGE will usually consult with the Department of State. A request for any records classified by some other agency will be referred to that agency for response.

(d) *Honoring form or format requests.* In making any record available to a requester, OGE will provide the record in the form or format requested, if the record already exists or is readily reproducible by OGE in that form or format. If a form or format request cannot be honored, OGE will so inform the requester and provide a copy of a nonexempt record in its existing form or format or another convenient form or format which is readily reproducible. OGE will not, however, generally develop a completely new record (as opposed to providing a copy of an existing record in a readily reproducible new form or format, as requested) of information in order to satisfy a request.

(e) *Record cannot be located.* If a requested record cannot be located from the information supplied, the FOIA Officer will so notify the requester in writing.

**§ 2604.303 Form and content of responses.**

(a) *Form of notice granting a request.* After the FOIA Officer has made a determination to grant a request in whole or in part, the requester will be notified in writing. The notice will describe the manner in which the record will be disclosed, whether by providing a copy of the record with the response or at a later date, or by making a copy of the record available to the requester for inspection at a reasonable time and place. The procedure for such an inspection may not unreasonably disrupt OGE operations. The response letter will also inform the requester in the response of any fees to be charged in accordance with the provisions of subpart E of this part.

(b) *Form of notice denying a request.* When the FOIA Officer denies a request in whole or in part, the FOIA Officer will so notify the requester in writing. The response will be signed by the FOIA Officer and will include:

(1) The name and title or position of the person making the denial;

(2) A brief statement of the reason or reasons for the denial, including the FOIA exemption or exemptions which the FOIA Officer has relied upon in denying the request;

(3) When only a portion of a document is being withheld, the amount of information deleted and the FOIA exemption(s) justifying the deletion will generally be indicated on the copy of the released portion of the document. If technically feasible, such indications will appear at the place in the copy of the document where any deletion is made. If a document is withheld in its entirety, an estimate of the volume of the withheld material will generally be given. However, neither an indication of the amount of information deleted nor an estimation of the volume of material withheld will be included in a response if doing so would harm an interest protected by any of the FOIA exemptions pursuant to which the deletion or withholding is made; and

(4) A statement that the denial may be appealed under § 2604.304, and a description of the requirements of that section.

**§ 2604.304 Appeal of denials.**

(a) *Right of appeal.* If a request has been denied in whole or in part, the requester may appeal the denial by mail or email to the Program Counsel of the U.S. Office of Government Ethics. Requests sent by mail should be addressed to 1201 New York Avenue NW., Suite 500, Washington, DC 20005–3917. The envelope containing the request and the letter itself should both clearly indicate that the subject is a Freedom of Information Act appeal. Email requests should be sent to *usoge@oge.gov* and should indicate in the subject line that the message contains a Freedom of Information Act appeal.

(b) *Letter of appeal.* The appeal must be in writing and must be sent within 45 calendar days of receipt of the denial letter. An appeal should include a copy of the initial request, a copy of the letter denying the request in whole or in part, and a statement of the circumstances, reasons or arguments advanced in support of disclosure of the record.

(c) *Action on appeal.* The disposition of an appeal will be in writing and will constitute the final action of OGE on a request. A decision affirming in whole or in part the denial of a request will include a brief statement of the reason or reasons for affirmance, including each FOIA exemption relied on. If the denial of a request is reversed in whole or in part on appeal, the request will be processed promptly in accordance with the decision on appeal.

(d) *Judicial review.* If the denial of the request for records is upheld in whole or in part, OGE will notify the person making the request of the right to seek judicial review under 5 U.S.C. 552(a)(4).

(e) *Dispute Resolution Services.* If the denial of the request for records is upheld in whole or in part, OGE will notify the requester about the dispute resolution services offered by the Office of Government Information Services (OGIS) and provide contact information for that office.

**§ 2604.305 Time limits.**

(a)(1) *Initial request.* Following receipt of a request for records, the FOIA Officer will determine whether to comply with the request and will notify the requester in writing of the determination within 20 working days.

(2) *Tolling.* OGE may toll the 20-working day period once while awaiting a response to information reasonably requested from the requester. OGE may also toll the 20-working day period while awaiting a response to a request for clarification regarding fees. There is no limit on the number of times OGE may toll the statutory time period to request clarification regarding fees. In either case, the tolling period ends upon receipt of the requester's response to the request for information or clarification. If OGE does not receive a response to a request for clarification regarding fees within 30 calendar days, it will consider the request ''closed.''

(3) *Request for expedited processing.* When a request for expedited processing under § 2604.301(e) is received, the FOIA Officer will respond within 10 calendar days from the date of receipt of the request, stating whether or not the request for expedited processing has been granted. If the request for

expedited processing is denied, any appeal of that decision will be acted upon expeditiously.

(b) *Appeal.* A written determination on an appeal submitted in accordance with § 2604.304 will be issued within 20 working days after receipt of the appeal.

(c) *Extension of time limits.* When additional time is required for one of the reasons stated in paragraph (d) of this section, OGE will, within the statutory 20-working day period, issue written notice to the requester setting forth the reasons for the extension and the date on which a determination is expected to be made. If more than 10 additional working days are needed, the requester will be notified and provided an opportunity to limit the scope of the request or to arrange for an alternative time frame for processing the request or a modified request. To aid the requester, OGE will make available its FOIA Public Liaison to assist in the resolution of any disputes.

(d) For the purposes of paragraph (c) of this section, *unusual circumstances* means that there is a need to:

(1) Search for and collect records from archives;

(2) Search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) Consult with another agency having a substantial interest in the determination of the request, or consult with various OGE components that have substantial subject matter interest in the records requested.

## Subpart D—Exemptions Under FOIA

### § 2604.401 Policy.

(a) *Policy on application of exemptions.* A requested record will not be withheld from inspection or copying unless it comes within one of the classes of records exempted by 5 U.S.C. 552. In making its determination on withholding, OGE will consider making discretionary disclosures of records exempt under the FOIA whenever disclosure is not prohibited by statute, Executive Order, or regulation and would not foreseeably harm an interest protected by a FOIA exemption.

(b) *Pledge of confidentiality.* Information obtained from any individual or organization, furnished in reliance on a provision for confidentiality authorized by applicable statute, Executive Order or regulation, will not be disclosed to the extent it can be withheld under one of the exemptions. However, this paragraph (b) does not itself authorize the giving of any pledge of confidentiality by any officer or employee of OGE.

(c) *Exception for law enforcement information.* OGE may treat records compiled for law enforcement purposes as not subject to the requirements of the Freedom of Information Act when:

(1) The investigation or proceeding involves a possible violation of criminal law;

(2) There is reason to believe that the subject of the investigation or proceeding is unaware of its pendency; and

(3) The disclosure of the existence of the records could reasonably be expected to interfere with the enforcement proceedings.

(d) *Partial application of exemptions.* Any reasonably segregable portion of a record will be provided to any person requesting the record after deletion of the portions which are exempt under this subpart.

### § 2604.402 Business information.

(a) *In general.* Business information provided to OGE by a submitter will not be disclosed pursuant to a Freedom of Information Act request except in accordance with this section.

(b) *Designation of business information.* Submitters of business information should use good-faith efforts to designate, by appropriate markings, either at the time of submission or at a reasonable time thereafter, those portions of their submissions which they deem to be protected under Exemption 4 of the FOIA (5 U.S.C. 552(b)(4)). Any such designation will expire 10 years after the records were submitted to the Government, unless the submitter requests, and provides reasonable justification for, a designation period of longer duration.

(c) *Predisclosure notification.* The FOIA Officer will provide a submitter with prompt written notice of a FOIA request regarding its business information if:

(1) The information has been designated by the submitter as information deemed protected from disclosure under Exemption 4 of the FOIA; or

(2) The FOIA Officer has reason to believe that the information may be protected from disclosure under Exemption 4 of the FOIA. Such written notice will either describe the exact nature of the business information requested or provide copies of the records containing the business information. The requester also will be notified that notice and an opportunity to object are being provided to a submitter.

(d) *Opportunity to object to disclosure.* OGE will give a submitter a reasonable time, up to 10 working days, from receipt of the predisclosure notification to provide a written statement of any objection to disclosure. Such statement will specify all the grounds for withholding any of the information under any exemption of the FOIA and, in the case of Exemption 4, will demonstrate why the information is deemed to be a trade secret or commercial or financial information that is privileged or confidential. Information provided by a submitter pursuant to this paragraph (d) may itself be subject to disclosure under the FOIA.

(e) *Notice of intent to disclose.* The FOIA Officer will consider all objections raised by a submitter and specific grounds for nondisclosure prior to determining whether to disclose business information. Whenever the FOIA Officer decides to disclose business information over the objection of a submitter, the FOIA Officer will send the submitter a written notice at least 10 working days before the date of disclosure containing:

(1) A statement of the reasons why the submitter's objections were not sustained;

(2) A copy of the records which will be disclosed or a written description of the records; and

(3) A specified disclosure date. The requester will also be notified of the FOIA Officer's determination to disclose records over a submitter's objections.

(f) *Notice of FOIA lawsuit.* Whenever a requester brings suit seeking to compel disclosure of business information, the FOIA Officer will promptly notify the submitter.

(g) *Exceptions to predisclosure notification.* The notice requirements in paragraph (c) of this section do not apply if:

(1) The FOIA Officer determines that the information should not be disclosed;

(2) The information has been published previously or has been officially made available to the public;

(3) Disclosure of the information is required by law (other than 5 U.S.C. 552); or

(4) The designation made by the submitter in accordance with paragraph (b) of this section appears obviously frivolous; except that, in such a case, the FOIA Officer will provide the submitter with written notice of any final decision to disclose business information within a reasonable number of days prior to a specified disclosure date.

## Subpart E—Schedule of Fees

### § 2604.501 Fees to be charged—general.

(a) *Policy.* Fees will be assessed according to the schedule contained in paragraph (b) of this section and the category of requesters described in § 2604.502 for services rendered in responding to and processing requests for records under subpart C of this part. All fees will be charged to the requester, except where the charging of fees is limited under § 2604.503(a) and (b) or where a waiver or reduction of fees is granted under § 2604.503(c). Requesters will pay fees by check or money order made payable to the Treasury of the United States.

(b) *Types of charges.* The types of charges that may be assessed in connection with the production of records in response to a FOIA request are as follows:

(1) *Searches*—(i) *Manual searches for records.* Whenever feasible, OGE will charge at the salary rate (*i.e.,* basic pay plus 16%) of the employee making the search. However, where a homogeneous class of personnel is used exclusively in a search (*e.g.,* all clerical time or all professional time) OGE will charge $16.00 per hour for clerical time and $28.00 per hour for professional time. Charges for search time will be billed by 15minute segments.

(ii) *Computer searches for records.* Requesters will be charged the actual direct cost of conducting a search using existing programming. These direct costs will include the cost of operating a central processing unit for that portion of operating time that is directly attributable to searching for records responsive to a request, as well as the cost of operator/programmer salary apportionable to the search. OGE will not alter or develop programming to conduct a search.

(iii) *Unproductive searches.* OGE will charge search fees even if no records are found which are responsive to the request, or if the records found are exempt from disclosure.

(2) *Duplication.* The standard copying charge for documents in paper copy is $0.15 per page. When responsive information is provided in a format other than paper copy, such as in the form of computer tapes, flash drives, and discs, the requester may be charged the direct costs of the medium used to produce the information, as well as any related reproduction costs.

(3) *Review.* Costs associated with the review of documents, as defined in § 2604.103, will be charged at the salary rate (*i.e.,* basic pay plus 16%) of the employee conducting the review. Except as noted below, charges may be assessed only for review at the initial level, *i.e.,* the review undertaken the first time the documents are analyzed to determine the applicability of specific exemptions to a particular record or portion of the records. A requester will not be charged for review at the administrative appeal level concerning the applicability of an exemption already applied at the initial level. However, when a record has been withheld pursuant to an exemption which is subsequently determined not to apply and the record is reviewed again at the appeal level to determine the potential applicability of other exemptions, the costs of such additional review may be assessed.

(4) *Other services and materials.* Where OGE elects, as a matter of administrative discretion, to comply with a request for a special service or materials, such as certifying that records are true copies or sending records by special methods, the actual direct costs of providing the service or materials will be charged.

### § 2604.502 Fees to be charged—categories of requesters.

(a) *Fees for various requester categories.* The paragraphs below state, for each category of requester, the type of fees generally charged by OGE. However, for each of these categories, the fees may be limited, waived or reduced in accordance with the provisions set forth in § 2604.503. In determining whether a requester belongs in any of the following categories, OGE will determine the use to which the requester will put the documents requested. If OGE has reasonable cause to doubt the use to which the requester will put the records sought, or where the use is not clear from the request itself, OGE will seek clarification before assigning the request to a specific category.

(b) *Commercial use requester.* OGE will charge the full costs of search, review, and duplication. Commercial use requesters are not entitled to two hours of free search time or 100 free pages of reproduction as described in § 2604.503(a); however, the minimum fees provision of § 2604.503(b) does apply to such requesters.

(c) *Educational and noncommercial scientific institutions and news media.* If the request is from an educational institution or a noncommercial scientific institution, operated for scholarly or scientific research, or a representative of the news media, and the request is not for a commercial use, OGE will charge only for duplication of documents, excluding charges for the first 100 pages.

(d) *All other requesters.* If the request is not one described in paragraph (b) or (c) of this section, OGE will charge the full and direct costs of searching for and reproducing records that are responsive to the request, excluding the first 100 pages of duplication and the first two hours of search time.

### § 2604.503 Limitations on charging fees.

(a) *In general.* Except for requesters seeking records for a commercial use as described in § 2604.502(b), OGE will provide, without charge, the first 100 pages of duplication and the first two hours of search time, or their cost equivalent.

(b) *Minimum fees.* OGE will not assess fees for individual requests if the total charge would be $10.00 or less.

(c) *Waiver or reduction of fees.* Records responsive to a request under 5 U.S.C. 552 will be furnished without charge or at a reduced charge if a requester can demonstrate that certain statutory standards are satisfied, including that the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government and is not primarily in the commercial interest of the requester. Requests for a waiver or reduction of fees will be considered on a case-by-case basis.

(1) In determining whether disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government, OGE will consider the following factors:

(i) *The subject of the request: Whether the subject of the requested records concerns the operations or activities of the Government.* The subject matter of the requested records, in the context of the request, must specifically and directly concern identifiable operations or activities of the Federal Government. Furthermore, the records must be sought for their informative value with respect to those Government operations or activities;

(ii) *The informative value of the information to be disclosed: Whether the information is likely to contribute to an understanding of Government operations or activities.* The disclosable portions of the requested records must be meaningfully informative on specific Government operations or activities in order to hold potential for contributing to increased public understanding of those operations and activities. The disclosure of information which is already in the public domain, in either a duplicative or substantially identical form, would not be likely to contribute

to such understanding, as nothing new would be added to the public record;

(iii) *The contribution to an understanding of the subject by the public likely to result from disclosure: Whether disclosure of the requested information will contribute to public understanding.* The disclosure must contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons. A requester's identity and qualifications—*e.g.,* expertise in the subject area and ability and intention to convey information to the general public—will be considered; and

(iv) *The significance of the contribution to public understanding: Whether the disclosure is likely to contribute significantly to public understanding of Government operations or activities.* The public's understanding of the subject matter in question, as compared to the level of public understanding existing prior to the disclosure, must be likely to be significantly enhanced by the disclosure.

(2) In determining whether disclosure of the requested information is not primarily in the commercial interest of the requester, OGE will consider the following factors:

(i) *The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure.* OGE will consider all commercial interests of the requester, or any person on whose behalf the requester may be acting, which would be furthered by the requested disclosure. In assessing the magnitude of identified commercial interests, consideration will be given to the effect that the information disclosed would have on those commercial interests; and

(ii) *The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.* A fee waiver or reduction is warranted only where the public interest can fairly be regarded as greater in magnitude than the requester's commercial interest in disclosure. OGE will ordinarily presume that, where a news media requester has satisfied the public interest standard, the public interest will be served primarily by disclosure to that requester. Disclosure to data brokers and others who compile and market Government information for direct economic return will not be presumed to primarily serve the public interest.

(3) Where only a portion of the requested record satisfies the requirements for a waiver or reduction of fees under this paragraph (c), a waiver or reduction will be granted only as to that portion.

(4) A request for a waiver or reduction of fees must accompany the request for disclosure of records, and should include:

(i) A clear statement of the requester's interest in the documents;

(ii) The proposed use of the documents and whether the requester will derive income or other benefit from such use;

(iii) A statement of how the public will benefit from release of the requested documents; and

(iv) If specialized use of the documents is contemplated, a statement of the requester's qualifications that are relevant to the specialized use.

(5) A requester may appeal the denial of a request for a waiver or reduction of fees in accordance with the provisions of § 2604.304.

(d) If OGE does not comply with one of the time limits under § 2604.305, it will not assess search fees (or, in the case of a requester described under § 2604.502(c), duplication fees), unless unusual or exceptional circumstances apply, as defined in 5 U.S.C. 552(a)(6)(B) and (C).

### § 2604.504 Miscellaneous fee provisions.

(a) *Notice of anticipated fees in excess of $25.00.* Where OGE determines or estimates that the fees to be assessed under this section may amount to more than $25.00, it will notify the requester as soon as practicable of the actual or estimated amount of fees, unless the requester has indicated in advance the willingness to pay fees as high as those anticipated. Where a requester has been notified that the actual or estimated fees may exceed $25.00, the request will be deemed not to have been received until the requester has agreed to pay the anticipated total fee. A notice to the requester pursuant to this paragraph (a) will include the opportunity to confer with OGE personnel in order to reformulate the request to meet the requester's needs at a lower cost.

(b) *Aggregating requests.* A requester may not file multiple requests, each seeking portions of a document or documents in order to avoid the payment of fees. Where there is reason to believe that a requester, or group of requesters acting in concert, is attempting to divide a request into a series of requests for the purpose of evading the assessment of fees, OGE may aggregate the requests and charge accordingly. OGE will presume that multiple requests of this type made within a 30-calendar day period have been made in order to evade fees. Multiple requests regarding unrelated matters will not be aggregated.

(c) *Advance payments.* An advance payment before work is commenced or continued will not be required unless:

(1) OGE estimates or determines that the total fee to be assessed under this section is likely to exceed $250.00. When a determination is made that the allowable charges are likely to exceed $250.00, the requester will be notified of the likely cost and will be required to provide satisfactory assurance of full payment where the requester has a history of prompt payment of FOIA fees, or will be required to submit an advance payment of an amount up to the full estimated charges in the case of requesters with no history of payment; or

(2) A requester has previously failed to pay a fee charged in a timely fashion (*i.e.,* within 30 calendar days of the date of the billing). In such cases the requester may be required to pay the full amount owed plus any applicable interest as provided by paragraph (e) of this section, and to make an advance payment of the full amount of the estimated fee before OGE begins to process a new request.

(3) When OGE requests an advance payment of fees, the administrative time limits described in subsection (a)(6) of the FOIA will begin to run only after OGE has received the advance payment.

(d) *Billing and payment.* Normally OGE will require a requester to pay all fees before furnishing the requested records. However, OGE may send a bill along with, or following the furnishing of records, in cases where the requester has a history of prompt payment.

(e) *Interest charges.* Interest charges on an unpaid bill may be assessed starting on the 31st calendar day following the day on which the billing was sent. Interest will be at the rate prescribed in 31 U.S.C. 3717 and will accrue from the date of billing. To collect unpaid bills, OGE will follow the provisions of the Debt Collection Act of 1982, as amended (96 Stat. 1749 *et seq.*) including the use of consumer reporting agencies, collection agencies, and offset.

## Subpart F—Annual OGE FOIA Report

### § 2604.601 Electronic posting and submission of annual OGE FOIA report.

On or before February 1 of each year, OGE will electronically post on its Web site and submit to the Office of Information and Privacy at the United

States Department of Justice a report of its activities relating to the Freedom of Information Act (FOIA) during the preceding fiscal year. The report will include the information required by 5 U.S.C. 552(e).

### Subpart G—Fees for the Reproduction and Mailing of Public Financial Disclosure Reports

#### § 2604.701 Policy.

Fees for the reproduction and mailing of public financial disclosure reports requested pursuant to section 105 of the Ethics in Government Act of 1978, as amended, and § 2634.603 of this chapter will be assessed according to the schedule contained in § 2604.702. Requesters will pay fees by check or money order made payable to the Treasury of the United States. Except as provided in § 2604.702(d), nothing concerning fees in subpart E of this part supersedes the charges set forth in this subpart for records covered in this subpart.

#### § 2604.702 Charges.

(a) *Duplication.* Except as provided in paragraph (c) of this section, copies of public financial disclosure reports requested pursuant to section 105 of the Ethics in Government Act of 1978, as amended, and § 2634.603 of this chapter will be provided upon payment of $0.15 per page furnished.

(b) *Mailing.* Except as provided in paragraph (c) of this section, the actual direct cost of mailing public financial disclosure reports will be charged for all forms requested. Where OGE elects to comply, as a matter of administrative discretion, with a request for special mailing services, the actual direct cost of such service will be charged.

(c) *Minimum fees.* OGE will not assess fees for individual requests if the total charge would be $10.00 or less.

(d) *Miscellaneous fee provisions.* The miscellaneous fee provisions set forth in § 2604.504 apply to requests for public financial disclosure reports pursuant to § 2634.603 of this chapter.

[FR Doc. 2015–23561 Filed 9–21–15; 8:45 am]

BILLING CODE 6345–03–P

## DEPARTMENT OF ENERGY

### 10 CFR Part 1046

**RIN 1992–AA40**

### Medical, Physical Readiness, Training, and Access Authorization Standards for Protective Force Personnel

**AGENCY:** Office of Environment, Health, Safety and Security, Department of Energy.

**ACTION:** Final rule.

**SUMMARY:** On September 10, 2013, the Department of Energy (DOE or Department) issued in the **Federal Register** a revision to its regulations governing the standards for medical, physical performance, training, and access authorizations for protective force (PF) personnel employed by contractors providing security services to the Department. Subsequently, the DOE created a new Office of Environment, Health, Safety and Security (AU) to improve the effectiveness and efficiency of its environmental, health, safety and security policy. Certain functions that previously were carried out by the Office of Health, Safety and Security have been transferred to the new office. This final rule makes technical amendments to DOE's regulations to substitute the officials to whom or offices to which functions have been transferred pursuant to the reorganization. Today's regulatory amendments do not alter substantive rights or obligations under current law.

**DATES:** The effective date of this rule is September 22, 2015.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Faiver, Office of Security Policy at (301) 903–4613; *Richard.Faiver@hq.doe.gov.*

**SUPPLEMENTARY INFORMATION:**



### I. Background

Pursuant to the Atomic Energy Act of 1954 (42 U.S.C. 2011 *et seq.*) and the DOE Organization Act of 1977 (42 U.S.C. 7101 *et seq.*), DOE owns and leases defense nuclear and other facilities in various locations in the United States. These facilities are operated by DOE or by contractors (including subcontractors at all tiers) with DOE oversight. Protection of the DOE facilities is provided by armed and unarmed PF personnel employed by Federal Government contractors. These PF personnel are required to perform both routine and emergency duties, which include patrolling DOE sites, manning security posts, protecting government and contractor employees, property, and sensitive and classified information, training for potential crisis or emergency situations, and responding to security incidents. PF personnel are required to meet various job-related minimum medical and physical readiness qualification standards designed to ensure they are capable of performing all essential functions of normal and emergency PF duties without posing a direct threat to themselves or others. DOE's regulations in 10 CFR part 1046 establish the medical, physical readiness, training and performance standards for contractor PF personnel.

On September 10, 2013, DOE issued in the **Federal Register** a revision to its regulations at 10 CFR part 1046 (78 FR 55174). Subsequently, on May 4, 2014, DOE created a new office, AU, to improve the effectiveness and efficiency of its environment, health, safety and security policy. DOE transferred certain health, safety and security functions to the new office that previously were carried out by the Office of Health, Safety and Security. This final rule amends 10 CFR part 1046 to reflect DOE's new organizational structure. None of the regulatory amendments in this final rule alter substantive rights or obligations under current law. The modifications to 10 CFR part 1046 are described in the Section by Section Analysis in section II.

### II. Section by Section Analysis

In this final rule, the Office of Health, Safety and Security organization has been renamed to the Office of Environment, Health, Safety and Security. The position title of Chief Health, Safety and Security Officer has been renamed to the Associate Under Secretary for the Office of Environment, Health, Safety and Security. DOE has removed reference(s) to the Chief Medical Officer and, where appropriate,

added position title of Associate Under Secretary for the Office of Environment, Health, Safety and Security in its place. Sections that have been revised pursuant to the reorganization described above are listed below. Sections not discussed below have not changed as a result of this final rule.

*Subpart A—General*

1. Changes for § 1046.2, Scope, revises the language of this section to identify new organizational names and position titles.

2. Changes for § 1046.3, Definitions, revises the language of this section only to identify new organizational names and position titles.

3. Changes for § 1046.4, Physical Protection Medical Director, revises the language of this section only to identify new organizational names and position titles.

4. Changes for § 1046.5, Designated Physician, revises the language of this section only to identify new organizational names and position titles.

*Subpart B—PF Personnel*

5. Changes for § 1046.13, Medical certification standards and procedures, revises the language of this section only to identify new organizational names and position titles.

6. Changes for § 1046.15, Review of medical certification disqualification, revises the language of this section only to identify new organizational names and position titles.

7. Changes for § 1046.17, Training standards and procedures, revises the language of this section only to identify new organizational names and position titles.

## III. Rulemaking Requirements

### *A. Review Under the Administrative Procedure Act*

This action amends the PF regulations at 10 CFR part 1046 only to identify new organizational names and position titles resulting from a reorganization of DOE's Office of Health, Safety and Security, which is now known as AU. The rule has no substantive effect on the standards for medical, physical performance, training and access authorizations for PF personnel employed by contractors providing security services to the Department. Therefore, DOE has determined that prior opportunity for public notice and comment is unnecessary and contrary to the public interest pursuant to 5 U.S.C. 553(b)(B). For these same reasons, DOE has determined that it is appropriate to waive the 30-day delay in effective date pursuant to 5 U.S.C. 553(d).

### *B. Review Under Executive Order 12866*

This action does not constitute a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735).

### *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. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking'' (67 FR 53461, Aug. 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. DOE has made its procedures and policies available on the Office of the General Counsel's Web site (*http://www.energy.gov/gc/office-general-counsel*).

Because this rule is not required by law to be proposed for public comment, the analytical requirements of the Regulatory Flexibility Act do not apply. DOE has, however, reviewed today's rule under the Regulatory Flexibility Act and determined that the rule would not have a significant impact on a substantial number of small entities. This action would amend an existing rule which establishes medical and physical training requirements and standards for DOE PF personnel. The medical and physical training requirements and standards affect approximately twenty private firms (*e.g.*, integrated Management and Operating contractors, security services contractors, and subcontractors) at the Department's facilities around the United States. Some of those firms which provide protective services are classified under NAICS Code 561612, Security Guards and Patrol Services. To be classified as a small business, they must have average annual receipts of $18.5 million or less. Some of the private firms affected by these standards and requirements would be classified as small businesses.

Because today's action identifies only organizational changes, the impact on these firms will not be significant. For this reason, DOE determines the rule will not have a significant economic impact on a substantial number of small entities.

### *D. Review Under Paperwork Reduction Act*

No new information collection requirements subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, are imposed by this regulatory action.

### *E. Review Under the National Environmental Policy Act*

This rule amends existing policies and procedures establishing medical and physical readiness standards for DOE PF personnel and has no significant environmental impact. Consequently, the Department has determined that this rule is covered under Categorical Exclusion A–5, of Appendix A to Subpart D, 10 CFR part 1021, which applies to a rulemaking that addresses amending an existing rule or regulation that does not change the environmental effect of the rule or regulation being amended. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

### *F. Review Under Executive Order 13132*

Executive Order 13132, ''Federalism,'' (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 develop a formal process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have ''federalism implications.'' Policies that have federalism implications are defined in the Executive Order to include regulations that have ''substantial direct effects 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.'' On March 7, 2011, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations (65 FR 13735, March 14, 2000).

DOE has examined this rule and has determined that it 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 Executive Order 12988*

Section 3 of Executive Order 12988, (61 FR 4729, February 7, 1996), instructs each agency to adhere to certain requirements in promulgating new

regulations. These requirements, set forth in section 3(a) and (b), include eliminating drafting errors and needless ambiguity, drafting the regulations to minimize litigation, providing clear and certain legal standards for affected legal conduct, and promoting simplification and burden reduction. Agencies are also instructed to make every reasonable effort to ensure that the regulation describes any administrative proceeding to be available prior to judicial review and any provisions for the exhaustion of administrative remedies. The Department has determined that this regulatory action meets the requirements of section 3(a) and (b) of Executive Order 12988.

*H. Review Under the Unfunded Mandates Reform Act of 1995*

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory action on state, local and tribal governments, and the private sector. For proposed regulatory actions likely to result in a rule that may cause expenditures by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish estimates of the resulting costs, benefits, and other effects on the national economy. UMRA also requires Federal agencies to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate.'' In addition, UMRA requires an agency plan for giving notice and opportunity for timely input to small governments that may be affected before establishing a requirement that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA (62 FR 12820, March 18, 1997). (This policy is also available at *http://www.energy.gov/gc/office-general-counsel.*) Today's rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply. The rule would identify only organizational changes resulting from a reorganization of DOE's Office of Health, Safety and Security, which is now AU. The impact is not likely to result in the expenditure of $100 million or more in any one year.

*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 proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to the 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 alternates to the action and their expected benefits on energy supply, distribution, and use.

This rule is not a significant energy action, nor has it been designated as such by the Administrator of OIRA. Accordingly, DOE has not prepared a Statement of Energy Effects.

*J. 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 proposed rule or policy that may affect family well-being. Today's rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

*K. Congressional Notification*

As required by 5 U.S.C. 801, DOE will submit to Congress a report regarding the issuance of this final rule prior to the effective date set forth at the outset of this rulemaking. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 801(2).

*L. Approval by the Office of the Secretary of Energy.*

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

**List of Subjects in 10 CFR Part 1046**

Government contracts, Reporting and recordkeeping requirements, Security measures.

Issued in Washington, DC, on September 1, 2015.

**Elizabeth Sherwood-Randall,**

*Deputy Secretary of Energy.*

For the reasons set out in the preamble, DOE amends part 1046 of title 10 of the Code of Federal Regulations as set forth below:

## PART 1046—MEDICAL, PHYSICAL READINESS, TRAINING, AND ACCESS AUTHORIZATION STANDARDS FOR PROTECTIVE FORCE PERSONNEL

■ 1. The authority citation for part 1046 continues to read as follows:

**Authority:** 42 U.S.C. 2011, *et seq.*; 42 U.S.C. 7101, *et seq.*; 50 U.S.C. 2401, *et seq.*

**§ 1046.2 [Amended]**

■ 2. Section 1046.2 is amended:
■ a. In paragraph (c) by removing ''Chief Health, Safety and Security Officer'' and adding in its place ''Associate Under Secretary for the Office of Environment, Health, Safety and Security (AU–1)'';
■ b. In paragraph (d), second sentence, by removing ''the Office of Health, Safety and Security'' and adding in its place ''AU''; and in the third sentence, by removing ''The Office of Health, Safety and Security'' and adding in its place ''AU–1''; and
■ c. In paragraph (e) by removing ''the Chief Health, Safety and Security Officer'' and adding in its place ''the Associate Under Secretary for Environment, Health, Safety and Security''.

**§ 1046.3 [Amended]**

■ 3. In § 1046.3, the definition of ''*Designated Physician*'' is amended by removing ''The Office of Health, Safety and Security'' and adding in its place ''AU–1'', and the definition of ''*Weapons proficiency demonstration*'' is amended by removing ''the Office of Health, Safety and Security'' and adding in its place ''AU–1''.

**§ 1046.4 [Amended]**

■ 4. Section 1046.4 is amended in:
■ a. Paragraphs (a)(1) introductory text, (a)(1)(iv), (a)(2), (a)(3), (b) introductory text, (d)(1) introductory text, and (d)(2) by removing ''the Office of Health, Safety and Security'' and adding in its place ''AU–1'';
■ b. Paragraph (e), by removing ''The Office of Health, Safety and Security'' and adding in its place ''AU–1'';
■ c. Paragraph (f), by removing ''the Office of Health, Safety and Security'',

four occurrences, and adding in its place ''AU–1''; and

■ d. Paragraph (g), by removing, ''the Chief Health, Safety and Security Officer'', and adding in its place ''AU–1''; and by removing ''the Office of Health, Safety and Security'' and adding in its place ''AU–1''.

**§ 1046.5 [Amended]**

■ 5. Section 1046.5(c) is amended by removing ''the Office of Health, Safety and Security'', two occurrences, and adding in both places, ''AU–1''.

**§ 1046.13 [Amended]**

■ 6. Section 1046.13(b)(3) is amended by removing ''the Chief Medical Officer'' and adding in its place ''AU–1''.

**§ 1046.15 [Amended]**

■ 7. Section 1046.15 is amended in:

■ a. Paragraph (c) introductory text, by removing ''the Office of Health, Safety and Security'' and adding in its place ''AU–1''; and in paragraph (c)(1) by removing ''The Office of Health, Safety and Security'' and adding in its place ''AU–1''; and

■ b. Paragraphs (c)(2), (c)(3), (c)(4) introductory text, (c)(4)(iii), (c)(5), (c)(6) introductory text, (c)(7) four occurrences, (c)(8) and (d) two occurrences, by removing ''the Office of Health, Safety and Security'' and adding in its place ''AU–1''.

**§ 1046.17 [Amended]**

■ 8. Section 1046.17 is amended in paragraph (k)(6) by removing ''the Office of Health, Safety and Security'' and adding in its place ''AU–1''.

[FR Doc. 2015–24083 Filed 9–21–15; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2015–0245; Directorate Identifier 2014–NM–135–AD; Amendment 39–18268; AD 2015–19–06]**

**RIN 2120–AA64**

## Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are superseding Airworthiness Directive (AD) 2012–24–10 for certain The Boeing Company Model 747–400 and –400F series airplanes. AD 2012–24–10 required installing new software, replacing the duct assembly with a new duct assembly, making wiring changes, and routing certain wire bundles. This new AD retains the requirements of AD 2012–24–10 and requires installing a new or serviceable pressure switch bracket and altitude pressure switch. This new AD also adds an airplane to the applicability. This AD was prompted by reports of intermittent or blank displays of a certain integrated display unit (IDU) that were due to an intermittent false electrical ground that was not addressed by the software installation or wiring changes required by AD 2012–24–10. We are issuing this AD to prevent IDU malfunctions, which could affect the ability of the flightcrew to read primary displays for airplane attitude, altitude, or airspeed, and consequently reduce the ability of the flightcrew to maintain control of the airplane.

**DATES:** This AD is effective October 27, 2015.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 27, 2015.

**ADDRESSES:** For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0245.

*Examining the AD Docket*

You may examine the AD docket on the Internet at *http://www.regulations.gov*by searching for and locating Docket No. FAA–2015–0245; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Francis Smith, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6596; fax: 425–917–6591; email: *Francis.Smith@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012). AD 2012–24–10 applied to certain The Boeing Company Model 747–400 and –400F series airplanes. The NPRM published in the **Federal Register** on February 18, 2015 (80 FR 8568). The NPRM was prompted by reports of intermittent or blank displays of a certain IDU that were due to an intermittent false electrical ground that was not addressed by the software installation or wiring changes required by AD 2012–24–10.

The NPRM (80 FR 8568, February 18, 2015) proposed to retain the requirements of AD 2012–24–10. The NPRM also proposed to require installing a new or serviceable pressure switch bracket and altitude pressure switch, and add an airplane having variable number RT061 as Group 21 to the applicability of the existing AD. We are issuing this AD to prevent IDU malfunctions, which could affect the ability of the flightcrew to read primary displays for airplane attitude, altitude, or airspeed, and consequently reduce the ability of the flightcrew to maintain control of the airplane.

### Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comment received on the NPRM (80 FR 8568, February 18, 2015) and the FAA's response.

### Request To Clarify Purpose of Altitude Pressure Switch

Boeing requested that we revise the wording in the Discussion section to clarify that the altitude pressure switch provides an independent and redundant signal to the equipment cooling three-way valve. Boeing explained that the logic to transition the three-way valve through an altitude of 25,000 feet was already present through a signal from the environmental control system miscellaneous card (ECSMC). The commenter added that the logic

redundancy is described correctly elsewhere in the NPRM (80 FR 8568, February 18, 2015).

We agree with the commenter's request because changing the wording clarifies the intent of Boeing Special Attention Service Bulletin 747–21–2533, dated February 13, 2014, which describes procedures for installing an altitude pressure switch on the forward side of the station 400 bulkhead for the three-way valve of the equipment cooling system. We have revised the description of the service information, which is provided in the Related Service Information under 1 CFR part 51 section in this final rule.

**Conclusion**

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

- Are consistent with the intent that was proposed in the NPRM (80 FR 8568, February 18, 2015) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (80 FR 8568, February 18, 2015).

**Related Service Information Under 1 CFR Part 51**

Boeing has issued the following service information.

- Boeing Alert Service Bulletin 747–21A2523, Revision 2, dated June 7, 2013. This service information describes procedures for changing the wiring and operating logic of the equipment cooling three-way valve and replacing the existing duct assembly with a new duct assembly on the main distribution manifold of the air conditioning system.
- Boeing Special Attention Service Bulletin 747–21–2532, dated February 13, 2014. This service information describes procedures for installing an altitude pressure switch on the forward side of the station 400 bulkhead for the three-way valve of the equipment cooling system.
- Boeing Special Attention Service Bulletin 747–21–2533, dated February 13, 2014. This service information describes procedures for adding a second altitude signal to the switching logic for the three-way valve to provide a second, independent altitude signal for the equipment cooling system.

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

**Costs of Compliance**

We estimate that this AD affects 33 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Duct assembly and replacement wiring changes (retained actions from AD 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012). | 44 work-hours × $85 per hour = $3,740 | $20,121 | $23,861 | $787,413 |
| Software changes (retained actions from AD 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012). | 3 work-hours × $85 per hour = $255 ..... | 0 | 255 | 8,415 |
| Altitude pressure switch installation (new action) ..... | 13 work-hours × $85 per hour = $1,105 | 5,230 | 6,335 | 209,055 |

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

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

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

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

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

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

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

**List of Subjects in 14 CFR Part 39**

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

**Adoption of the Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012), and adding the following new AD:

**2015–19–06** The Boeing Company: Amendment 39–18268; Docket No. FAA–2015–0245; Directorate Identifier 2014–NM–135–AD.

**(a) Effective Date**

This AD is effective October 27, 2015.

**(b) Affected ADs**

This AD replaces AD 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012).

**(c) Applicability**

This AD applies to The Boeing Company Model 747–400 and -400F series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 747–21A2523, Revision 2, dated June 7, 2013.

**(d) Subject**

Air Transport Association (ATA) of America Code 21, Air Conditioning; 31, Instruments.

**(e) Unsafe Condition**

This AD was prompted by reports of intermittent or blank displays of a certain integrated display unit (IDU) in the flight deck. We are issuing this AD to prevent IDU malfunctions, which could affect the ability of the flightcrew to read primary displays for airplane attitude, altitude, or airspeed, and consequently reduce the ability of the flightcrew to maintain control of the airplane.

**(f) Compliance**

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

**(g) Retained Software Update, With Revised Service Information**

This paragraph restates the requirements of paragraph (g) of AD 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012), with revised service information. Within 12 months after January 16, 2013 (the effective date of AD 2012–24–10), except as provided by paragraph (j) of this AD: Install integrated display system software, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–21A2523, Revision 1, dated October 3, 2011; or Boeing Alert Service Bulletin 747–21A2523, Revision 2, dated June 7, 2013. As of the effective date of this AD, only Boeing Alert Service Bulletin 747–21A2523, Revision 2, dated June 7, 2013, may be used to accomplish the actions required by this paragraph.

**Note 1 to paragraphs (g) and (j) of this AD:** Boeing Alert Service Bulletin 747–21A2523, Revision 1, dated October 3, 2011; and Boeing Alert Service Bulletin 747–21A2523, Revision 2, dated June 7, 2013; refer to Boeing Service Bulletin 747–31–2426, dated July 29, 2010 (for airplanes with Rolls-Royce engines); Boeing Service Bulletin 747–31–2427, dated July 29, 2010 (for airplanes with General Electric engines); and Boeing Service Bulletin 747–31–2428, dated July 29, 2010 (for airplanes with Pratt & Whitney engines); as additional sources of guidance for the software installation specified by paragraph (g) of this AD.

**(h) Retained Duct Assembly Replacement and Wiring Changes, With Revised Service Information**

This paragraph restates the requirements of paragraph (h) of AD 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012), with revised service information. Within 60 months after January 16, 2013 (the effective date of AD 2012–24–10), except as provided by paragraph (j) of this AD: Replace the duct assembly with a new duct assembly, do wiring changes, and route certain wire bundles, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–21A2523, Revision 1, dated October 3, 2011; or Boeing Alert Service Bulletin 747–21A2523, Revision 2, dated June 7, 2013. As of the effective date of this AD, only Boeing Alert Service Bulletin 747–21A2523, Revision 2, dated June 7, 2013, may be used to accomplish the actions required by this paragraph.

**(i) New Installation of Pressure Switch Bracket and Altitude Pressure Switch**

Within 60 months after the effective date of this AD: Install a new or serviceable pressure switch bracket and a new or serviceable altitude pressure switch on the forward side of the station 400 bulkhead, do wiring changes, route certain wire bundles, install a new hose assembly, and perform a leak check and a functional logic test, in accordance with the Accomplishment Instructions of the service information specified in paragraph (i)(1) or (i)(2) of this AD, as applicable.

(1) For Model 747–400F series airplanes: Boeing Special Attention Service Bulletin 747–21–2532, dated February 13, 2014.

(2) For Model 747–400BCF series airplanes: Boeing Special Attention Service Bulletin 747–21–2533, dated February 13, 2014.

**(j) Actions for Group 21 Airplanes**

For Group 21 airplanes, as identified in Boeing Alert Service Bulletin 747–21A2523, Revision 2, dated June 7, 2013, do the actions specified in paragraphs (j)(1) and (j)(2) of this AD, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–21A2523, Revision 2, dated June 7, 2013.

(1) Within 12 months after the effective date of this AD, install integrated display system software.

(2) Within 60 months after the effective date of this AD, replace the duct assembly with a new duct assembly, do wiring changes, and route certain wire bundles.

**(k) Credit for Previous Actions**

This paragraph provides credit for actions required by paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 747–21A2523, Revision 1, dated October 3, 2011, which was incorporated by reference in AD 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012).

**(l) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (m)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

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

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

(4) AMOCs approved for AD 2012–24–10, Amendment 39–17280 (77 FR 73908, December 12, 2012), are approved as AMOCs for the corresponding provisions of paragraphs (g) and (h) of this AD.

**(m) Related Information**

(1) For more information about this AD, contact Francis Smith, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6596; fax: 425–917–6591; email: *Francis.Smith@faa.gov*.

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

**(n) Material Incorporated by Reference**

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

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

(i) Boeing Alert Service Bulletin 747–21A2523, Revision 2, dated June 7, 2013.

(ii) Boeing Special Attention Service Bulletin 747–21–2532, dated February 13, 2014.

(iii) Boeing Special Attention Service Bulletin 747–21–2533, dated February 13, 2014.

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

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

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on

the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on September 9, 2015.

**Michael Kaszycki,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2015–23539 Filed 9–21–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2014–0753; Directorate Identifier 2014–NM–128–AD; Amendment 39–18270; AD 2015–19–08]**

**RIN 2120–AA64**

## Airworthiness Directives; Airbus Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** We are superseding Airworthiness Directive (AD) 2011–19–04, for all Airbus Model A318, A319, A320, and A321 series airplanes. AD 2011–19–04 required repetitive inspections for cracking of the left-hand and right-hand inboard and outboard elevator servo-control rod eye-ends, and corrective actions if necessary. This new AD requires an inspection to determine if certain elevator servo-control parts are installed, and replacement if necessary. This AD was prompted by a determination that certain elevator servo-control parts that do not conform to the approved type design have been installed and may have the potential of cracks in the rod eye-end. We are issuing this AD to detect and correct rod eye-end cracking, which could result in uncontrolled elevator surface and consequent reduced control of the airplane.

**DATES:** This AD becomes effective October 27, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 27, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of October 21, 2011 (76 FR 57630, September 16, 2011).

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of September 22, 2009 (74 FR 41611 August 18, 2009).

**ADDRESSES:** You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0753;* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For Airbus service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; Internet *http://www.airbus.com.* For UTC service information identified in this AD, contact UTC Aerospace Systems; Roger Dangremont; telephone +01 34 32 63 28; email *roger.dangrement@goodrich.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0753.

**FOR FURTHER INFORMATION CONTACT:** Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

**SUPPLEMENTARY INFORMATION:**

### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2011–19–04, Amendment 39–16809 (76 FR 57630, September 16, 2011). AD 2011–19–04 applied to all Model A318, A319, A320, and A321 series airplanes. The NPRM published in the **Federal Register** on October 21, 2014 (79 FR 62928). The NPRM was prompted by a determination that certain elevator servo-control parts that do not conform to the approved type design have been installed and may have the potential of cracks in the rod eye-end. The NPRM proposed to continue to require repetitive inspections of the left-hand and right-hand inboard and outboard elevator servo-control rod eye-ends for cracking, and corrective actions if necessary. The NPRM also proposed to require an inspection to determine if certain elevator servo-control parts are installed, and replacement if necessary. We are issuing this AD to detect and correct rod eye-end cracking, which could result in uncontrolled elevator surface and consequent reduced control of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0137, dated May 28, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition. The MCAI states:

> One case of elevator servo-control disconnection was reported on an A320 family aeroplane. Investigation results revealed that the failure occurred at the servo-control rod eye-end. Prompted by this finding, additional inspections revealed cracking at the same location on a number of other servo-control rod eye-ends. In several cases, both actuators of the same elevator surface were affected.
>
> It was determined that the detected rod end cracks are caused by fatigue, induced by a bending effect which is linked to the spherical bearing rotational torque. As the elevator surface is neither actuated nor damped, a dual servo-control disconnection on the same elevator would result in an uncontrolled surface.
>
> This condition, if not corrected, could result in reduced control of the aeroplane.
>
> To address this potential unsafe condition, EASA issued [an airworthiness directive (later revised)] [which corresponds to FAA AD 2009–17–04, Amendment 39–15995 (74 FR 41611, August 18, 2009)] to require a one-time inspection of the elevator servo-control rod eye-ends for aeroplanes which had accumulated more than 10,000 flight cycles (FC) since aeroplane first flight and, in case of findings, accomplishment of corrective actions.
>
> As a result of EASA AD 2008–0149, a significant number of rod eye-ends were found cracked. In addition, some cracks were reported on rod eye-ends that had not yet accumulated the 10,000 FC of the established threshold.
>
> Prompted by these findings, EASA issued [an airworthiness directive (later revised)] [which corresponds to FAA AD 2011–19–04, Amendment 39–16809 (76 FR 57630, September 16, 2011)], which partially retained the initial inspection requirement of EASA AD 2008–0149, which was superseded, reduced the compliance time of the initial inspection and introduced a repetitive inspection programme.
>
> After EASA AD 2010–0046R1 (*http://ad.easa.europa.eu/blob/easa_ad_2010_0046_R1_superseded.pdf/AD_2010-0046R1_1*) was issued, a new elevator servo-control rod eye-end was developed, incorporating a re-greasable roller bearing.
>
> Consequently, EASA issued [EASA] AD 2013–0309 (later corrected) (*http://ad.easa.europa.eu/blob/easa_ad_2013_0309_superseded.pdf/AD_2013-0309_1*), retaining the requirements of EASA AD 2010–0046R1, which was superseded, and introduced an

optional terminating action for the repetitive inspections by replacing the existing elevator servo-control rod eye-ends with the new elevator servo-control rod eye-end. In addition, that [EASA] AD prohibited, for aeroplanes that incorporate this optional modification, (re)installation of unmodified elevator servo-controls.

At the time that EASA AD 2013–0309 was issued, it was planned that Airbus would proceed with the certification of certain elevator servo-controls, Part Number (P/N) 31075–0xx, P/N 31075–1xx and P/N 31075–3xx (originally certified only for installation on Model A320–111 aeroplanes, which are no longer in service), to allow installation of those parts on other A320 family aeroplane Models.

Since that [EASA] AD was issued, Airbus decided not to progress with certification of the affected elevator servo-controls for installation on other Models.

For the reason described above, and because of evidence that such parts remain available as spares in the field, this [EASA] AD retains the requirements of EASA AD 2013–0309, which is superseded, and adds a prohibition to install the affected elevator servo-controls that were only intended for A320–111 aeroplanes.

This AD requires an inspection to determine whether any elevator control part having P/N 31075–0xx, 31075–1xx, or 31075–3xx is installed, and replacement if necessary.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0753-0002*.

**Comments**

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (79 FR 62928, October 21, 2014) and the FAA's response to each comment.

**Request To Clarify Affected Airplanes for Certain Proposed Requirements**

United Airlines (UAL) requested that, for clarity reasons, we revise the identity of affected airplanes in paragraphs (g) through (j) of the proposed AD (79 FR 62928, October 21, 2014) to pertain only to elevator servo-controls having part number (P/N) 341203 or P/N 341203–xxx rod eye-ends. UAL stated that per Airbus Service Bulletin A320–27A1186, Revision 07, dated March 2, 2011; and Goodrich Service Bulletin 31075–27–22, dated July 2, 2013, it understands that only the rod eye-ends fitted with self-lubricating spherical bearings are required to have initial and repetitive inspections for cracks.

We partially agree with the commenter's request. We agree that only certain elevator servo-controls and rod eye-ends are affected. However, paragraph (n) of this AD addresses the commenter's concern. Paragraph (n) of this AD identifies airplanes that are not affected by the requirements of paragraphs (g), (h), (k) and (l) of this AD. We have not changed this AD as requested by the commenter, but we have revised the heading of paragraph (n) of this AD to more accurately reflect the content of that paragraph.

**Request To Permit the Use of Serviceable Parts, and Relocate the Definition of Serviceable Parts**

UAL requested that we permit the use of serviceable parts in paragraph (l)(1) of the proposed AD (79 FR 62928, October 21, 2014), and move the definition of a serviceable part from paragraph (l)(2) of the proposed AD to paragraph (l)(1) of the proposed AD.

We agree with the commenter's requests. We have determined that the use of serviceable parts is acceptable as replacement parts in paragraph (l)(1) of this AD. We have changed the wording of paragraph (l)(1) of this AD to specify that serviceable parts may be used as replacement parts. We have also moved the definition of serviceable parts from paragraph (l)(2) of this AD to paragraph (l)(1) of this AD since both paragraphs (l)(1) and (l)(2) of this AD specify the use of serviceable parts.

**Request To Revise Service Information Title**

UAL requested that we revise paragraph (l)(2) of the proposed AD (79 FR 62928, October 21, 2014) to replace the service information nomenclature from Goodrich Service Bulletin 31075–27–22, dated July 2, 2013, to UTC Aerospace Systems Service Bulletin 31075–27–22, dated July 2, 2013.

We agree with the commenter's request. The requested service bulletin title change is correct. We have revised paragraph (l)(2) of this AD accordingly.

**Conclusion**

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

- Are consistent with the intent that was proposed in the NPRM (79 FR 62928, October 21, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 62928, October 21, 2014).

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

**Related Service Information Under 1 CFR Part 51**

Airbus has issued Service Bulletin A320–27–1223, dated September 3, 2013; and UTC Aerospace Systems Service Bulletin 31075–27–22, dated July 2, 2013. The service information describes procedures for modifying and replacing the elevator servo-control eye-end. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

**Costs of Compliance**

We estimate that this AD affects 851 airplanes of U.S. registry.

The actions that are required by AD 2011–19–04, Amendment 39–16809 (76 FR 57630, September 16, 2011), and retained in this AD take about 25 work-hours per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that are required by AD 2011–19–04 is $2,125 per product.

We also estimate that it would take about 14 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $1,012,690, or $1,190 per product.

In addition, we estimate that any necessary follow-on actions would take about 2 work-hours and require parts costing $4,000, for a cost of $4,170 per product. We have no way of determining the number of aircraft that might need this action.

**Authority for This Rulemaking**

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

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

products identified in this rulemaking action.

**Regulatory Findings**

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

**Examining the AD Docket**

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0753;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

**List of Subjects in 14 CFR Part 39**

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

**Adoption of the Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2011–19–04, Amendment 39–16809 (76 FR 57630, September 16, 2011), and adding the following new AD:

**2015–19–08 Airbus:** Amendment 39–18270; Docket No. FAA–2014–0753; Directorate Identifier 2014–NM–128–AD.

**(a) Effective Date**

This AD becomes effective October 27, 2015.

**(b) Affected ADs**

This AD replaces AD 2011–19–04, Amendment 39–16809 (76 FR 57630, September 16, 2011).

**(c) Applicability**

This AD applies to the airplanes identified in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Airbus Model A318–111, –112, –121, and –122 airplanes.

(2) Airbus Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Airbus Model A320–211, –212, –214, –231, –232, and –233 airplanes.

(4) Airbus Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

**(d) Subject**

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

**(e) Reason**

This AD was prompted by a determination that certain elevator servo-control parts that do not conform to the approved type design have been installed and may have the potential of cracks in the rod eye-end. We are issuing this AD to detect and correct rod eye-end cracking, which could result in uncontrolled elevator surface and consequent reduced control of the airplane.

**(f) Compliance**

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

**(g) Retained Inspections**

This paragraph restates the requirements of paragraph (g) of AD 2011–19–04, Amendment 39–16809 (76 FR 57630, September 16, 2011), with no changes.

(1) At the applicable times specified in paragraphs (g)(1)(i) and (g)(1)(ii) of this AD: Inspect both the left-hand and right-hand inboard elevator servo-control rod eye-ends for cracking, in accordance with the instructions of Airbus All Operators Telex (AOT) A320–27A1186, Revision 04, dated April 3, 2009; or the Accomplishment Instructions of Airbus Service Bulletin A320–27A1186, Revision 07, dated March 2, 2011. As of October 21, 2011 (the effective date of AD 2011–19–04, Amendment 39–16809 (76 FR 57630, September 16, 2011)), use Airbus Service Bulletin A320–27A1186, Revision 07, dated March 2, 2011.

(i) For airplanes that have accumulated 10,000 total flight cycles or more as of September 22, 2009 (the effective date of AD 2009–17–04, Amendment 39–15995 (74 FR 41611, August 18, 2009)): At the later of the times specified in paragraphs (g)(1)(i)(A) and (g)(1)(i)(B) of this AD.

(A) Within 1,500 flight cycles after September 22, 2009 (the effective date of AD 2009–17–04, Amendment 39–15995 (74 FR 41611, August 18, 2009)).

(B) Within 1,500 flight cycles after accumulating 10,000 total flight cycles since first flight of the airplane.

(ii) For airplanes that have accumulated less than 10,000 total flight cycles as of September 22, 2009 (the effective date of AD 2009–17–04, Amendment 39–15995 (74 FR 41611, August 18, 2009)): At the later of the times specified in paragraphs (g)(1)(ii)(A) and (g)(1)(ii)(B) of this AD.

(A) Before the accumulation of 5,000 total flight cycles.

(B) Within 20 months after October 21, 2011 (the effective date of AD 2011–19–04, Amendment 39–16809 (76 FR 57630, September 16, 2011)) but no later than before the accumulation of 11,500 total flight cycles.

(2) At the applicable time specified in paragraphs (g)(2)(i) and (g)(2)(ii) of this AD: Inspect both the left-hand and right-hand outboard elevator servo-control rod eye-ends for cracking, in accordance with the instructions of Airbus AOT A320–27A1186, Revision 04, dated April 3, 2009; or the Accomplishment Instructions of Airbus Service Bulletin A320–27A1186, Revision 07, dated March 2, 2011. As of October 21, 2011 (the effective date of AD 2011–19–04, Amendment 39–16809 (76 FR 57630, September 16, 2011)), use Airbus Service Bulletin A320–27A1186, Revision 07, dated March 2, 2011.

(i) For airplanes that have accumulated 10,000 total flight cycles or more as of September 22, 2009 (the effective date of AD 2009–17–04, Amendment 39–15995 (74 FR 41611, August 18, 2009)): At the later of the times specified in paragraphs (g)(2)(i)(A) and (g)(2)(i)(B) of this AD.

(A) Within 3,000 flight cycles after September 22, 2009 (the effective date of AD 2009–17–04, Amendment 39–15995 (74 FR 41611, August 18, 2009)).

(B) Within 3,000 flight cycles after accumulating 10,000 total flight cycles since first flight of the airplane.

(ii) For airplanes that have accumulated less than 10,000 total flight cycles as of September 22, 2009 (the effective date of AD 2009–17–04, Amendment 39–15995 (74 FR 41611, August 18, 2009)): At the later of the times specified in paragraphs (g)(2)(ii)(A) and (g)(2)(ii)(B) of this AD.

(A) Before the accumulation of 7,500 total flight cycles.

(B) Within 40 months after October 21, 2011 (the effective date of AD 2011–19–04, Amendment 39–16809 (76 FR 57630, September 16, 2011)), but no later than before the accumulation of 13,000 total flight cycles.

**(h) Retained Repetitive Inspections**

This paragraph restates the requirements of paragraph (h) of AD 2011–19–04, Amendment 39–16809 (76 FR 57630, September 16, 2011), with no changes. Repeat the inspections of the left-hand and right-hand inboard and outboard elevator servo-control rod eye-ends for cracking as required by paragraphs (g)(1) and (g)(2) of this AD at the later of the times specified in paragraph (h)(1) or (h)(2) of this AD. Repeat the inspections thereafter at intervals not to exceed 5,000 flight cycles.

(1) Within 5,000 flight cycles after the last inspection required by paragraph (g)(1) or (g)(2) of this AD as applicable.

(2) Within 6 months after October 21, 2011 (the effective date of AD 2011–19–04, Amendment 39–16809 (76 FR 57630, September 16, 2011)).

**(i) Retained Corrective Actions**

This paragraph restates the requirements of paragraph (i) of AD 2011–19–04, Amendment 39–16809 (76 FR 57630, September 16, 2011), with no changes. If any cracking is found during any inspection required by paragraph (g) or (h) of this AD, before further flight, accomplish all applicable corrective actions, in accordance with the Accomplishment Instructions and figures of Airbus Service Bulletin A320–27A1186, Revision 07, dated March 2, 2011.

**(j) Retained Parts Installation Limitation for Elevator Servo-Control Rod Eye-Ends**

This paragraph restates the requirements of paragraph (j) of AD 2011–19–04, Amendment 39–16809 (76 FR 57630, September 16, 2011), with a new exception. As of October 21, 2011 (the effective date of AD 2011–19–04, Amendment 39–16809 (76 FR 57360, September 16, 2011)), and except as required by paragraph (p) of this AD, no person may install on any airplane an elevator servo-control rod eye-end unless it is new or has been inspected in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–27A1186, Revision 07, dated March 2, 2011, with no crack findings.

**(k) New Requirement of This AD: Inspection To Determine Part Numbers**

As of the effective date of this AD: At the later of the times specified in paragraphs (k)(1) and (k)(2) of this AD, do an inspection to determine whether any elevator control part having part number (P/N) 31075–0xx, 31075–1xx, or 31075–3xx is installed. A review of airplane maintenance records is acceptable in lieu of this inspection if the part numbers of the elevator control parts can be conclusively determined from that review.

(1) Concurrently with the accomplishment of the next inspection required by paragraph (g) or (h) of this AD.

(2) Within 30 days after the effective date of this AD.

**(l) New Requirement of This AD: Replacement of Certain Parts**

If the inspection required by paragraph (k) of this AD reveals that any elevator servo-controls having P/Ns 31075–0xx, 31075–1xx, or 31075–3xx are installed: Before further flight, do the actions specified in paragraph (l)(1) or (l)(2) of this AD.

(1) Replace all elevator servo-controls having P/N 31075–0xx, 31075–1xx, or 31075–3xx with serviceable parts having P/N 31075–2xx or 31075–4xx, as applicable, using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). Serviceable parts are those that have been inspected for cracks in the rod eye-ends without any crack findings, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–27A1186, Revision 07, dated March 2, 2011.

(2) Replace all elevator servo-controls having P/N 31075–0xx, 31075–1xx, or 31075–3xx with serviceable parts having P/N 31075–6xx or 31075–8xx, as applicable, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–27–1223, dated September 3, 2013; or UTC Aerospace Systems Service Bulletin 31075–27–22, dated July 2, 2013.

**(m) New Optional Terminating Action for Certain Inspections**

Modification of an airplane by replacing all 4 elevator servo-control rod eye-ends with modified (*i.e.* re-greasable) parts, and re-identification of those elevator servo-controls to P/N 31075–6xx or P/N 31075–8xx, as applicable, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–27–1223, dated September 3, 2013; constitutes terminating action for the requirements of paragraphs (g), (h), (k), and (l) of this AD.

**Note 1 to paragraph (m) of this AD:** Maintenance Review Board Report task reference 27.34.00/06, Lubrication of Elevator Servo-control Rod Eye End Bearing, is applicable to elevator servo-controls having P/N 31075–6xx or P/N 31075–8xx.

**(n) Airplanes Excluded From Certain Inspection Requirements**

Airplanes on which Airbus Modification 154554 (installation of servo-controls having P/N 31075–6xx or P/N 31075–8xx, fitted with modified rod eye-end roller bearing) has been embodied in production are not affected by the requirements of paragraphs (g), (h), (k), and (l) of this AD, provided that no elevator servo-control having P/N 31075–0xx, or P/N 31075–1xx, or P/N 31075–2xx, or P/N 31075–3xx, or P/N 31075–4xx, fitted with rod eye-end assembly P/N 341203-xxx, has been reinstalled since first flight.

**(o) Credit for Previous Actions**

(1) This paragraph restates the credit specified in paragraph (k) of AD 2011–19–04, Amendment 39–16809 (76 FR 57630, September 16, 2011).

(i) This paragraph provides credit for actions required by paragraphs (g)(1) and (g)(2) of this AD, if those actions were performed before October 21, 2011 (the effective date of AD 2011–19–04, Amendment 39–16809 (76 FR 57630, September 16, 2011)), using the service information specified in paragraphs (o)(1)(i)(A) through (o)(1)(i)(E) of this AD.

(A) Airbus AOT A320–27A1186, dated June 23, 2008, which is not incorporated by reference in this AD.

(B) Airbus AOT A320–7A1186, Revision 01, dated August 11, 2008, which is not incorporated by reference in this AD.

(C) Airbus AOT A320–7A1186, Revision 02, dated March 30, 2009, which is not incorporated by reference in this AD.

(D) Airbus AOT 320–7A1186, Revision 03, dated April 1, 2009, which is not incorporated by reference in this AD.

(E) Airbus AOT A320–27A1186, Revision 04, dated April 3, 2009, which was incorporated by reference in AD 2009–17–04, Amendment 39–15995 (74 FR 41611, August 18, 2009), which continues to be incorporated by reference in this AD.

(ii) This paragraph provides credit for actions required by paragraph (h) of this AD, if those actions were performed before October 21, 2011 (the effective date of AD 2011–19–04, Amendment 39–16809 (76 FR 57630, September 16, 2011)), using Airbus Service Bulletin A320–27A1186, Revision 05, dated March 10, 2010; or Airbus Service Bulletin A320–27A1186, Revision 06, dated December 14, 2010; which are not incorporated by reference in this AD.

(2) This paragraph provides credit for actions required by paragraph (i) of this AD, if those actions were performed before October 21, 2011 (the effective date of AD 2011–19–04, Amendment 39–16809 (76 FR 57630, September 16, 2011)), using Airbus Service Bulletin A320–27A1186, Revision 06, dated December 14, 2010, which is not incorporated by reference in this AD.

**(p) New Parts Installation Prohibition**

(1) As of the effective date of this AD, no person may install on any airplane an elevator servo-control having P/N 31075–0xx, 31075–1xx, or 31075–3xx.

(2) No person may install on any airplane an elevator servo-control having P/N 31075–2xx or P/N 31075–4xx, or an elevator servo-control rod eye-end having P/N 341203 or P/N 341203–XXX, as required by paragraphs (p)(2)(i) and (p)(2)(ii) of this AD, as applicable.

(i) For airplanes that do not have Airbus Modification 154554 embodied in production: After optional modification of the airplane as specified in paragraph (m) of this AD.

(ii) For airplanes on which Airbus Modification 154554 has been embodied in production: As of the effective date of this AD.

**(q) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(ii) AMOCs approved previously for AD 2011–19–04, Amendment 39–16809 (76 FR 57630, September 16, 2011), are approved as AMOCs for the corresponding provisions of this AD.

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

**(r) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0137, dated May 28, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0753.

(2) Airbus Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (s)(6) and (s)(8) of this AD.

**(s) Material Incorporated by Reference**

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

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

(3) The following service information was approved for IBR on October 27, 2015.

(i) Airbus Service Bulletin A320–27–1223, dated September 3, 2013.

(ii) UTC Aerospace Systems Service Bulletin 31075–27–22, dated July 2, 2013.

(4) The following service information was approved for IBR on October 21, 2011 (76 FR 57630, September 16, 2011).

(i) Airbus Service Bulletin A320–27A1186, Revision 07, including Appendices 1, 2, 3, 4, 5, and 6, dated March 2, 2011.

(ii) Reserved.

(5) The following service information was approved for IBR on September 22, 2009 (74 FR 41611, August 18, 2009).

(i) Airbus All Operators Telex A320–27A1186, Revision 04, dated April 3, 2009. The document number and issue date of Airbus AOT A320–27A1186, Revision 04, dated April 3, 2009, are specified only on the first page of the AOT.

(ii) Reserved.

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

(7) For UTC service information identified in this AD, contact UTC Aerospace Systems; Roger Dangremont; telephone +01 34 32 63 28; email *roger.dangrement@goodrich.com.*

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

(9) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on September 11, 2015.

**Michael Kaszycki,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2015–23541 Filed 9–21–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 886

**[Docket No. FDA–2015–N–3044]**

## Medical Devices; Ophthalmic Devices; Classification of the Oral Electronic Vision Aid

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final order.

**SUMMARY:** The Food and Drug Administration (FDA) is classifying the oral electronic vision aid into class II (special controls). The special controls that will apply to the device are identified in this order and will be part of the codified language for the oral electronic vision aid's classification. The Agency is classifying the device into class II (special controls) in order to provide a reasonable assurance of safety and effectiveness of the device.

**DATES:** This order is effective September 22, 2015. The classification was applicable on June 18, 2015.

**FOR FURTHER INFORMATION CONTACT:** Dexiu Shi, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2246, Silver Spring, MD, 20993–0002, 301–796–6470, *dexiu.shi@fda.hhs.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Background

In accordance with section 513(f)(1) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976 (the date of enactment of the Medical Device Amendments of 1976), generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval, unless and until the device is classified or reclassified into class I or II, or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i), to a predicate device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807) of the regulations.

Section 513(f)(2) of the FD&C Act (21 U.S.C. 360c(f)(2)), as amended by section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144), provides two procedures by which a person may request FDA to classify a device under the criteria set forth in section 513(a)(1). Under the first procedure, the person submits a premarket notification under section 510(k) of the FD&C Act for a device that has not previously been classified and, within 30 days of receiving an order classifying the device into class III under section 513(f)(1), the person requests a classification under section 513(f)(2). Under the second procedure, rather than first submitting a premarket notification under section 510(k) and then a request for classification under the first procedure, the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence and requests a classification under section 513(f)(2) of the FD&C Act. If the person submits a request to classify the device under this second procedure, FDA may decline to undertake the classification request if FDA identifies a legally marketed device that could provide a reasonable basis for review of substantial equivalence with the device or if FDA determines that the device submitted is not of ''low-moderate risk'' or that general controls would be inadequate to control the risks and special controls to mitigate the risks cannot be developed.

In response to a request to classify a device under either procedure provided by section 513(f)(2) of the FD&C Act, FDA will classify the device by written order within 120 days. This classification will be the initial classification of the device.

On August 7, 2013, Wicab Inc., submitted a request for classification of the BrainPort V100 under section 513(f)(2) of the FD&C Act. The manufacturer recommended that the device be classified into class II (Ref. 1).

In accordance with section 513(f)(2) of the FD&C Act, FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1). FDA classifies

devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use. After review of the information submitted in the request, FDA determined that the device can be classified into class II with the establishment of special controls. FDA believes these special controls, in addition to general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on June 18, 2015, FDA issued an order to the requestor classifying the device into class II. FDA is codifying the classification of the device by adding 21 CFR 886.5905.

Following the effective date of this final classification order, any firm submitting a premarket notification (510(k)) for an oral electronic vision aid will need to comply with the special controls named in this final order. The device is assigned the generic name oral electronic vision aid, and it is identified as a battery-powered prescription device that contains an electrode stimulation array to generate electrotactile stimulation patterns that are derived from digital object images captured by a camera. It is intended to aid profoundly blind patients in orientation, mobility, and object recognition as an adjunctive device to other assistive methods such as a white cane or a guide dog.

FDA has identified the following risks to health associated specifically with this type of device, as well as the mitigation measures required to mitigate these risks in table 1.

TABLE 1—ORAL ELECTRONIC VISION AID RISKS AND MITIGATION MEASURES

| Identified risk | Mitigation method |
|---|---|
| Irritation, Discomfort or Adverse Events Involving the Mouth, Tongue, or Gums. | Clinical Testing.<br>Labeling. |
| Adverse Tissue Reaction | Biocompatibility Testing.<br>Labeling. |
| Unit (Hardware) Malfunction, Functional Reliability | Non-Clinical Performance Testing.<br>Clinical Testing.<br>Labeling. |
| Software Malfunction | Software Verification, Validation, and Hazard Analysis. |
| Use Error | Clinical Testing.<br>Healthcare Professional Training.<br>Patient Training.<br>Labeling. |
| Interference with Other Devices | Electromagnetic Compatibility and Electromagnetic Interference Testing.<br>Wireless Coexistence Testing.<br>Labeling. |
| Electrical Shock | Electrical Safety Testing.<br>Labeling. |

FDA believes that the following special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of the safety and effectiveness:

- Clinical performance testing must demonstrate an acceptable adverse event profile, including adverse events involving the mouth, tongue, and gums and demonstrate the effect of the stimulation to provide clinically meaningful outcomes. The clinical performance testing must also investigate the anticipated conditions of use, including potential use error, intended environment of use, and duration of use.
- Non-clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use, including simulated moisture ingress, device durability, and battery reliability.
- Software verification, validation, and hazard analysis must be performed.
- Analysis/testing must validate electromagnetic compatibility.
- Analysis/testing must validate electrical safety.
- Analysis/testing must assess and validate wireless coexistence concerns.
- Any elements of the device that contact the patient must be demonstrated to be biocompatible.
- Training must include elements to ensure that the healthcare provider and user can identify the safe environments for device use, use all safety features of the device, and operate the device in the intended environment of use.
- Labeling for the trainer and user must include a summary of the clinical testing including adverse events encountered under use conditions, summary of study outcomes and endpoints, and information pertinent to use of the device including the conditions under which the device was studied (*e.g.,* level of supervision or assistance, and environment of use).

Oral electronic vision aid devices are prescription devices restricted to patient use only upon the authorization of a practitioner licensed by law to administer or use the device; see 21 CFR 801.109 (*Prescription devices*).

Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) of the FD&C Act, if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. For this type of device, FDA has determined that premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of the device. Therefore, this device type is not exempt from premarket notification requirements. Persons who intend to market this type of device must submit to FDA a premarket notification, prior to marketing the device, which contains information about the oral electronic vision aid they intend to market.

## II. Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

### III. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120, and the collections of information in 21 CFR part 801, regarding labeling have been approved under OMB control number 0910–0485.

### IV. Reference

The following reference has been placed on display in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday, and is available electronically at *http://www.regulations.gov.*

1. DEN130039: De Novo Request per 513(f)(2) from Wicab Inc., dated August 7, 2013.

### List of Subjects in 21 CFR Part 886

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 886 is amended as follows:

## PART 886—OPHTHALMIC DEVICES

■ 1. The authority citation for 21 CFR part 886 continues to read as follows:

**Authority:** 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

■ 2. Add § 886.5905 to subpart F to read as follows:

#### § 886.5905 Oral electronic vision aid.

(a) *Identification.* An oral electronic vision aid is a battery-powered prescription device that contains an electrode stimulation array to generate electrotactile stimulation patterns that are derived from digital object images captured by a camera. It is intended to aid profoundly blind patients in orientation, mobility, and object recognition as an adjunctive device to other assistive methods such as a white cane or a guide dog.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Clinical performance testing must demonstrate an acceptable adverse event profile, including adverse events involving the mouth, tongue, and gums and demonstrate the effect of the stimulation to provide clinically meaningful outcomes. The clinical performance testing must also investigate the anticipated conditions of use, including potential use error, intended environment of use, and duration of use.

(2) Non-clinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use, including simulated moisture ingress, device durability, and battery reliability.

(3) Software verification, validation, and hazard analysis must be performed.

(4) Analysis/testing must validate electromagnetic compatibility.

(5) Analysis/testing must validate electrical safety.

(6) Analysis/testing must assess and validate wireless coexistence concerns.

(7) Any elements of the device that contact the patient must be demonstrated to be biocompatible.

(8) Training must include elements to ensure that the healthcare provider and user can identify the safe environments for device use, use all safety features of the device, and operate the device in the intended environment of use.

(9) Labeling for the trainer and user must include a summary of the clinical testing including adverse events encountered under use conditions, summary of study outcomes and endpoints, and information pertinent to use of the device including the conditions under which the device was studied (*e.g.,* level of supervision or assistance, and environment of use).

Dated: September 16, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–24026 Filed 9–21–15; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF THE INTERIOR

## Bureau of Ocean Energy Management

## 30 CFR Parts 519, 550, 551, 553, 556, 560, 580, 581, 582, and 585

**[Docket No. BOEM–2015–0060; MMAA 104000]**

**RIN 1010–AD94**

## Updating Addresses and Contact Information in the Bureau of Ocean Energy Management's Regulations

**AGENCY:** Bureau of Ocean Energy Management (BOEM), Interior.

**ACTION:** Direct final rule.

**SUMMARY:** In this rule, BOEM amends its existing regulations by: Updating address locations; removing an outdated Web site address and correcting a form number; changing the term ''Associate Director'' to ''Deputy Director'' in the regulations; and other housekeeping changes, such as removing reference to a URL hyperlink for a Web page that no longer exists.

**DATES:** This rule is effective September 22, 2015.

**FOR FURTHER INFORMATION CONTACT:** Robert Samuels, Office of Policy, Regulation and Analysis, BOEM, 45600 Woodland Road, Sterling, VA 20166; email: *robert.samuels@boem.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Rulemaking Procedure

This rule pertains solely to administrative changes. It makes no changes to the substantive legal rights, obligations, or interests of affected parties. This rule, therefore, is a ''rule of agency organization, procedure or practice'' and is, therefore, exempt from the notice-and-comment requirements of 5 U.S.C. 553 under 5 U.S.C. 553(b)(A).

### II. Overview of the Direct Final Rule

In early 2015, many of BOEM's headquarters' offices moved from Herndon, Virginia to Sterling, Virginia. References in the 30 CFR part 550 regulations to the Herndon, Virginia location are updated in this rule to reflect the Sterling, Virginia location. This rule also updates other addresses in 30 CFR part 519. Also, the existing regulations contain references to the title ''Associate Director,'' which is a remnant of BOEM's predecessor agency, the Minerals Management Service. This rule changes ''Associate Director'' to ''Deputy Director'' in the current regulations. This rule also makes other housekeeping changes, such as removing reference to a URL hyperlink for a Web page that no longer exists.

### III. Section-by-Section Analysis of Direct Final Rule

*30 CFR Part 519 (Distribution and Disbursement of Royalties, Rentals, and Bonuses)*

Section 519.410 What does this subpart contain?

Section 519.410(b) contains contact information for the Office of Natural Resources Revenue Financial Management Program Manager. The Direct Final Rule updates the address and phone number.

*30 CFR Part 550 (Oil and Gas and Sulfur Operations in the Outer Continental Shelf)*

Section 550.126 Electronic Payment Instructions

Section 550.126 states that all payments must be made electronically through Pay.gov. This section also states incorrectly that the Pay.gov Web site can be accessed by going to *http://www.boem.gov/offshore.* That Web page no longer exists and is therefore deleted. The Direct Final Rule retains the correct Pay.gov URL.

Section 550.199 Paperwork Reduction Act Statements—Information Collection

The address for BOEM's Information Collection Officer changed as a result of BOEM's move from Herndon, Virginia, to Sterling, Virginia. The Direct Final Rule updates the address in this section to 45600 Woodland Road, Sterling, VA 20166.

Section 550.1153 When must I conduct a static bottomhole pressure survey?

The current regulations refer to Form BOEM–140, Bottomhole Pressure Survey Report. The form number is actually 0140. The Direct Final Rule updates the form number to reflect this.

Section 550.1454 How may I request a hearing on the record on a Notice of Noncompliance?

Section 550.1454 describes how to request a hearing on a Notice of Noncompliance with the Hearings Divisions of the Office of Hearings and Appeals. The address provided for the Hearings Division is 801 North Quincy Street, Arlington, Virginia 22203. The address for the Hearings Division is actually 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101. The Direct Final Rule provides the correct Salt Lake City, Utah address for this section.

Section 550.1456 May I request a hearing on the record regarding the amount of a civil penalty if I did not request a hearing on the Notice of Noncompliance?

Section 550.1456 provides the Arlington, Virginia address for the Office of Hearings and Appeals' Hearings Division. The Direct Final Rule provides the correct Salt Lake City, Utah address for this section.

Section 550.1462 How may I request a hearing on the record on a Notice of Noncompliance regarding violations without a period to correct?

Section 550.1462 provides the Arlington, Virginia address for the Office of Hearings and Appeals' Hearings Division. The Direct Final Rule provides the updated Salt Lake City, Utah address for this section.

Section 550.1464 May I request a hearing on the record regarding the amount of a civil penalty if I did not request a hearing on the Notice of Noncompliance?

Section 550.1464 provides the Arlington, Virginia address for the Office of Hearings and Appeals' Hearings Division. The Direct Final Rule provides the updated Salt Lake City, Utah address for this section.

Section 550.1495 How do I demonstrate financial solvency?

Paragraph (a) of § 550.1495 describes how an audited consolidated balance sheet must be submitted to demonstrate financial solvency under part 550. The section provides contact information for BOEM's Alaska, Gulf of Mexico, and Pacific Offices, including contact information for specific individuals, the office addresses, and phone numbers. To maintain accuracy of the contact information, the Direct Final Rule updates this section to provide the general contact information for each office, including the address and phone number. It does not provide contact information for a specific individual. It provides an updated phone number for the Alaska Office, an updated phone number for the Gulf of Mexico Office, and an updated street address and phone number for the Pacific Office.

*30 CFR Part 551 (Geological and Geophysical (G&G) Explorations of the Outer Continental Shelf)*

Section 551.5 Applying for Permits or Filing Notices

Paragraph (d) of § 551.5 provides filing locations for BOEM offices when a permittee is applying for a permit or filing a notice. The Direct Final Rule provides an updated street address for BOEM's Alaska office and an updated street address for BOEM's Pacific Office.

Section 551.15 Authority for Information Collection

The address for BOEM's Information Collection Officer changed as a result of BOEM's move from Herndon, Virginia, to Sterling, Virginia. The Direct Final Rule updates the address in this section to 45600 Woodland Road, Sterling, VA 20166.

Section 551.7 Test Drilling Activities Under a Permit

Paragraph (d)(4) of § 551.7 states the bond must be on a form approved by BOEM's Associate Director. BOEM does not have an Associate Director. Accordingly, this section of the Direct Final Rule changes the Associate Director to Deputy Director.

*30 CFR Part 553 (Oil Spill Financial Responsibility for Offshore Facilities)*

Section 553.5 What is the authority for collecting Oil Spill Financial Responsibility (OSFR) information?

Paragraph (d) of § 553.5 provides contact information for BOEM's Information Collection Officer. The address for BOEM's Information Collection Officer changed as a result of BOEM's move from Herndon, Virginia, to Sterling, Virginia. The Direct Final Rule updates the address in this section to 45600 Woodland Road, Sterling, VA 20166.

*30 CFR Part 556 (Leasing of Sulfur or Oil and Gas in the Outer Continental Shelf)*

Section 556.0 Authority for Information Collection

Paragraph (d) provides the new Sterling, VA address for sending comments regarding any aspect of the collection of information under this part, including suggestions for reducing the burden.

Section 556.54 General Requirements for Bonds

Paragraphs (b) and (f) state that bonds must be on a form approved by BOEM's Associate Director. BOEM does not have an Associate Director. Accordingly, this section of the Direct Final Rule replaces the term Associate Director with Deputy Director.

*30 CFR Part 560 (Outer Continental Shelf Oil and Gas Leasing)*

Section 560.3 What is BOEM's authority to collect information?

Paragraph (b) of § 560.3 provides contact information for BOEM's Information Collection Officer. The address for BOEM's Information Collection Officer changed as a result of BOEM's move from Herndon, Virginia, to Sterling, Virginia. The Direct Final Rule updates the address in this section to 45600 Woodland Road, Sterling, VA 20166.

*30 CFR Part 580 (Outer Continental Shelf Oil and Gas Leasing)*

Section 580.13 Where must I send my application or notification?

Section 580.13 provides contact information for BOEM's regional offices related to applying for a permit or filing a notice. The Direct Final rule updates the addresses for BOEM's Gulf of Mexico and Pacific offices.

Section 580.80 Paperwork Reduction Act Statement—Information Collection

Paragraph (e) of § 580.80 provides contact information for BOEM's Information Collection Officer. The Direct Final Rule updates the address in this section to 45600 Woodland Road, Sterling, VA 20166.

*30 CFR Part 581 (Leasing of Minerals Other Than Oil, Gas, and Sulfur in the Outer Continental Shelf)*

Section 581.33 Bonds and Bonding Requirements

Paragraph (b) of § 581.33 states that all bonds to guarantee payment of the deferred portion of the high cash bonus bid furnished by the lessee must be in a form or on a form approved by BOEM's Associate Director. This section of the Direct Final Rule changes the Associate Director to Deputy Director.

*30 CFR Part 582 (Operations in the Outer Continental Shelf for Minerals Other Than Oil, Gas, and Sulfur)*

Section 582.40 Bonds

Paragraph (b) of § 582.40 states all bonds furnished by a lessee or operator must be in a form approved by the Associate Director for Offshore Energy and Minerals Management. The Direct Final Rule changes Associate Director for Offshore Energy and Minerals Management to appropriate BOEM official.

*30 CFR Part 585 (Renewable Energy and Alternate Uses of Existing Facilities on the Outer Continental Shelf)*

Section 585.110 How do I submit plans, applications, reports, or notices required by this part?

Paragraph (a) of § 585.110 states that all plans, applications, reports, or notices required by part 585 must be submitted to the Associate Director at the Herndon, Virginia address. The Direct Final Rule changes Associate Director to Deputy Director and changes the Herndon, Virginia address to the Sterling, Virginia address.

Section 585.114 Paperwork Reduction Act Statements—Information Collection

Paragraph (d) of § 585.114 provides contact information for BOEM's Information Collection Officer. The address for BOEM's Information Collection Officer changed as a result of BOEM's move from Herndon, Virginia, to Sterling, Virginia. The Direct Final Rule updates the address in this section to 45600 Woodland Road, Sterling, VA 20166.

Section 585.115 Documents Incorporated by Reference

Paragraph (d) of § 585.115 involves documents incorporated by reference. It announces that the public may inspect these documents at the Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, VA 20166, (703) 787–1605; or at the National Archives and Records Administration (NARA).

## IV. Legal and Regulatory Analyses

*A. Statutes*

1. Data Quality Act

In developing this rule, we did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106–554, app. C sec. 515, 114 Stat. 2763, 2763A–153–154).

2. National Environmental Policy Act (NEPA) of 1969

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. We evaluated this rule under the criteria of the National Environmental Policy Act, 43 CFR part 46 and 516 Departmental Manual 15. This rule meets the criteria set forth in 43 CFR 46.210(i) in that this direct final rule is ''. . . of an administrative, financial, legal, technical, or procedural nature . . .'' This rule also meets the criteria set forth in 516 Departmental Manual 15.4(C)(1) for a ''Categorical Exclusion'' in that its impacts are limited to administrative, economic or technological effects. Further, we have evaluated this direct final rule to determine if it involves any of the extraordinary circumstances that would require an environmental assessment or an environmental impact statement as set forth in 43 CFR 46.215. We concluded this rule does not meet any of the criteria for extraordinary circumstances as set forth therein.

3. Paperwork Reduction Act (PRA) of 1995

This rule does not contain new information collection requirements, and a submission under the PRA is not required. Therefore, an information collection request is not being submitted to the Office of Management and Budget (OMB) for review and approval under 44 U.S.C. 3501 *et seq.*

4. Regulatory Flexibility Act

BOEM certifies that this rule does not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. This rulemaking affects large and small entities through the clarification of the existing regulatory requirements in BOEM regulations.

5. Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. We anticipate no significant employment or small business effects. This rule:

a. Does not have an annual effect on the economy of $100 million or more;

b. Does not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies; or geographic regions; and

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

6. Unfunded Mandates Reform Act of 1995

This rule does not impose an unfunded mandate on State, local, or tribal governments, or the private sector of more than $100 million per year. This rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. This rule does not impose any Federal mandates on State, local, or tribal governments or any mandate on any part of the private sector that would involve more than $100 million a year. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

*B. Executive Orders*

1. E.O. 12630—Takings Implication Assessment

This rule does not affect a taking of private property or otherwise have taking implications under E.O. 12630. This rule is not a governmental action capable of interference with constitutionally protected property

rights. A takings implication assessment is not required.

2. E.O. 12866 and E.O. 13563—Regulatory Planning and Review and Improving Regulation and Regulatory Review

OMB has not reviewed this rulemaking under section 6(a)(3) of E.O. 12866. BOEM does not believe this rulemaking constitutes a ''significant regulatory action'' under E.O. 12866 based on the following:

a. The requirements in this rule will not have an effect of $100 million or more on the economy;

b. The rule will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

c. This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

d. This rule will not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients; and

e. This rule will not raise any novel legal or policy issues.

Executive Order (E.O) 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

3. E.O. 12988—Civil Justice Reform

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

4. E.O. 13132—Federalism

Under the criteria in section 1 of E.O. 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. This rule does not substantially affect the relationship between Federal and State governments. To the extent State and local governments have a role in OCS activities, this rule does not affect that role. A federalism summary impact statement is not required.

5. E.O. 13175—Consultation and Coordination With Indian Tribal Governments

The Department of the Interior strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in E.O. 13175 and have determined that it has no substantial direct effects on federally recognized Indian tribes and that consultation under the Department's tribal consultation policy is not required.

6. E.O. 13211—Effects on the Nation's Energy Supply

This rule is not a significant energy action under the definition in E.O. 13211. A Statement of Energy Effects is not required.

7. Presidential Memorandum of June 1, 1998, on Regulation Clarity

We are required by Executive Orders 12866 (section 1 (b)(12)), 12988 (section 3(b)(l)(B)), and 13563 (section l(a)), and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

a. Be logically organized;

b. Use the active voice to address readers directly;

c. Use common, everyday words and clear language rather than jargon;

d. Be divided into short sections and sentences; and

e. Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. Your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

**List of Subjects**

*30 CFR Part 519*

Continental shelf, Government contracts, Indians-lands, Mineral resources, Oil and gas exploration, Public lands—mineral resources, Sulfur.

*30 CFR Part 550*

Administrative practice and procedure, Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Investigations, Oil and gas exploration, Penalties, Pipelines, Public lands, Reporting and recordkeeping requirements, Sulfur.

*30 CFR Part 551*

Continental shelf, Freedom of information, Oil and gas exploration, Public lands, Reporting and recordkeeping requirements, Research.

*30 CFR Part 553*

Continental shelf, Environmental protection, Intergovernmental relations, Oil and gas exploration, Oil pollution, Penalties, Pipelines, Public lands, Reporting and recordkeeping requirements, Surety bonds.

*30 CFR Part 556*

Administrative practice and procedure, Continental shelf, Environmental protection, Government contracts, Intergovernmental relations, Oil and gas exploration, Public lands, Reporting and recordkeeping requirements.

*30 CFR Part 560*

Continental shelf, Government contracts, Mineral royalties, Oil and gas exploration, Public lands, Reporting and recordkeeping requirements.

*30 CFR Part 580*

Continental shelf, Public lands, Reporting and recordkeeping requirements, Research.

*30 CFR Part 581*

Administrative practice and procedure, Continental shelf, Government contracts, Intergovernmental relations, Mineral royalties, Public lands, Reporting and recordkeeping requirements, Surety bonds.

*30 CFR Part 582*

Administrative practice and procedure, Continental shelf, Environmental protection, Government contracts, Intergovernmental relations, Mineral royalties, Penalties, Public lands, Reporting and recordkeeping requirements, Surety bonds.

*30 CFR Part 585*

Civil rights, Environmental protection, Incorporated by reference, Public lands, Reporting and recordkeeping requirements.

Dated: September 2, 2015.

**Janice M. Schneider,**

*Assistant Secretary—Land and Minerals Management.*

For the reasons stated in the preamble, the Bureau of Ocean Energy Management amends 30 CFR chapter V as follows:

**CHAPTER V—BUREAU OF OCEAN ENERGY MANAGEMENT, DEPARTMENT OF THE INTERIOR**

## PART 519—DISTRIBUTION AND DISBURSEMENT OF ROYALTIES, RENTALS, AND BONUSES

■ 1. The authority citation for part 519 is revised to read as follows:

**Authority:** Section 104, Public Law 97–451, 96 Stat. 2451 (30 U.S.C. 1714), Public Law 109–432, Div C, Title I, 120 Stat. 3000; 30 U.S.C. 1751; 31 U.S.C. 9701; 43 U.S.C. 1334; 33 U.S.C. 2704, 2716; E.O. 12777, as amended; 43 U.S.C. 1331 *et seq.,* 43 U.S.C. 1337.

■ 2. In § 519.410, revise the second sentence in paragraph (b) to read as follows:

**§ 519.410 What does this subpart contain?**

* * * * *

(b) * * * For questions related to the revenue sharing provisions in this subpart, please contact: Program Manager, Financial Management; Office of Natural Resources Revenue; P.O. Box 25165; Denver Federal Center, Building 85; Sixth Ave and Kipling St; Denver, CO 80225–0165, or at (303) 231–3162.

## PART 550—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

■ 3. The authority citation for part 550 is revised to read as follows:

**Authority:** Section 104, Public Law 97–451, 96 Stat. 2451 (30 U.S.C. 1714), Public Law 109–432, Div C, Title I, 120 Stat. 3000; 30 U.S.C. 1751; 31 U.S.C. 9701; 43 U.S.C. 1334; 33 U.S.C. 2704, 2716; E.O. 12777, as amended; 43 U.S.C. 1331 *et seq.,* 43 U.S.C. 1337.

■ 4. In § 550.126, revise the third sentence in the introductory paragraph to read as follows:

**§ 550.126 Electronic payment instructions.**

* * * The *Pay.gov* Web site may be accessed through *Pay.gov* at *https://www.pay.gov/paygov/.*

* * * * *

■ 5. In § 550.199, revise paragraph (d) to read as follows:

**§ 550.199 Paperwork Reduction Act statements—information collection.**

* * * * *

(d) Send comments regarding any aspect of the collections of information under this part, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, VA 20166.

* * * * *

■ 6. In § 550.1153, revise the second sentence in paragraph (d) to read as follows:

**§ 550.1153 When must I conduct a static bottomhole pressure survey?**

* * * * *

(d) * * * To request a departure, you must submit a justification, along with Form BOEM–0140, Bottomhole Pressure Survey Report, showing a calculated bottomhole pressure or any measured data.

■ 7. In § 550.1454, revise the first sentence to read as follows:

**§ 550.1454 How may I request a hearing on the record on a Notice of Noncompliance?**

You may request a hearing on the record on a Notice of Noncompliance by filing a request within 30 days of the date you received the Notice of Noncompliance with the Hearings Division (Departmental), Office of Hearings and Appeals, U.S. Department of the Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101.

* * *

■ 8. In § 550.1456, revise paragraph (b) to read as follows:

**§ 550.1456 May I request a hearing on the record regarding the amount of a civil penalty if I did not request a hearing on the Notice of Noncompliance?**

* * * * *

(b) You must file your request within 10 days after you receive the Notice of Civil Penalty with the Hearings Division (Departmental), Office of Hearings and Appeals, U.S. Department of the Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101.

■ 9. In § 550.1462, revise the first sentence to read as follows:

**§ 550.1462 How may I request a hearing on the record on a Notice of Noncompliance regarding violations without a period to correct?**

You may request a hearing on the record of a Notice of Noncompliance regarding violations without a period to correct by filing a request within 30 days after you receive the Notice of Noncompliance with the Hearings Division (Departmental), Office of Hearings and Appeals, U.S. Department of the Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101.

* * *

■ 10. In § 550.1464, revise paragraph (b) to read as follows:

**§ 550.1464 May I request a hearing on the record regarding the amount of a civil penalty if I did not request a hearing on the Notice of Noncompliance?**

* * * * *

(b) You must file your request within 10 days after you receive Notice of Civil Penalty with the Hearings Division (Departmental), Office of Hearings and Appeals, U.S. Department of the Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101.

■ 11. In § 550.1495, revise paragraphs (a)(1) through (3) to read as follows:

**§ 550.1495 How do I demonstrate financial solvency?**

(a) * * *

(1) For Alaska OCS: BOEM Alaska OCS Region, 3801 Centerpoint Drive, Suite 500, Anchorage, AK 99503, (907) 334–5200.

(2) For Gulf of Mexico and Atlantic OCS: BOEM Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, LA 70123–2394, (800) 200–4853.

(3) For Pacific OCS: BOEM Pacific OCS Region, 760 Paseo Camarillo, Suite 102 (CM 102), Camarillo, CA 93010, (805) 384–6305.

* * * * *

## PART 551—GEOLOGICAL AND GEOPHYSICAL (G&G) EXPLORATIONS OF THE OUTER CONTINENTAL SHELF

■ 12. The authority citation for part 551 is revised to read as follows:

**Authority:** Section 104, Public Law 97–451, 96 Stat. 2451 (30 U.S.C. 1714), Public Law 109–432, Div C, Title I, 120 Stat. 3000; 30 U.S.C. 1751; 31 U.S.C. 9701; 43 U.S.C. 1334; 33 U.S.C. 2704, 2716; E.O. 12777, as amended; 43 U.S.C. 1331 *et seq.,* 43 U.S.C. 1337.

■ 13. In § 551.5, revise paragraphs (d)(1) and (3) to read as follows:

**§ 551.5 Applying for permits or filing Notices.**

* * * * *

(d) * * *

(1) For the OCS off the State of Alaska—the Regional Supervisor for Resource Evaluation, Bureau of Ocean Energy Management, Alaska OCS Region, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503.

* * * * *

(3) For the OCS off the coast of the States of California, Oregon, Washington, or Hawaii—the Regional Supervisor for Resource Evaluation, Bureau of Ocean Energy Management, Pacific OCS Region, 760 Paseo Camarillo, Suite 102 (CM 102), Camarillo, California 93010.

■ 14. In § 551.7, revise paragraph (d)(4) to read as follows:

**§ 551.7 Test drilling activities under a permit.**

* * * * *

(d) * * *

(4) Your bond must be on a form approved by the Deputy Director.

■ 15. In § 551.15, revise paragraph (e) to read as follows:

**§ 551.15 Authority for information collection.**

* * * * *

(e) Send comments regarding any aspect of the collection of information under this part, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, VA 20166.

## PART 553—OIL SPILL FINANCIAL RESPONSIBILITY FOR OFFSHORE FACILITIES

■ 16. The authority citation for part 553 is revised to read as follows:

**Authority:** Section 104, Public Law 97–451, 96 Stat. 2451 (30 U.S.C. 1714), Public Law 109–432, Div C, Title I, 120 Stat. 3000; 30 U.S.C. 1751; 31 U.S.C. 9701; 43 U.S.C. 1334; 33 U.S.C. 2704, 2716; E.O. 12777, as amended; 43 U.S.C. 1331 *et seq.,* 43 U.S.C. 1337.

■ 17. In § 553.5, revise paragraph (d) to read as follows:

**§ 553.5 What is the authority for collecting Oil Spill Financial Responsibility (OSFR) information?**

* * * * *

(d) Send comments regarding any aspect of the collection of information under this part, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, VA 20166.

## PART 556—LEASING OF SULPHUR OR OIL AND GAS IN THE OUTER CONTINENTAL SHELF

■ 18. The authority citation for part 556 is revised to read as follows:

**Authority:** Section 104, Public Law 97–451, 96 Stat. 2451 (30 U.S.C. 1714), Public Law 109–432, Div C, Title I, 120 Stat. 3000; 30 U.S.C. 1751; 31 U.S.C. 9701; 43 U.S.C. 1334; 33 U.S.C. 2704, 2716; E.O. 12777, as amended; 43 U.S.C. 1331 *et seq.,* 43 U.S.C. 1337.

■ 19. In § 556.0, revise paragraph (d) to read as follows:

**§ 556.0 Authority for information collection.**

* * * * *

(d) Send comments regarding any aspect of the collection of information under this part, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, VA 20166.

■ 20. In § 556.54, revise paragraphs (b) and (f) to read as follows:

**§ 556.54 General requirements for bonds.**

* * * * *

(b) All bonds and pledges you furnish under this part must be on a form or in a form approved by the Deputy Director. Surety bonds must be issued by a surety that the Treasury certifies as an acceptable surety on Federal bonds and that is listed in the current Treasury Circular No. 570. You may obtain a copy of the current Treasury Circular No. 570 from the Surety Bond Branch, Financial Management Service, Department of the Treasury, 3700 East-West Highway, Hyattsville, MD 20782.

* * * * *

(f) You may submit a bond to the Regional Director executed on a form approved under paragraph (b) of this section that you have reproduced or generated by use of a computer. If you do this, and if the document omits terms or conditions contained on the form approved by the Deputy Director, the bond you submit will be deemed to contain the omitted terms and conditions.

## PART 560—OUTER CONTINENTAL SHELF OIL AND GAS LEASING

■ 21. The authority citation for part 560 is revised to read as follows:

**Authority:** Section 104, Public Law 97–451, 96 Stat. 2451 (30 U.S.C. 1714), Public Law 109–432, Div C, Title I, 120 Stat. 3000; 30 U.S.C. 1751; 31 U.S.C. 9701; 43 U.S.C. 1334; 33 U.S.C. 2704, 2716; E.O. 12777, as amended; 43 U.S.C. 1331 *et seq.,* 43 U.S.C. 1337.

■ 22. In § 560.3, revise paragraph (b) to read as follows:

**§ 560.3 What is BOEM's authority to collect information?**

* * * * *

(b) You may send comments regarding any aspect of the collection of information under this part, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, VA 20166.

## PART 580—PROSPECTING FOR MINERALS OTHER THAN OIL, GAS, AND SULPHUR ON THE OUTER CONTINENTAL SHELF

■ 23. The authority citation for part 580 is revised to read as follows:

**Authority:** Section 104, Public Law 97–451, 96 Stat. 2451 (30 U.S.C. 1714), Public Law 109–432, Div C, Title I, 120 Stat. 3000; 30 U.S.C. 1751; 31 U.S.C. 9701; 43 U.S.C. 1334; 33 U.S.C. 2704, 2716; E.O. 12777, as amended; 43 U.S.C. 1331 *et seq.,* 43 U.S.C. 1337.

■ 24. In § 580.13, revise paragraphs (b) and (c) to read as follows:

**§ 580.13 Where must I send my application or notification?**

* * * * *

| For the OCS off the . . . | Apply to . . . |
|---|---|
| * * * * * * * | |
| (b) Atlantic Coast, Gulf of Mexico, Puerto Rico, or U.S. territories in the Caribbean Sea. | Regional Supervisor for Resource Evaluation, Bureau of Ocean Energy Management, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, LA 70123–2394. |
| (c) States of California, Oregon, Washington, Hawaii, or U.S. territories in the Pacific Ocean. | Regional Supervisor for Resource Evaluation, Bureau of Ocean Energy Management, Pacific OCS Region, 760 Paseo Camarillo, Suite 102 (CM 102), Camarillo, CA 93010. |

■ 25. In § 580.80, revise paragraph (e) to read as follows:

**§ 580.80 Paperwork Reduction Act statement—information collection.**

* * * * *

(e) Send comments regarding any aspect of the collection of information under this part, including suggestions for reducing the burden, to the Information Collection Clearance Officer, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, VA 20166.

## PART 581—LEASING OF MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

■ 26. The authority citation for part 581 is revised to read as follows:

**Authority:** Section 104, Public Law 97–451, 96 Stat. 2451 (30 U.S.C. 1714), Public Law 109–432, Div C, Title I, 120 Stat. 3000; 30 U.S.C. 1751; 31 U.S.C. 9701; 43 U.S.C. 1334; 33 U.S.C. 2704, 2716; E.O. 12777, as amended; 43 U.S.C. 1331 *et seq.,* 43 U.S.C. 1337.

■ 27. In § 581.33, revise the first sentence in paragraph (b) to read as follows:

**§ 581.33 Bonds and bonding requirements.**

* * * * *

(b) All bonds to guarantee payment of the deferred portion of the high cash bonus bid furnished by the lessee must be in a form or on a form approved by the Deputy Director. * * *

* * * * *

## PART 582—OPERATIONS IN THE OUTER CONTINENTAL SHELF FOR MINERALS OTHER THAN OIL, GAS, AND SULPHUR

■ 28. The authority citation for part 582 is revised to read as follows:

**Authority:** Section 104, Public Law 97–451, 96 Stat. 2451 (30 U.S.C. 1714), Public Law 109–432, Div C, Title I, 120 Stat. 3000; 30 U.S.C. 1751; 31 U.S.C. 9701; 43 U.S.C. 1334; 33 U.S.C. 2704, 2716; E.O. 12777, as amended; 43 U.S.C. 1331 *et seq.,* 43 U.S.C. 1337.

■ 29. In § 582.40, revise the first sentence in paragraph (b) to read as follows:

**§ 582.40 Bonds.**

* * * * *

(b) All bonds furnished by a lessee or operator must be in a form approved by the Deputy Director. * * *

* * * * *

## PART 585—RENEWABLE ENERGY AND ALTERNATE USES OF EXISTING FACILITIES ON THE OUTER CONTINENTAL SHELF

■ 30. The authority citation for part 585 is revised to read as follows:

**Authority:** Section 104, Public Law 97–451, 96 Stat. 2451 (30 U.S.C. 1714), Public Law 109–432, Div C, Title I, 120 Stat. 3000; 30 U.S.C. 1751; 31 U.S.C. 9701; 43 U.S.C. 1334; 33 U.S.C. 2704, 2716; E.O. 12777, as amended; 43 U.S.C. 1331 *et seq.,* 43 U.S.C. 1337.

■ 31. In § 585.110, revise paragraph (a) to read as follows:

**§ 585.110 How do I submit plans, applications, reports, or notices required by this part?**

(a) You must submit all plans, applications, reports, or notices required by this part to BOEM at the following address: Deputy Director, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, VA 20166.

* * * * *

■ 32. In § 585.114, revise paragraph (d) to read as follows:

**§ 585.114 Paperwork Reduction Act statements—information collection.**

* * * * *

(d) Comments regarding any aspect of the collections of information under this part, including suggestions for reducing the burden, should be sent to the Information Collection Clearance Officer, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, VA 20166.

* * * * *

■ 33. In § 585.115, revise the first sentence of paragraph (d) to read as follows:

**§ 585.115 Documents incorporated by reference.**

* * * * *

(d) You may inspect these documents at the Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, VA 20166, 703–787–1605; or at the National Archives and Records Administration (NARA). * * *

* * * * *

[FR Doc. 2015–23719 Filed 9–21–15; 8:45 am]

BILLING CODE 4310–MR–P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 165

**[Docket No. USCG–2015–0835]**

**RIN 1625–AA00**

## Safety Zone; Dredging, Rouge River, Detroit, MI

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for certain waters of the Rouge River in the vicinity of Detroit, MI. This zone is intended to restrict and control movement of vessels in a portion of the Rouge River. This zone is necessary to protect vessels from potential hazards associated with dredging operations.

**DATES:** This rule is effective without actual notice from September 22, 2015 until 11:59 p.m. on September 24, 2015. For the purposes of enforcement, actual notice will be used from 10 a.m. on August 25, 2015, until September 22, 2015.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2015–0835 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary final rule, call or email Chief Petty Officer Jason Hampton, Prevention Department, Sector Detroit, Coast Guard; telephone 313–568–9616, email *Jason.E.Hampton@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:**

### I. Table of Abbreviations

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

## II. Background Information and Regulatory History

On August 23, a 300-yard section of retaining wall along the Carmeuse facility in River Rouge, MI collapsed, allowing an unknown amount of surface materials, including rock and soil to spill into the Rouge River. This material has created a hazard to navigation, by causing uncertain shifts in the channel depth, and creating a possible choke point in the river. The Army Corps of Engineer has conducted initial surveys and determined that dredging will be required to mitigate these hazards to vessel traffic.

## III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231, 33 CFR 1.05–1 and 160.5; and Department of Homeland Security Delegation No. 0170.1. The Captain of the Port Detroit (COTP) has determined that the spilled surface materials and dredging operations on the Rouge River pose a significant risk to public safety and property. Such hazards include potential collisions and groundings.

## IV. Discussion of Rule

This rule establishes a safety zone from 10 a.m. on August 25, 2015 until 11:59 p.m. on September 24, 2015. The safety zone will encompass all waters of the Rouge River, Detroit, MI from the West Jefferson Avenue Bridge at 42°16.85′ N., 083°07.72′ W., proceeding East approximately 400-yards to a point mid-river at 42°16.80′ N., 083°07.47′ W.

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the COTP or a designated representative. Vessel operators must contact the COTP or his on-scene representative to obtain permission to transit through this safety zone.

## V. Regulatory Analyses

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

### *A. Regulatory Planning and Review*

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

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for a relatively short time. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the COTP or his on-scene representative.

### *B. Impact on Small Entities*

As per the Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, we have considered the potential impact of regulations on small entities during rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in this portion of the Rouge River near Detroit, MI from 10 a.m. August 25, 2015 until 11:59 p.m. September 24, 2015.

This safety zone will not have a significant economic impact on a substantial number of small entities for the reasons cited in the *Regulatory Planning and Review* section. Additionally, before the enforcement of the zone, the COTP would issue local Broadcast Notice to Mariners so vessel owners and operators can plan accordingly.

### *C. Assistance for Small Entities*

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

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

### *D. Collection of Information*

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

### *E. Federalism*

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

### *F. Protest Activities*

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

### *G. Unfunded Mandates Reform Act*

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

### *H. Taking of Private Property*

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### *I. Civil Justice Reform*

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to

minimize litigation, eliminate ambiguity, and reduce burden.

*J. Protection of Children*

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

*K. Indian Tribal Governments*

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

*L. Energy Effects*

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

*M. Technical Standards*

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

*N. Environment*

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a safety zone and is therefore categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination will be prepared and submitted after publication, and will be available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

**List of Subjects in 33 CFR Part 165**

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

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

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0835 to read as follows:

**§ 165.T09–0835 Safety Zone; Dredging, Rouge River, Detroit, MI.**

(a) *Location.* The following area is a temporary safety zone: All U.S. waters of the Rouge River, Detroit, MI from the West Jefferson Avenue Bridge at 42°16.85′ N., 083°07.72′ W., proceeding East approximately 400-yards to a point mid-river at 42°16.80′ N., 083°07.47′ W.

(b) *Enforcement period.* This rule is effective without actual notice from September 22, 2015 until 11:59 p.m. on September 24, 2015. For the purposes of enforcement, actual notice will be used from 10 a.m. on August 25, 2015, until September 22, 2015.

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

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP, via the Command Center or his on-scene representative.

(3) The ''on-scene representative'' of the COTP is any Coast Guard commissioned, warrant or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the COTP to act on his behalf.

(4) Vessel operators must contact the COTP via the Command Center to obtain permission to enter or operate within the safety zone. The COTP may be contacted via VHF Channel 16 or at 313—568–9560. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP, via the Sector Command Center or his on-scene representative.

Dated: August 25, 2015.

**Raymond Negron,**

*Commander, U.S. Coast Guard, Acting Captain of the Port Detroit.*

[FR Doc. 2015–24041 Filed 9–21–15; 8:45 am]

**BILLING CODE 9110–04–P**

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 81

**[EPA–R09–OAR–2015–0608; FRL–9934–51–Region 9]**

## Designation for Planning Purposes; California; PM10; Technical Amendment

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Environmental Protection Agency (EPA) is making a technical amendment to the Code of Federal Regulations to restore the inadvertent deletion of the entry for ''Rest of State'' from the table listing California air quality planning area designations for particulate matter of ten microns of less ($PM_{10}$).

**DATES:** This technical amendment is effective on September 22, 2015.

**FOR FURTHER INFORMATION CONTACT:** Jerry Wamsley, EPA Region IX, (415) 947–4111, *wamsley.jerry@epa.gov.*

**SUPPLEMENTARY INFORMATION:** On March 19, 2013, the EPA published a direct final rule amending 40 CFR 81.305 to clarify the description of the Imperial Valley planning area, an area designated nonattainment for the National Ambient Air Quality Standard (NAAQS) for particulate matter of ten microns of less ($PM_{10}$) (78 FR 16792). In our March 19, 2013 direct final rule, we amended the entry for ''Imperial Valley planning area'' but did not intend to amend any other entry in the table listing $PM_{10}$ air quality planning area designations for the State of California. We believe, however, that the entry appearing directly after the entry for ''Imperial Valley planning area'' in the ''California-PM–10'' table and reading ''Rest of State; 11/15/90; Unclassifiable'' was deleted inadvertently when the entry for ''Imperial Valley planning area'' was amended. For example, see and compare the ''California-PM–10'' table within the July 1, 2012 version to the July 1, 2013 version of 40 CFR 81.305.

Consequently, the EPA is publishing this technical amendment to restore the ''Rest of State'' designation entry within

the 40 CFR 81.305 ''California-PM–10'' table as it appeared prior to our March 19, 2013 direct final action.

**List of Subjects in 40 CFR Part 81**

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: September 9, 2015.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

Part 81, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

## PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 1. The authority citation for Part 81 continues to read as follows:

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

■ 2. Section 81.305 is amended in the table for ''California—PM–10'' by adding an entry for ''Rest of State'' at the end of the table to read as follows:

**§ 81.305 California.**

* * * * *

CALIFORNIA—PM–10

| Designated Area | Designation | | Classification | |
|---|---|---|---|---|
| | Date | Type | Date | Type |
| * * * | * | * | * | * |
| Rest of State | 11/15/90 | Unclassifiable. | | |

* * * * *

[FR Doc. 2015–24049 Filed 9–21–15; 8:45 am]

**BILLING CODE 6560–50–P**

## GENERAL SERVICES ADMINISTRATION

### 41 CFR Part 102–117

**[FMR Case 2014–102–2; Docket 2014–0015; Sequence 1]**

**RIN 3090–AJ45**

## Federal Management Regulation (FMR); Transportation Management; Transportation Reporting

**AGENCY:** Office of Government-wide Policy (OGP), General Services Administration (GSA).

**ACTION:** Final rule.

**SUMMARY:** GSA is amending the Federal Management Regulation (FMR) to recommend that agencies annually submit to GSA their prior fiscal year transaction level transportation data for freight and cargo, including household goods (HHG), procured either through contract or tender, as well as their transportation management information. The request for transaction level data and transportation management information is a change from the Notice of the Proposed Rulemaking's recommendation that agencies annually submit to GSA a summary of their transportation activities.

Specifically, this rule recommends that agencies report transaction level transportation data for freight and cargo, including HHG, such as shipments by procurement method, spending, transportation service providers (TSP), and shipping profiles. This rule also recommends that agencies report their transportation management information, such as environmental justice information, agency points of contact, and transportation officer warrant information and training data.

This rule will provide GSA the data necessary for analysis, which will assist GSA in developing enhanced Governmentwide transportation policies to make transportation management programs more efficient, cost-effective, and sustainable.

**DATES:** *Effective:* September 22, 2015.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact Ms. Lois Mandell, Office of Government-wide Policy, at (202) 501–2735 or by email at *lois.mandell@gsa.gov.* For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FMR Case 2014–102–2.

**SUPPLEMENTARY INFORMATION:**

### A. Background

In almost every purchase of supplies and equipment from vendors, something must be moved and delivered. Since the early 1860s, the Federal Government has procured transportation using either a contract or a tender of service (also called a rate tender). There are Federal transportation laws and regulations that govern each of the five modes of transportation (air, water, pipeline, rail, and ground). Each mode has advantages and disadvantages that should be evaluated for cost, sustainability, speed of delivery, etc. The expense of moving this freight or cargo, including HHG, can be managed by the agency, consolidated as a shared service across agencies, or the TSP, depending upon the contract or tender of service terms.

Over the last several years, GSA has worked with the Governmentwide Transportation Policy Council (GTPC) to identify key transportation performance measures, data elements, and collection standards necessary for more informed decision-making. The GTPC is composed of representatives from civilian agencies and the Department of Defense, and provides guidance in the planning and development of uniform transportation policies and procedures. Best in class organizations exhibit a consistent set of behaviors to identify and implement improved processes that maximize the efficiency, cost effectiveness, and sustainability of their transportation operations. Organizations seeking continuous improvement monitor, measure, and compare their performance against other organizations to improve return on investments, generate greater savings, enhance supply chain, and improve sustainability. The GTPC supports data collection as a necessary first step to improve transportation management.

In 2009, GSA contracted for a Governmentwide transportation management study. The study concluded that ''most agencies have no single point of accountability for outbound transportation, have limited transparency into actual expenditures, and usually do not identify the most appropriate procurement method.'' The study also identified inadequate research into the acquisition and selection of a TSP, and a lack of standard training, expertise, and operational approaches to transportation management. A 2012 GSA study

identified the need for reliable Governmentwide transportation data.

This rule recommends that agencies report transaction level transportation data not otherwise provided in compliance with 31 U.S.C. 3726 to GSA's Transportation Audits Division, as well as agency transportation management information. The request for transaction level data is a change from the Notice of Proposed Rulemaking's recommendation that agencies annually submit to GSA a summary of their transportation activities.

The Federal Interagency Transportation System (FITS), a Web-based tool, will be used to capture an agency's voluntary submission of transaction level transportation data for freight and cargo, including HHG, procured either through contract or tender. FITS also can capture agency transportation management information. An FMR bulletin will provide information to agencies on the annual recommended submission process.

GSA's analysis of the data and information submitted by agencies will enable agencies to make decisions based upon factual information and will enable GSA to develop enhanced Governmentwide transportation policies to make transportation management programs more efficient, cost-effective, and sustainable.

**B. Public Comment and Response**

In the proposed rule published at 79 FR 41667 on July 17, 2014, GSA provided the public a 90-day comment period which ended on October 15, 2014. GSA received one comment from an anonymous source.

*Comment:* ''Reporting is a great idea to take part in. The data that could be collected and used for analysis to better serve transportation management is what needs to be done. This allows the GSA to better understand where things can be improved and what could be the reason why it is not working more efficiently. The only way to create [sic] more sustainable and efficient transportation management is by collecting as much information to better understand.''

*Response:* No changes were made as a result of the comment.

**C. Substantive Changes**

This final rule:

• Revises 41 CFR part 102–117, subpart K, to recommend that agencies submit to GSA their prior fiscal year transaction level transportation data for freight and cargo, including HHG, procured either through contract or tender, as well as transportation management information. It is intended that agencies would voluntarily report transaction level transportation data not otherwise provided in compliance with 31 U.S.C. 3726 to the GSA's Transportation Audits Division.

• Redesignates the sections in 41 CFR part 102–117, subpart L.

**D. Executive Orders 12866 and 13563**

Executive Orders (E.O.) 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, will not be subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This final rule is not a major rule under 5 U.S.C. 804.

**E. Regulatory Flexibility Act**

These revisions are not substantive, and therefore, this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The final rule is also exempt from the Administrative Procedure Act per 5 U.S.C. 553(a)(2), because it applies to agency management or personnel.

**F. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the final changes to the FMR do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

**G. Small Business Regulatory Enforcement Fairness Act**

This final rule is also exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates to agency management or personnel.

**List of Subjects in 41 CFR Part 102–117**

Freight, Government property management, Moving of household goods, Reporting and recordkeeping requirements, Transportation.

Dated: September 9, 2015.

**Denise Turner Roth,**

*Acting Administrator of General Services.*

For the reasons set forth in the preamble, GSA amends 41 CFR part 102–117 as follows:

## PART 102–117—TRANSPORTATION MANAGEMENT

■ 1. The authority citation for 41 CFR part 102–117 continues to read as follows:

**Authority:** 31 U.S.C. 3726; 40 U.S.C. 121(c); 40 U.S.C. 501, *et seq.;* 46 U.S.C. 55305; 49 U.S.C. 40118.

### § 102–117.355 [Redesignated as § 102–117.361]

■ 2. In subpart L, redesignate § 102–117.355 as § 102–117.361.

### § 102–117.360 [Redesignated as § 102–117.362]

■ 3. In subpart L, redesignate § 102–117.360 as § 102–117.362.

■ 4. Revise subpart K to read as follows:

**Subpart K—Transportation Reporting**

Sec.



## Subpart K—Transportation Reporting

### § 102–117.345 What is the Federal Interagency Transportation System (FITS)?

The Federal Interagency Transportation System (FITS) is a Web-based tool used to capture an agency's transaction level transportation data for freight and cargo, including household goods (HHG), procured either through contract or tender that is otherwise not currently reported by agencies to GSA in compliance with 31 U.S.C. 3726, as well as agency transportation management information.

### § 102–117.350 Do I have to report?

No; however all agencies are strongly encouraged to report for the preceding fiscal year through FITS by October 31.

### § 102–117.355 Why should I report?

(a) Reporting your agency's prior fiscal year transaction level transportation data for freight and cargo, including HHG, procured either through contract or tender, as well as your transportation management information will enable GSA to:

(1) Assess the magnitude and key characteristics of transportation within

the Government (*e.g.,* how much agencies spend; what type of commodity is shipped; most used lanes, etc.); and

(2) Analyze and recommend changes to Governmentwide policies, standards, practices, and procedures to improve Government transportation management.

(b) Agencies that choose to report may identify opportunities within their organization to improve transportation management program performance as a result of the data analytics.

**§ 102–117.356 What information should I report?**

You should report your agency's prior fiscal year transaction level transportation data for freight and cargo, including HHG, and transportation management information. Transportation data that currently is otherwise provided to GSA in compliance with 31 U.S.C. 3726 is not requested. Transaction level transportation data submitted by agencies will remain confidential. Transportation management information should also be reported and should include related environmental information, agency points of contact, and transportation officer warrant and training data.

**§ 102–117.360 How do I submit information to GSA through FITS?**

GSA will post a Federal Management Regulation bulletin at *http://gsa.gov/fmrbulletin,* which will detail the FITS submission process, including specific data requested, and provide information concerning available FITS training.

[FR Doc. 2015–23996 Filed 9–21–15; 8:45 am]

BILLING CODE 6820–14–P

## GENERAL SERVICES ADMINISTRATION

### 41 CFR Part 102–192

**[FMR Change 2015–03; FMR Case 2015–102–1; Docket No. 2013–0013; Sequence 1]**

**RIN 3090–AJ58**

### Federal Management Regulation (FMR); Mail Management; Requirements for Agencies

**AGENCY:** Office of Asset and Transportation Management (MA), Office of Government-wide Policy (OGP), General Services Administration (GSA).

**ACTION:** Final rule.

**SUMMARY:** GSA is amending the Federal Management Regulations (FMR) reporting requirements to state that large agencies must submit to GSA their prior fiscal year mail reports in the Simplified Mail Accountability Reporting Tool annually by December 1.

**DATES:** *Effective:* September 22, 2015.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Patterson, Office of Government-wide Policy, at 703–589–2641 or by email at *cynthia.patterson@gsa.gov* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FMR Case 2015–102–1.

**SUPPLEMENTARY INFORMATION:** The revision involves the change of reporting date for the annual report in 41 CFR part 102–192, subpart B, Reporting Requirements. This final rule amends the annual mail management reporting date, in response to several agency requests and feedback in an Office of Government-wide Policy survey. The new report due date allows agencies to have additional time to reconcile data and increase accuracy. The new date of December 1 is about a month later than the current due date of October 31. Annual reports will encompass information from the previous fiscal year of October 1 through September 30. Submission details will be provided in a bulletin posted at *www.gsa.gov/fmrbulletin.*

**A. 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, will not be subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This final rule is not a major rule under 5 U.S.C. 804.

**B. Regulatory Flexibility Act**

These revisions are not substantive; therefore, this final rule would not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The final rule is also exempt from the Administrative Procedure Act per 5 U.S.C. 553(a)(2), because it applies to agency management or personnel.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because the final changes to the FMR do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

**D. Small Business Regulatory Enforcement Fairness Act**

This final rule is also exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates to agency management or personnel.

**List of Subjects in 41 CFR Part 102–192**

Government property management, Security measures.

Dated: September 9, 2015.

**Denise Turner Roth,**

*Administrator of General Services.*

For the reasons set forth in the preamble, GSA is amending 41 CFR part 102–192 as set forth below:

## PART 102–192—MAIL MANAGEMENT

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

**Authority:** 44 U.S.C. 2901–2904.

■ 2. Revise § 102–192.105 to read as follows:

**§ 102–192.105 When must we submit our annual mail management report to GSA?**

Beginning with FY 2015, the agency's annual mail management report is due on December 1, following the end of the fiscal year.

[FR Doc. 2015–23995 Filed 9–21–15; 8:45 am]

BILLING CODE 6820–14–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 648

**[Docket No. 140117052–4402–02]**

**RIN 0648–XE113**

### Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer

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

**ACTION:** Temporary rule; quota transfer.

**SUMMARY:** NMFS announces that the State of Maine is transferring a portion

of its 2015 commercial Atlantic bluefish quota to the State of Rhode Island. These quota adjustments are necessary to comply with the Bluefish Fishery Management Plan quota transfer provision. This announcement informs the public of the revised commercial quota for each state involved.

**DATES:** Effective September 21, 2015, through December 31, 2015.

**FOR FURTHER INFORMATION CONTACT:** Reid Lichwell, Fishery Management Specialist, (978)–281–9112.

**SUPPLEMENTARY INFORMATION:** Regulations governing the bluefish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from Florida through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.162.

The final rule implementing Amendment 1 to the Bluefish Fishery Management Plan published in the **Federal Register** on July 26, 2000 (65 FR 45844), and provided a mechanism for transferring bluefish quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the Administrator, Greater Atlantic Region, NMFS (Regional Administrator), can transfer or combine bluefish commercial quota under § 648.162(e). The Regional Administrator is required to consider the criteria in § 648.162(e)(1) in the evaluation of requests for quota transfers or combinations.

Maine has agreed to transfer 30,000 lb (13,608 kg) of its 2015 commercial quota to Rhode Island. This transfer was prompted by state officials in Rhode Island to ensure the state's commercial bluefish quota is not exceeded. The Regional Administrator has determined that the criteria set forth in § 648.162(e)(1) are met. The revised bluefish quotas for calendar year 2015 are: Maine, 5,037 lb (2,284 kg); and Rhode Island, 536,826 lb (243,500 kg), based on the final 2015 Atlantic Bluefish Specifications (80 FR 46848; August 6, 2015).

## Classification

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: September 17, 2015.

**Alan D. Risenhoover,**

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

[FR Doc. 2015–24014 Filed 9–21–15; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 648

**[Docket No. 900124–0127]**

**RIN 0648–XE164**

## Atlantic Surfclam and Ocean Quahog Fisheries; 2016 Fishing Quotas for Atlantic Surfclams and Ocean Quahogs; and Suspension of Minimum Atlantic Surfclam Size Limit

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

**ACTION:** Temporary rule.

**SUMMARY:** NMFS suspends the minimum size limit for Atlantic surfclams for the 2016 fishing year. NMFS also announces that the quotas for the Atlantic surfclam and ocean quahog fisheries for 2016 will remain status quo. Regulations governing these fisheries require NMFS to notify the public of the allowable harvest levels for Atlantic surfclams and ocean quahogs from the Exclusive Economic Zone if the previous year's quota specifications remain unchanged.

**DATES:** Effective January 1, 2016, through December 31, 2016.

**FOR FURTHER INFORMATION CONTACT:** Douglas Potts, Fishery Policy Analyst, 978–281–9341.

**SUPPLEMENTARY INFORMATION:** The regulations implementing the fishery management plan (FMP) for the Atlantic surfclam and ocean quahog fisheries at 50 CFR 648.75(b)(3) authorize the Administrator, Greater Atlantic Region, NMFS (Regional Administrator), to suspend annually, by publication of a notification in the **Federal Register**, the minimum size limit for Atlantic surfclams. This action may be taken unless discard, catch, and biological sampling data indicate that 30 percent or more of the Atlantic surfclam resource have a shell length less than 4.75 inches (120 mm), and the overall reduced size is not attributable to harvest from beds where growth of the individual clams has been reduced because of density-dependent factors.

At its June 2015 meeting, the Mid-Atlantic Fishery Management Council voted to recommend that the Regional Administrator suspend the minimum size limit for Atlantic surfclams for the 2016 fishing year. Commercial surfclam data for 2015 were analyzed to determine the percentage of surfclams that were smaller than the minimum size requirement. The analysis indicated that 19.2 percent of the overall commercial landings were composed of surfclams that were less than the 4.75-in (120-mm) default minimum size. While still below the 30-percent trigger, this is a higher percentage of small clams than we have seen in previous years. A new stock assessment is planned for 2016, and may provide additional information about the health of this stock and whether density-dependent factors may have contributed to the increased prevalence of small clams. Based on the information available, the Regional Administrator concurs with the Council's recommendation, and is suspending the minimum size limit for Atlantic surfclams in the upcoming fishing year (January 1 through December 31, 2016).

The FMP for the Atlantic surfclam and ocean quahog fisheries requires that NMFS issue a notice in the **Federal Register** of the upcoming year's quota, even in cases where the quota remains unchanged from the previous year. At its June 2015 meeting, the Council voted that no action be taken to change the quota specifications for Atlantic surfclams and ocean quahogs for the 2016 fishing year. As a result, we are announcing that the 2015 quota levels of 3.4 million bu (181 million L) for Atlantic surfclams, 5.3 million bu (284 million L) for ocean quahogs, and 100,000 Maine bu (3.524 million L) for Maine ocean quahogs, as announced in the **Federal Register** on December 20, 2013 (78 FR 77005), remain effective for the 2016 fishing year.

## Classification

This action is authorized by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: September 17, 2015.

**Alan D. Risenhoover,**

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

[FR Doc. 2015–24013 Filed 9–21–15; 8:45 am]

**BILLING CODE 3510–22–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

**[Docket No. 141021887–5172–02]**

**RIN 0648–XE203**

## Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area

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

**ACTION:** Temporary rule; reallocation.

**SUMMARY:** NMFS is reallocating the projected unused amounts of Pacific cod from catcher vessels greater than 60 feet (18.3 meters (m)) length overall (LOA) using pot gear and catcher vessels using trawl gear to catcher vessels less than 60 feet (18.3 meters) LOA using hook-and-line or pot gear, Amendment 80 (A80) catcher processors (C/Ps), American Fisheries Act (AFA) trawl C/Ps, and C/Ps using pot gear in the Bering Sea and Aleutian Islands management area. This action is necessary to allow the 2015 total allowable catch of Pacific cod to be harvested.

**DATES:** Effective September 17, 2015, through 2400 hrs, Alaska local time (A.l.t.), December 31, 2015.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the Bering Sea and Aleutian Islands (BSAI) according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2015 Pacific cod TAC specified for catcher vessels greater than 60 feet (18.3 m) LOA using pot gear in the BSAI is 18,641 metric tons (mt) as established by the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015). The Regional Administrator has determined that catcher vessels greater than 60 feet (18.3 m) LOA using pot gear in the BSAI will not be able to harvest 1,000 mt of the remaining 2015 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(*5*).

The 2015 Pacific cod TAC specified for catcher vessels using trawl gear in the BSAI is 49,224 mt as established by the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015). The Regional Administrator has determined that catcher vessels using trawl gear will not be able to harvest 6,000 mt of the remaining 2015 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(*9*).

Therefore, in accordance with § 679.20(a)(7)(iii)(A) and § 679.20(a)(7)(iii)(B), NMFS reallocates 7,000 mt of Pacific cod to catcher vessels less than 60 feet (18.3 meters) LOA using hook-and-line or pot gear, A80 C/Ps, AFA trawl C/Ps, and C/Ps using pot gear in the Bering Sea and Aleutian Islands management area.

The harvest specifications for Pacific cod included in the final 2015 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015 and 80 FR 51757, August 26, 2015) are revised as follows: 17,641 mt for catcher vessels greater than 60 feet (18.3 m) LOA using pot gear, 43,224 mt for catcher vessels using trawl gear, 12,380 mt for catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear, 30,846 mt to A80 C/Ps, 5,623 mt to AFA trawl C/Ps, and 4,329 mt for C/Ps using pot gear.

### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of Pacific cod specified from the trawl catcher vessel sector to catcher vessels less than 60 feet (18.3 meters) LOA using hook-and-line or pot gear, AFA C/Ps, A80 C/Ps, and C/Ps using pot gear in the Bering Sea and Aleutian Islands management area. Since these fisheries are currently open, it is important to immediately inform the industry as to the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 15, 2015.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: September 17, 2015.

**Alan D. Risenhoover,**

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

[FR Doc. 2015–24025 Filed 9–17–15; 4:15 pm]

**BILLING CODE 3510–22–P**

# Proposed Rules

Federal Register

Vol. 80, No. 183

Tuesday, September 22, 2015

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

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 73

**[NRC–2011–0015; NRC–2011–0018]**

**RIN 3150–AI49**

## Enhanced Weapons, Firearms Background Checks, and Security Event Notifications

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Supplemental proposed rule.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its regulations that would implement its authority under Section 161A of the Atomic Energy Act of 1954, as amended (AEA), to permit NRC licensees and certificate holders to apply for preemption authority and enhanced weapons authority, and conduct associated firearms background checks. The NRC proposed new regulations on February 3, 2011, that would implement its authority under Section 161A. On January 10, 2013, the NRC proposed to further revise the regulations to include at-reactor independent spent fuel storage installations (ISFSI) as a class of designated facilities. The NRC is now proposing to further revise the proposed rule language that addresses the voluntary application for enhanced weapons authority, preemption authority, and the mandatory firearms background checks under Section 161A.

**DATES:** Submit comments on the supplemental proposed rule and draft regulatory guide by December 7, 2015. Also submit comments specific to the information collection aspects of this supplemental proposed rule by December 7, 2015. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments on the supplemental proposed rule by any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2011–0018. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Email comments to: *Rulemaking.Comments@nrc.gov*. If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

See Section XI, ''Paperwork Reduction Act,'' of this document for direction on submitting comments on the information collection aspects of this supplemental proposed rule. See Section XIV, ''Availability of Guidance,'' of this document for direction on submitting comments on the draft regulatory guide.

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:** Margaret S. Ellenson, Office of Nuclear Reactor Regulation, telephone: 301–415–0894; email: *Margaret.Ellenson@nrc.gov;* Philip G. Brochman, Office of Nuclear Security and Incident Response, telephone: 301–287–3691; email: *Phil.Brochman@nrc.gov;* U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

**SUPPLEMENTARY INFORMATION:**

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## I. Obtaining Information and Submitting Comments

### *A. Obtaining Information*

Please refer to Docket ID NRC–2011–0018 or Docket ID NRC–2011–0015 when contacting the NRC about the availability of information for this supplemental proposed rule or the draft regulatory guide, respectively. 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–2011–0018 for the supplemental proposed rule and Docket ID NRC–2011–0015 for the revised draft regulatory guide.
- 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. In addition, for the convenience of the reader, instructions about obtaining materials related to this rulemaking are provided in Section XV, ''Availability of Documents,'' 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.

*B. Submitting Comments*

Please include the appropriate NRC Docket ID NRC–2011–0018 (supplemental proposed rule) or NRC–2011–0015 (draft regulatory guide) in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

**II. Background**

*A. Section 161A of the AEA*

On August 8, 2005, President Bush signed into law the Energy Policy Act of 2005 (EPAct), Public Law 109–58, 119 Stat. 594 (2005). Section 653 of the EPAct amended the AEA by adding Section 161A, ''Use of Firearms by Security Personnel'' (42 U.S.C. 2201a). Section 161A of the AEA provides the NRC with authority to permit a licensee's or certificate holder's security personnel to transfer, receive, possess, transport, import, and use weapons, devices, ammunition, or other firearms, notwithstanding State, local, and certain Federal firearms laws (and implementing regulations) that may prohibit or restrict these actions (preemption authority). Additionally, Section 161A authorized the Commission to permit the security personnel of licensees and certificate holders to obtain enhanced weapons, such as machine guns, short-barreled shotguns, and short-barreled rifles (enhanced weapons).

Section 161A requires the Commission to designate the classes of facilities, radioactive material, and other property eligible to apply for preemption authority or enhanced weapon authority. Section 161A also mandates that all security personnel that receive, possess, transport, import, or use a weapon, ammunition, or a device otherwise prohibited by State, local, or certain Federal laws, including regulations, as provided by Section 161A.b. (42 U.S.C. 2201a(b)), shall be subject to a fingerprint-based background check by the U.S. Attorney General and a firearms background check against the Federal Bureau of Investigation's (FBI) National Instant Criminal Background Check System (NICS).

*B. The Firearms Guidelines—Implementation of Section 161A of the AEA*

Section 161A.d. of the AEA provides that the Commission shall, with the approval of the Attorney General, develop and promulgate guidelines for the implementation of this statute. On September 11, 2009, the NRC, with the approval of the Attorney General, published Firearms Guidelines in the **Federal Register** (74 FR 46800). These guidelines allow NRC licensees and certificate holders to apply for preemption authority only (hereafter referred to as stand-alone preemption authority) or combined preemption and enhanced weapons authority (hereafter referred to as enhanced weapons authority). The statute also includes provisions for firearms background checks for those who apply for Section 161A authorities (stand-alone preemption authority or enhanced weapons authority).

The Firearms Guidelines permit the NRC to designate applicable classes of facilities and to approve application for Section 161A authority via both orders and regulations. Following publication of the Firearms Guidelines, the NRC received requests from several licensees to obtain stand-alone preemption authority via order (*i.e.,* prior to the NRC's issuance of the final enhanced weapons rule). During its review of these licensee requests, the NRC staff identified implementation issues related to the firearms background checks for these licensees. The NRC staff and the U.S. Department of Justice (DOJ) staff developed a revision to the Firearms Guidelines to address these issues. The principal change in the revised Firearms Guidelines was to limit the scope of the firearms background check requirement to only those licensees that apply to the NRC for Section 161A authority. The NRC, with the approval of the Attorney General, published the revised Firearms Guidelines in the **Federal Register** (79 FR 36100; June 25, 2014). Both the 2009 Firearms Guidelines and the 2014 Firearms Guidelines are available at *http://www.regulations.gov* under Docket ID NRC–2008–0465.

*C. October 2006 Proposed Rule*

In parallel with the development of the 2009 Firearms Guidelines, the NRC initiated a rulemaking that would implement the new authorities and provisions in Section 161A of the AEA. On October 26, 2006, the NRC published proposed regulations in the **Federal Register** (71 FR 62664, ''Power Reactor Security Requirements'') to implement the provisions of Section 161A as one component of a larger proposed amendment to its regulations under parts 50, 72, and 73 of Title 10 of the *Code of Federal Regulations* (10 CFR). These proposed implementing regulations were consistent to the extent possible with discussions between the NRC and the DOJ on the implementation of the statute.

The NRC had proposed that the provisions of Section 161A would apply only to power reactor facilities including both operating and decommissioning power reactors and Category I Strategic Special Nuclear Material (Cat. I SSNM) facilities (*i.e.,* facilities possessing or using formula quantities or greater of strategic special nuclear material). This structure was proposed to permit these two highest-risk classes of licensed facilities to apply to the NRC for Section 161A authority. The NRC had also indicated that it would consider making Section 161A authority available to additional classes of facilities, radioactive material, or other property (including ISFSIs) in a separate, future rulemaking.

*D. February 2011 Proposed Rule*

On February 3, 2011, the NRC published in the **Federal Register** a new proposed rule, ''Enhanced Weapons, Firearms Background Checks and Security Event Notifications'' (76 FR 6200), referred to as the Enhanced Weapons rulemaking, that reflected the approved 2009 Firearms Guidelines. The 2011 proposed rule would implement the provisions of Section 161A and would make several changes to the security event notification requirements in 10 CFR part 73 to address imminent attacks or threats against power reactors as well as suspicious events that could be indicative of potential preoperational reconnaissance, surveillance, or challenges to security systems by adversaries. The public was provided 180 days to review and comment on the February 2011 proposed rule and associated guidance.

*E. Preemption Designation Orders and Confirmatory Orders*

Subsequent to the publication of the 2011 proposed rule, the NRC received requests from 10 licensees (located on 8 separate sites) to obtain stand-alone preemption authority. In response to the requests, the NRC issued designation order EA–13–092 (78 FR 35984) on June 14, 2013. Order EA–13–092 designated the 10 licensees as part of an interim class of licensed facilities eligible to apply for stand-alone preemption authority under Section 161A of the AEA, contained direction related to completing firearms background checks for security personnel whose official duties require access to covered weapons, and contained direction for the licensees on submitting applications and supporting information to obtain preemption authority via a confirmatory order. Subsequent to the NRC's issuance of Order EA–13–092, two licensees (located at the same site) withdrew their applications for Section 161A preemption authority. The NRC staff is currently reviewing the remaining applications for preemption authority.

*F. January 2013 Supplemental Proposed Rule*

On January 10, 2013, the NRC published a supplemental proposed rule (78 FR 2214) to add at-reactor ISFSIs as a class of designated facilities under § 73.18(c) that would be eligible to apply for Section 161A authority. Including at-reactor ISFSIs in the proposed rulemaking would ensure a consistent transition from the orders to the final implementing regulations for reactor licensees and any ISFSIs co-located at the reactor site. When a reactor facility and an ISFSI share a common security guard force, as is the case for at-reactor ISFSIs, the NRC staff recognizes that it may be expedient for both facilities at the site to have stand-alone preemption authority if the licensee or certificate holder applies for it and is approved. In the supplemental proposed rule, the NRC indicated that other classes of facilities and activities (*e.g.,* away-from-reactor ISFSIs and transportation of spent nuclear fuel) would be addressed in a separate, future rulemaking (as originally discussed in the October 2006 proposed rule). The public was provided 45 days to review and comment on the January 2013 supplemental proposed rule.

**III. Discussion**

Section 161A of the AEA provides the NRC with the authority to permit a licensee or certificate holder's security personnel to transfer, receive, possess, transport, import, and use, weapons, devices, ammunition or other firearms notwithstanding State, local, and certain Federal firearms laws (and any implementing regulations) that may prohibit or restrict these actions. The arsenal of weapons includes, for example, machine guns, semi-automatic assault weapons, and large-capacity ammunition feeding devices (*i.e.,* magazines). As indicated in the February 2011 proposed rule, an NRC licensee or certificate holder interested in obtaining Section 161A authority (either combined enhanced weapons authority and preemption authority or stand-alone preemption authority) may voluntarily apply to the NRC to take advantage of this new authority. For the purposes of the proposed Enhanced Weapons rulemaking, the term ''certificate holder'' refers only to entitles holding a 10 CFR part 76 certificate of compliance, not to entities holding a 10 CFR part 72 certificate of compliance. However, the NRC notes that there are currently no existing 10 CFR part 76 certificate holders because on February 2, 2015, the NRC terminated the 10 CFR part 76 certificate of compliance for the United States Enrichment Corporation's Paducah Gaseous Diffusion Plant (ADAMS Package Accession No. ML14318A331). While there are no existing 10 CFR part 76 certificate holders, the NRC is proposing to include such holders in this supplemental proposed rule so that the scope of the Firearms Guidelines and the NRC's corresponding implementing regulations continue to be consistent.

Licensees and certificate holders falling within the Commission-designated classes of facilities, radioactive material, or other property would be eligible to apply for Section 161A authority and would be required to complete the firearms background check requirements mandated by Section 161A and the Firearms Guidelines. The background checks would be required for security personnel whose official duties require access to covered weapons.

The 2009 Firearms Guidelines provided that the security personnel for all licensees and certificate holders that fall within the designated eligible classes of facilities must undergo firearms background checks, whether or not a particular licensee or certificate holder intends to seek preemption authority. However, under the revised 2014 Firearms Guidelines, the requirement for background checks would apply to only those licensees and certificate holders who apply for Section 161A authority. Other changes to the Firearms Guidelines included the removal of the definition of ''standard weapon'' and the removal of references to standard weapons in the definitions of ''covered weapon'' and ''enhanced weapon.'' There were also minor conforming and clarifying editorial changes throughout the revised 2014 Firearms Guidelines.

In the February 2011 proposed rule that would implement the NRC's authority under Section 161A of the AEA, the NRC proposed amendments to 10 CFR part 73 by adding new definitions, processes for obtaining enhanced weapons, requirements for firearms background checks, and security event notification requirements for stolen or lost enhanced weapons. This supplemental proposed rule continues the proposed changes from the February 2011 proposed rule and the January 2013 supplemental proposed rule and supplements or modifies the following existing or proposed regulations in 10 CFR part 73:

- Section 73.2, ''Definitions.''
- Proposed § 73.18, ''Authorization for use of enhanced weapons and preemption of firearms laws.''
- Proposed § 73.19, ''Firearms background checks for armed security personnel.''
- Section 73.51, ''Requirements for the physical protection of stored spent nuclear fuel and high-level radioactive waste.''

This supplemental proposed rule would make the following changes to the proposed requirements of 10 CFR part 73:

- Require firearms background checks only for those licensees and certificate holders who have applied for Section 161A authority and only for security personnel whose official duties require access to covered weapons.
- Require periodic firearms background checks at least once every 5 years. Previously the maximum periodicity was proposed to be at least once every 3 years. However, licensees and certificate holders would continue to be able to conduct periodic firearms background checks at a periodicity of less than every 5 years, at their discretion.
- Conform the process for conducting firearms background checks and applying for preemption authority to the updated requirements specified in the revised 2014 Firearms Guidelines (*e.g.,* removal of the proposed 30-day and 180-day milestones in conducting firearms background checks).
- Remove the definition of ''standard weapon'' and remove the references to standard weapon from the definitions of ''covered weapon'' and ''enhanced

weapon,'' per the revised 2014 Firearms Guidelines.

• Revise the definitions of ''combined enhanced weapons authority and preemption authority,'' ''covered weapon,'' and ''stand-alone preemption authority'' as conforming changes.

Separately, the NRC would make several clarifying and corrective changes to the process for obtaining stand-alone preemption authority and the requirements for firearms background checks, based upon language approved by the Commission in the designation orders and confirmatory orders issued by the NRC subsequent to the publication of the February 2011 proposed rule.

The NRC would also make several additional changes to clarify the agency's review and acceptance criteria for evaluating applications for stand-alone preemption authority, based upon lessons learned by the NRC staff in reviewing existing applications for preemption authority, including developing confirmatory orders to those licensees requesting Section 161A authority, and comments received in response to prior versions of this proposed rule. Furthermore, to ensure consistency between processes, the NRC would also make corresponding changes to the proposed process for obtaining enhanced weapons authority.

*Sunsetting of Orders*

In the Staff Requirements Memorandum (SRM) to SECY–12–0125, ''Staff Requirements—Interim Actions to Execute Commission Preemption Authority Under Section 161A of the Atomic Energy Act of 1954, as Amended'' (ADAMS Accession No. ML12326A653), the Commission directed the NRC staff to include in the final rule a plan ''to sunset the interim designation order and the confirmatory orders.'' Accordingly, the NRC has developed a plan to sunset these orders and is taking advantage of this supplemental proposed rule to include new language in §§ 73.18 and 73.19 to accomplish the Commission's direction. The NRC is proposing new paragraphs in §§ 73.18 and 73.19 to indicate that NRC approvals of Section 161A authority via confirmatory order would remain valid after issuance of a final rule. However, the licensees who received orders granting preemption authority prior to issuance of a final rule would be subject to the implementing regulations in §§ 73.18 and 73.19, in lieu of the requirements specified in the confirmatory orders (*i.e.,* the requirements of the orders would be superseded in their entirety by the requirements in the final rule). The licensees who receive these confirmatory orders would be required, within 60 days of the effective date of the final rule, to update their applicable procedures, instructions, and training to reflect the final rule's requirements. These licensees would be required to notify the NRC, within 70 days of the effective date of the final rule, when they have completed these actions. Once the NRC receives this notification and inspects the licensee's transition actions, the NRC would rescind the orders.

The Commission would rescind its designation of licensed facilities as part of an interim class of facilities eligible to apply for preemption authority prior to issuance of a final rule once the Enhanced Weapons rule is implemented. The Commission would designate the permanent classes of facilities eligible to apply for Section 161A authority in § 73.18(c) of the rule. All of the facilities issued a designation order would be included in the final rule's list of designated facilities (*i.e.,* power reactor facilities, Cat. I SSNM facilities, and at-reactor ISFSIs). Accordingly, the firearms background check requirements contained in these designation orders would be replaced in their entirety by the requirements in § 73.19.

*Public Comments*

At this time, the NRC is only seeking comments on the revisions proposed by this supplemental proposed rule. The NRC will address public comments on the February 2011 proposed rule, the January 2013 supplemental proposed rule, and this supplemental proposed rule in the final rule.

**IV. Section-by-Section Analysis**

The following paragraphs describe the specific changes proposed by this supplemental proposed rule.

*10 CFR 73.2, Definitions*

The proposed new definitions for the terms *Combined enhanced weapons authority and preemption authority, Covered weapon,* and *Stand-alone preemption authority* would be revised to reflect the revised 2014 Firearms Guidelines. The proposed new definition for the term *Standard weapon* would be removed to reflect the revised 2014 Firearms Guidelines with conforming, editorial changes made to the proposed definition for the term *Enhanced weapon.*

*10 CFR 73.18, Authorization for Use of Enhanced Weapons and Preemption of Firearms Laws*

In paragraph (d), the NRC would set forth the requirements and process for licensees and certificate holders who are included within the classes of facilities, radioactive material, and other property specified in § 73.18(c)(1) and desire to voluntarily apply for stand-alone preemption authority under Section 161A of the AEA. The application would require initial information describing the licensee's or certificate holder's request for preemption authority, its purposes and objectives for requesting this authority, and a description of its Firearms Background Check Plan, including training for security personnel on the background check disqualifying conditions and notification requirements. Firearms background checks would only be required for security personnel whose official duties require access to covered weapons, of licensees or certificate holders who apply for Section 161A authority. Licensees and certificate holders would be required to submit their applications in writing and under oath or affirmation.

The licensee or certificate holder would also be required to submit supplemental information to the NRC on the completion of satisfactory firearms background checks and required training for security personnel who require access to covered weapons. The timing of the submission of the supplemental information will be at the discretion of the licensee or certificate holder, although the licensee or certificate holder must have completed a sufficient number of satisfactory checks to permit the licensee or certificate holder to meet its security-personnel minimum staffing requirements as specified in its physical security plan and any applicable fatigue requirements under 10 CFR part 26.

Subsequent to the completion of the submission of all required information, the NRC will review the information and document the agency's decision to approve or disapprove the application.

Licensees or certificate holders cannot commence firearms background checks until they have received notification from the NRC that the agency has accepted for review their application for stand-alone preemption authority. Once the NRC has reviewed and approved a licensee's or certificate holder's application for stand-alone preemption authority, the licensee or certificate holder must assign only security personnel who have completed a satisfactory firearms background check

to duties requiring access to covered weapons.

In paragraph (e), the NRC would set forth the requirements and process for eligible licensees and certificate holders (as specified in § 73.18(c)(2)) who choose to voluntarily apply for combined enhanced weapons authority and preemption authority under Section 161A of the AEA. Paragraph (e) would require in the application initial information describing the licensee's or certificate holder's request for enhanced weapons authority, its purposes and objectives for requesting this authority, and a description of its proposed Firearms Background Check Plan, including training of security personnel on the disqualifying status conditions and events. The application would be required to address how security personnel notify the licensee or certificate holder security management of the identification or occurrence of any Federal or State disqualifying conditions or events. Also, under the 2011 proposed rule, applicants for combined enhanced weapons and preemption authority that already have preemption authority under § 73.18(d) would not be required to reapply for preemption authority in their § 73.18(e) application. That aspect of the 2011 proposed rule is unchanged by this supplemental proposed rule.

Firearms background checks would only be required of applicants for Section 161A authority. Those regulated entities required to conduct firearms background checks would need to conduct the checks on all security personnel whose official duties require access to covered weapons, which includes enhanced weapons. Licensee and certificate holders would be required to submit their applications in writing and under oath or affirmation. Licensees applying for combined enhanced weapons authority and preemption authority would be required to submit their application under the applicable regulations for a license amendment in 10 CFR parts 50, 52, 70, or 72. Certificate holders to which the supplemental proposed rule would apply (*i.e.,* 10 CFR part 76 certificate of compliance holders), would be required to submit their applications under the applicable regulations for a certificate of compliance amendment under 10 CFR part 76.

The application would include the additional technical information required by § 73.18(f) addressing the specific enhanced weapons that the licensee or certificate holder intends to use. The licensee or certificate holder would also submit supplemental information to the NRC on the completion of both the firearms background checks and the required training (on disqualifying conditions and events) for security personnel whose official duties require access to covered weapons. For this purpose, the term ''completion'' means that a sufficient number of satisfactory checks are complete to meet a regulated entity's minimum staffing and fatigue requirements.

The timing of the submission of the supplemental information would be at the discretion of the licensee or certificate holder when a sufficient number of satisfactory checks are complete. A licensee or certificate holder who has previously been approved for stand-alone preemption authority would not be required to repeat the initial firearms background checks on security personnel conducted to support its original application; rather the licensee or certificate holder would only need to state in its application for enhanced weapons authority that it was previously granted preemption authority by the NRC and provide the effective date of that authority.

The NRC would review the application and supplemental submittals and would document the agency's decision to approve or disapprove the application.

Licensees or certificate holders must commence firearms background checks only after they have received notification from the NRC that the agency has accepted for review their application for combined enhanced weapons authority and preemption authority. Furthermore, once the NRC has approved a licensee's or certificate holder's application for combined enhanced weapons authority and preemption authority, the licensee or certificate holder must assign only security personnel who have completed a satisfactory firearms background check to duties requiring access to any covered weapons (including enhanced weapons).

Licensees and certificate holders who have been previously approved for enhanced weapons authority and wish to use a different type, caliber, or quantity of enhanced weapons from that previously approved by the NRC would be required to submit a new application under paragraph (e).

In paragraph (f)(2)(iii), a conforming change would be made to remove the reference to employment of ''standard weapons'' in the safeguards contingency plan.

In paragraph (j), a corrective change would be made to add § 73.51 to the list of regulations specifying training requirements on the use of enhanced weapons at specific license ISFSIs. This change would address the potential for an at-reactor, specific license ISFSI to possess enhanced weapons at both the reactor and the co-located ISFSI. This provision would require the ISFSI licensee employing enhanced weapons to train its security personnel on the use of sufficient force, including deadly force, consistent with the co-located power reactor facility. Such training is already required for the reactor licensee's security personnel under the reactor security requirements in § 73.55(k)(3). The NRC anticipates that such co-located licensees would use a single integrated guard force for both facilities such that the security personnel are considered fungible between the two facilities. Consequently, the application of the same training requirements for the use of the enhanced weapons is appropriate.

In paragraphs (n)(2), (n)(3), and (n)(4), conforming changes would replace the term ''covered weapons'' with ''enhanced weapons'' to be consistent with the revised 2014 Firearms Guidelines.

In paragraph (s), the NRC would add new provisions to provide for the transition from stand-alone preemption authority and enhanced weapons authority approved by the NRC via orders to a licensee or certificate holder, to approval via the proposed regulations in § 73.18. While the NRC's previous authorizations for Section 161A authority under those orders would remain valid, these licensees would be subject to the implementing requirements of § 73.18, in lieu of the requirements contained in these orders. However these licensees would not be required to reapply for Section 161A authority under the provisions of § 73.18. Licensees would be required to update procedures, instructions, and training to reflect any revised requirements in the final rule and notify the NRC of the completion of this action. The licensee's actions and notification would be required to be completed within 60 days and 70 days, respectively, of the effective date of the final rule. Following receipt of the licensee's notification and inspection of the licensee's actions, the NRC would rescind these orders.

*10 CFR 73.19, Firearms Background Checks for Armed Security Personnel*

Paragraph (b) would be revised in its entirety to define new general requirements regarding the completion of firearm background checks. This would include a requirement to establish a Firearms Background Check

Plan and to specify the elements of this plan. A Firearms Background Check Plan would be a component of the licensee's or certificate holder's 10 CFR part 73, appendix B, required Training and Qualification plan for security personnel whose official duties require access to covered weapons. Only those licensees and certificate holders who have voluntarily applied for Section 161A authority (*i.e.,* stand-alone preemption authority or for combined enhanced weapons authority and preemption authority) would be required to conduct firearms background checks on their security personnel. Accordingly, such licensees and certificate holders would be required to establish and implement a Firearms Background Check Plan.

Paragraph (b)(2) would describe the groups of individuals included within the term *security personnel whose official duties require access to covered weapons.* In addition to the security officers themselves (who directly protect the facility or radioactive material), this term would include other groups of individuals who have access to covered weapons and in some cases only enhanced weapons. Examples would include, but are not limited to, firearms instructors, armorers, individuals issuing and checking in weapons, individuals with access to armories and weapons storage lockers, and individuals conducting inventories of enhanced weapons or removing enhanced weapons from the site for authorized purposes. Paragraph (b)(3) would specify the elements of the Firearms Background Check Plan. Paragraphs (b)(4) through (b)(9) would address requirements on conducting firearms background checks. Licensees or certificate holders must commence firearms background checks only after they have received notification from the NRC that the agency has accepted for review their application for either stand-alone preemption authority or for combined enhanced weapons authority and preemption authority. Furthermore, once the NRC has approved a licensee's or certificate holder's application for either stand-alone preemption authority or for combined enhanced weapons authority and preemption authority, the licensee or certificate holder must assign only security personnel who have completed a satisfactory firearms background check to duties requiring access to covered weapons. Also, applicants for an NRC license or certificate of compliance may not conduct firearms background checks until after the NRC has both issued their license or certificate of compliance and accepted their application for Section 161A authority for review. These two steps may occur in any order. Finally, this section also includes a requirement to remove individuals from duties requiring access to covered weapons if they receive a ''denied NICS response.'' This also includes removing individuals from duties requiring access to enhanced weapons if the individual receives a ''delayed NICS response.''

Paragraph (b)(10) would specify the requirements for a periodic firearms background check, which would be required at least once every 5 years from the most recent check. This periodicity would be consistent with the Commission's designation order issued to several licensees. Licensees and certificate holders would be able to conduct periodic firearms background checks at a shorter periodicity than every 5 years, at their discretion.

Security personnel that cease to be employed by a licensee, certificate holder, or security contractor, are considered to have a break in service for the purposes of the enhanced weapons rulemaking. The licensee or certificate holder would need to complete a new satisfactory firearms background check for security personnel who experience a break in service as described in paragraph (b)(11). Paragraph (b)(11) also addresses exceptions to the break in service requirement. Paragraph (b)(12) would address changes in the licensee, certificate holder, or their security contractor that do not require a break in service firearms background check. Paragraph (b)(13) would prohibit licensees and certificate holders from using a satisfactory firearms background check in lieu of completing other required criminal history records checks or background investigations specified in the NRC's access authorization or personnel security clearance programs under other provisions of 10 CFR chapter I.

Paragraph (b)(14) would not require a new initial firearms background check for security personnel who have completed a satisfactory firearms background check pursuant to a Commission designation order issued before the effective date of the final rule. However, these security personnel would remain subject to the periodic firearms background check and the break in service firearms background check requirements of § 73.19. Paragraph (b)(15) would require a licensee or certificate holder to discontinue conducting firearms background checks if it withdraws its application for Section 161A authority. Paragraph (b)(16) would require a licensee or certificate holder to discontinue conducting firearms background checks if the NRC rescinds or revokes its Section 161A authority, in accordance with § 73.18.

Paragraph (c) would be removed and reserved. Because § 73.18(c) contains the list of classes of facilities and activities eligible to apply for Section 161A authority and only licensees and certificate holders who have applied to the NRC under § 73.18 for Section 161A authority are eligible under § 73.19 to conduct firearms background checks of their security personnel, the list of classes of facilities and activities previously proposed in § 73.19(c) for conducting firearms background checks is now redundant and unnecessary.

Paragraph (f) would be revised to require periodic firearms background checks to be completed at least once every 5 calendar years. This change would make the proposed rule consistent with the 2014 Firearms Guidelines and the Commission's designation order EA–13–092, which required periodic firearms background checks at least once every 5 years on security personnel who require access to covered weapons. Second, a requirement would be added to specify an allowance period for completion of a satisfactory periodic firearms background check of 5 years from the date of the most recent firearms background check. This allowance period would be consistent with the Commission's designation order. Third, the revised language would clarify that security personnel may remain assigned to duties requiring access to covered weapons while pending completion of a periodic firearms background check. However, if a satisfactory firearms background check is not completed by the end of the allowance period, then the security personnel must be removed from duties requiring access to covered weapons. Independent of the direction in paragraph (f), an individual who receives a ''denied NICS response'' during a periodic firearms background check must be removed without delay from duties requiring access to covered weapons. Finally, the NRC would continue to permit licensees and certificate holders to accomplish periodic firearms background checks at a shorter periodicity than the maximum requirement (*i.e.,* more frequently than once every 5 years), at the licensee's or certificate holder's discretion.

Paragraph (g) would be revised to clarify the exception for when a licensee or certificate holder is required to notify the NRC that it has removed security personnel from duties requiring access to covered weapons. This exception is intended to encourage security

personnel to notify the licensee's or certificate holder's security management of the occurrence of any Federal or State disqualifying status condition or event within 72 hours. If the security personnel make the notification, then the licensee or certificate holder is not required to notify the NRC within 72 hours of the security personnel's removal. However, in all circumstances, the licensee or certificate holder would be required to maintain records of such removals under the Firearms Background Check Plan, as required under revised paragraph (b)(3)(vi).

Paragraph (h) would be revised to change the notification timeliness requirement for security personnel who have had a disqualifying status condition or event from ''3 working days'' to ''72 hours'' to improve regulatory clarity and consistency with the licensee's and certificate holder's current proposed notification timeliness requirement in paragraph (g).

Paragraph (j) would be revised to clarify the scope of the training modules required for security personnel who are subject to firearms background checks under the licensee's or certificate holder's Firearms Background Check Plan, as required under paragraph (b)(3)(iii). Modules would be required on Federal disqualifying status conditions or events, applicable State disqualifying status conditions or events, the process for appealing adverse firearms background check results, and the ongoing obligation of security personnel who are subject to a firearms background check to notify their licensee's or certificate holder's security management of the occurrence of such a disqualifying status condition or event. The modules would also include the requirement on the timeliness of such notifications (*i.e.,* within 72 hours of the occurrence of the disqualifying condition or event). Finally, periodic refresher training on these modules would be required annually.

Paragraph (p)(1) would be revised to clarify its applicability to security personnel subject to a firearms background check and to remove the current exception cross-reference to paragraph (b). Limitations on security personnel's access to covered weapons during the pendency of an appeal to the FBI would now be found solely in paragraph (p).

Minor editorial changes would be made to paragraph (p)(5), including adding a title and renumbering subparagraphs. Paragraph (p)(5)(iv) would be revised to indicate that individuals who are appealing a firearms background check should submit a request for extension of time, with respect to the 45-day timeliness requirement on submitting an appeal, to their licensee or certificate holder rather than to the FBI. The licensee or certificate holder may grant an extension request for good cause, as determined by the licensee or certificate holder. This change is consistent with the 2014 Firearms Guidelines.

In paragraph (r), the NRC would add new provisions to provide for the transition from preemption authority and enhanced weapons authority approved by the NRC via designation orders and confirmatory orders to approvals via the proposed regulations in § 73.19. While the NRC's authorizations for Section 161A authority would remain valid after issuance of a final rule and licensees would not need to reapply for Section 161A authority, these licensees would be subject to the implementing requirements of § 73.19, in lieu of the requirements contained in these orders. However, licensees would not be required to repeat their initial firearms background checks. Licensees would be required to update procedures, instructions, and training to reflect any revised requirements in the final rule and notify the NRC of the completion of this action. The licensee's actions and notification would be required to be completed within 60 days and 70 days, respectively, of the effective date of the final rule. Following receipt of the licensee's notification and inspection of the licensee's actions, the NRC would rescind these orders.

*10 CFR 73.51, Requirements for the Physical Protection of Stored Spent Nuclear Fuel and High-Level Radioactive Waste*

Paragraph (f) would be added as a conforming change to the proposed change to § 73.18(j) to reflect the potential for a specific license, at-reactor ISFSI to possess covered weapons at both the reactor and the co-located ISFSI. This provision would require ISFSI licensees employing covered weapons to train their security personnel on the use of sufficient force, including deadly force. The NRC anticipates that the security organization for a reactor and a co-located specific license ISFSI employing covered weapons would use an integrated security organization such that the security personnel are considered fungible between these two facilities. Accordingly, the NRC considers it appropriate to require both the reactor and ISFSI security personnel carrying covered weapons to be trained on the same standards on the use of force, including deadly force. This proposed language is consistent with the current regulations on training of security personnel on the use of force under § 73.55(k)(3) for reactor licensees and § 73.46(h)(5) for Cat. I SSNM licensees and certificate holders.

**V. Cumulative Effects of Regulation**

Cumulative Effects of Regulation (CER) consists of the challenges licensees may face in addressing the implementation of new regulatory positions, programs, and requirements (*e.g.,* rulemaking, guidance, generic letters, backfits, inspections). The CER may manifest in several ways, including the total burden imposed on licensees by the NRC from simultaneous or consecutive regulatory actions that can adversely affect the licensee's capability to implement those requirements while continuing to operate or construct its facility in a safe and secure manner.

The goals of the NRC's CER effort were met throughout the development of this supplemental proposed rule. During the development of the 2011 proposed rule, the NRC staff engaged external stakeholders at a public meeting and by soliciting public comments on the proposed rule and draft guidance documents. The public meeting was held at NRC Headquarters on June 1, 2011, to discuss the proposed implementation plan. A summary of the public meeting is in ADAMS under Package Accession No. ML111720007. Additionally, the NRC staff issued several draft guidance documents for comment in conjunction with the publication of the 2011 proposed rule. The feedback from this meeting and the public comments on the 2011 proposed rule informed the NRC staff's recommended schedule for the implementation of the new enhanced weapons requirements in this supplemental proposed rule.

Consistent with SECY–11–0032, ''Consideration of the Cumulative Effects of Regulation in the Rulemaking Process,'' dated March 2, 2011 (ADAMS Accession No. ML110190027), the NRC requests specific comment on the supplemental proposed rule's implementation schedule in light of any existing CER challenges, specifically:

a. Do the supplemental proposed rule's compliance date and submittal dates provide sufficient time to implement the new supplemental proposed requirements, including changes to programs, procedures, and the facility, in light of any ongoing CER challenges?

b. If there are ongoing CER challenges, what do you suggest as a means to address this situation (*e.g.,* if more time

is required to implement the new requirements, what time period is sufficient)?

c. Are there unintended consequences (*e.g.,* does the supplemental proposed rule create conditions that would be contrary to the supplemental proposed rule's purpose and objectives)? If so, what are the unintended consequences?

d. Please comment on the NRC's cost and benefit estimates in the supplemental proposed rule regulatory analysis (ADAMS Accession No. ML15232A013).

The NRC staff identified one draft guidance document that is affected by the revised proposed regulations described in this document and is issuing this revised guidance document for public comment concurrent with this supplemental proposed rule (see Section XIV, ''Availability of Guidance'').

**VI. Regulatory Flexibility Certification**

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), the NRC certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This supplemental proposed rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of ''small entities'' set forth in the Regulatory Flexibility Act or the size standards established by the NRC (§ 2.810).

**VII. Regulatory Analysis**

The NRC has prepared a draft regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the NRC. The draft regulatory analysis can be found under ADAMS Accession No. ML15232A013. The NRC requests public comment on the draft regulatory analysis. Comments on the draft regulatory analysis may be submitted to the NRC as indicated under the **ADDRESSES** caption of this document.

**VIII. Backfitting and Issue Finality**

This supplemental proposed rule contains the following: (i) Proposed provisions which reduce the regulatory burden associated with the original 2011 proposed rule and the 2013 supplemental proposed rule and (ii) additional provisions—not contained in either the original 2011 proposed rule or the 2013 supplemental proposed rule—which facilitate licensees' capability to obtain burden reduction (*i.e.,* proposed sunsetting of the interim designation order and the confirmatory orders). The provisions of this supplemental proposed rule are effectively voluntary in nature, and would not impose modifications or additions to existing structures, components, designs, or existing procedures or organizations if adopted in final form. Accordingly, the provisions of this supplemental proposed rule, if adopted as a final rule, would not constitute backfitting or otherwise be inconsistent with any issue finality provision in 10 CFR part 52. The consideration of backfitting for the original 2011 proposed rule and the 2013 supplemental proposed rule, considered together, bounds the backfitting and issue finality consideration for this supplemental proposed rule. Therefore, a backfit analysis is not required and has not been completed for any of the provisions of this supplemental proposed rule.

**IX. Plain Writing**

The Plain Writing Act of 2010 (Pub. L. 111–274), requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31883). The NRC requests comment on the document with respect to the clarity and effectiveness of the language used.

**X. Environmental Assessment and Proposed Finding of No Significant Environmental Impact**

In the proposed rule published on October 26, 2006, the Commission determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in subpart A of 10 CFR part 51, that the proposed rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement was not required. Instead, the agency prepared a draft environmental assessment on the proposed rule for public comment.

In the proposed rule published on February 3, 2011, the determination was that there will be no significant offsite impact to the public from this action. Therefore, the Commission concluded that because of the nature of the proposed changes to the firearms background checks and the enhanced weapons provisions presented in the 2011 proposed rule, the assumptions in the October 2006 proposed rule were not changed so the Commission was not seeking additional comment on the 2006 environmental assessment. Similarly here, the nature of the changes to the firearms background check and the enhanced provisions in this supplemental proposed rule do not change the assumptions in the 2011 proposed rule and the October 2006 environmental assessment. Accordingly, the Commission is not seeking additional comment on the environmental assessment. Availability of the environmental assessment is provided in Section XV, ''Availability of Documents,'' of this document.

**XI. Paperwork Reduction Act**

This supplemental proposed rule contains new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This supplemental proposed rule has been submitted to the Office of Management and Budget (OMB) for review and approval of the information collections.

*Type of submission, new or revision:* Revision.

*The title of the information collection:* 10 CFR part 73, ''Enhanced Weapons, Firearms Background Checks, and Security Event Notifications,'' supplemental proposed rule, and NRC Form 754, ''Armed Security Personnel Background Check.''

*The form number if applicable:* NRC Form 754.

*How often the collection is required or requested:* One time for power reactor licensees and Cat, I SSNM licensees and certificate holders applying for combined enhanced weapons authority. Initial submissions of NRC Form 754 will be required for all of a licensee's or certificate holder's security personnel whose duties require access to covered weapons; thereafter, recurring firearms background checks and completion of NRC Form 754 will be required once every 5 years. One time for licensees and certificate holders who received confirmatory orders and must update their procedures, instructions, and training materials.

*Who will be required or asked to respond:* The supplemental proposed rule would require only those licensees and certificate holders who apply for Section 161A authorities to submit information about their security personnel for firearms background checks. Licensees and certificate holders that had received confirmatory orders approving Section 161A authority would be required to update within 60 days after the final rule effective date any procedures, instructions, and training material on a one-time basis. The regulated entities that would be eligible to apply for Section 161A

authorities are operating nuclear power reactors located at 61 sites and their co-located at-reactor ISFSIs, 10 decommissioning power reactor sites, 3 other reactor sites, and 2 fuel cycle facilities authorized to possess Cat. I SSNM. In addition to those regulated entities and consistent with the 2011 proposed rule, modified security event notifications under different paragraphs of § 73.71 would also affect 42 research and test reactor (RTR) sites, 6 Cat. II and III Special Nuclear Material sites, 7 ISFSI sites not co-located with a reactor, and 2 hot cell sites.

*An estimate of the number of annual responses:* 4,085 (2,992 responses for 10 CFR part 73 requirements and 1,093 responses for NRC Form 754).

*The estimated number of annual respondents:* 133.

*An estimate of the total number of hours needed annually to comply with the information collection requirement or request:* 47,906.4 hours (45,399.8 hours for 10 CFR part 73 requirements and 2,506.7 hours for NRC Form 754).

*Abstract:* The NRC is proposing to amend current security regulations and add new security requirements pertaining to nuclear power reactors and Cat. I SSNM facilities for access to enhanced weapons and firearms background checks. The supplemental proposed rule would modify the information collections contained in the Enhanced Weapons, Firearms Background Checks, and Security Event Notifications rulemaking. First, firearms background checks would be required for security personnel for only those licensees and certificate holders who have applied for Section 161A authority (*i.e.,* either stand-alone preemption authority or combined enhanced weapons authority and preemption authority). As a result, the number of respondents to new §§ 73.18 and 73.19 would be reduced compared to the proposed rule published in the **Federal Register** on February 3, 2011 (76 FR 6199). Second, periodic firearms background checks would be required at least once every 5 years rather than every 3 years. Third, applications for Section 161A authority would be required to describe the applicant's purposes and objectives in requesting the authority. Finally, the supplemental proposed rule would add requirements for licensees and certificate holders that had received confirmatory orders approving Section 161A authority to update within 60 days after the final rule effective date any procedures, instructions, and training material on a one-time basis. These information collections are needed to enable the NRC to implement the mandate of Section 161A of the AEA to verify that security personnel who will have access to enhanced weapons have been subject to a background check by the Attorney General to verify that an individual is not prohibited under Federal or State law from possessing or receiving firearms.

The 2011 proposed rule also would modify the security event notification requirements under different paragraphs of § 73.71. This supplemental proposed rule would not change those proposed modified requirements, but they are repeated in the supporting statement for completeness. The proposed security event notification requirements would be used to meet the NRC's strategic mission to immediately communicate threats or attack information to the Department of Homeland Security (DHS) operations center under the National Response Framework. The NRC also has a strategic mission to immediately communicate threat or attack information to other appropriate NRC licensees and certificate holders so that they can increase their security posture at their facilities or for their shipments of spent nuclear fuel, high-level radioactive waste, or Cat. I SSNM. This prompt notification could be vital in increasing another licensees' ability to defeat poorly-synchronized multiple-site attacks and in protecting the lives of security and plant personnel (at a second facility) in such un-coordinated attacks. This prompt notification could also be vital in increasing the defensive posture of other government or critical infrastructure facilities to defeat poorly-synchronized multiple-sector attacks.

The NRC is seeking public comment on the potential impact of the information collections contained in this proposed rule and on the following issues:

1. Is the proposed information collection necessary for the proper performance of the functions of the NRC, including whether the information will have practical utility?

2. Is the estimate of the burden of the proposed information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the proposed information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the OMB clearance package and proposed rule is available in ADAMS under Accession No. ML15035A635 or may be viewed free of charge at the NRC's PDR, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. You may obtain information and comment submissions related to the OMB clearance package by searching on *http://www.regulations.gov* under Docket ID NRC–2011–0018.

You may submit comments on any aspect of these proposed information collections, including suggestions for reducing the burden and on the preceding issues, by the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2011–0018.
- Mail comments to: FOIA, Privacy, and Information Collections Branch, Office of Information Services, Mail Stop: T–5 F53, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; or to Vlad Dorjets, Desk Officer, Office of Information and Regulatory Affairs (3150–0002 and 3150–0204), NEOB–10202, Office of Management and Budget, Washington, DC 20503; telephone: 202–395–7315, email: *oira_submission@omb.eop.gov.*

Submit comments by December 7, 2015. Comments received after this date will be considered if it is practical to do so, but the NRC staff is able to ensure consideration only for comments received on or before this date.

*Public Protection Notification*

The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.

**XII. Criminal Penalties**

For the purposes of Section 223 of the AEA, the NRC is issuing this supplemental proposed rule that would amend 10 CFR part 73 under Sections 161b, 161i, or 161o of the AEA. Willful violations of the rule would be subject to criminal enforcement. Criminal penalties as they apply to regulations in 10 CFR part 73 are already discussed in § 73.81. Accordingly, §§ 73.18 and 73.19 will not be included in § 73.81(b).

**XIII. Voluntary Consensus Standards**

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113), requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies, unless using such a standard is inconsistent with applicable law or is otherwise impractical. In this supplemental proposed rule, the NRC is using standards from applicable firearms standards developed by nationally

recognized firearms organizations or standard setting bodies or from standards developed by (1) Federal agencies, such as the U.S. Department of Homeland Security's Federal Law Enforcement Training Center, the U.S. Department of Energy's National Training Center, and the U.S. Department of Defense; (2) State law-enforcement training centers; or (3) State Division (or Department) of Criminal Justice Services (DCJS) Training Academies. The NRC invites comment on the applicability and use of other standards.

## XIV. Availability of Guidance

The NRC is issuing draft regulatory guide (DG), DG–5020, Revision 1, ''Applying for Enhanced Weapons Authority, Applying for Preemption Authority, and Accomplishing Firearms Background Checks under 10 CFR part 73,'' for the implementation of the proposed requirements set forth in this supplemental proposed rule. The draft guidance is available in ADAMS under Accession No. ML14322A847. In conjunction with the supplemental proposed rule, the NRC seeks public comment on DG–5020, Revision 1, which may be accessed by searching on *http://www.regulations.gov* under Docket ID NRC–2011–0015.

In conjunction with the February 2011 proposed rule, the NRC issued for comment a new draft guide, DG 5020, Revision 0, ''Applying for Enhanced Weapons Authority, Applying for Preemption Authority, and Accomplishing Firearms Background Checks under 10 CFR part 73'' (76 FR 6086; February 3, 2011). You may also access DG–5020, Revision 0, supporting material, and the public comments the NRC received on DG–5020, Revision 0, by searching on *http://www.regulations.gov* under Docket ID NRC–2011–0015.

Revision 0 to DG–5020 contained detailed guidance on the implementation of the proposed requirements for applying for enhanced weapons authority, for applying for preemption authority, and conducting firearms background checks. However, DG–5020, Revision 0, did not include at-reactor ISFSIs under the applicability section; rather, the DG reserved a section for additional facilities to be added by future rulemakings or Commission orders. The addition of at-reactor ISFSIs to the DG as an eligible class of licensees to apply for Section 161A authority would not appreciably change the guidance contained in DG–5020, Revision 0. Accordingly, the NRC did not issue a revision to DG–5020, Revision 0, for comment in conjunction with the January 2013 supplemental proposed rule.

However, the changes contained in this supplemental proposed rule are substantive enough to warrant a revision to DG–5020, Revision 0. Accordingly, the NRC staff developed Revision 1 to DG–5020 to reflect the changes in this supplemental proposed rule and the previous supplemental proposed rule which added at-reactor ISFSIs.

You may submit comments on DG–5020, Revision 1, by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2011–0015. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.*
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

## XV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

| Document | ADAMS Accession No./**Federal Register** Citation |
|---|---|
| Firearms Guidelines | 74 FR 46800; September 11, 2009. |
| Firearms Guidelines, Revision 1 | 79 FR 36100; June 25, 2014. |
| Environmental Assessment (October 2006 proposed rule) | ML061920093. |
| Regulatory Analysis | ML061380803. |
| Regulatory Analysis–appendices | ML061380796. |
| (October 2006 proposed rule) | ML061440013. |
| Information Collection Analysis | ML092640277. |
| NRC Form 754, ''Armed Security Personnel Firearms Background Check'' | ML092650459. |
| Commission: SECY–08–0050, ''Firearms Guidelines Implementing Section 161A of the Atomic Energy Act of 1954 and Associated Policy Issues'' (April 17, 2008). | Package—ML072920478. |
| Commission: SECY–08–0050A, ''Firearms Guidelines Implementing Section 161A of the Atomic Energy Act of 1954 and Associated Policy Issues—Supplemental Information'' (July 8, 2008). | ML081910207. |
| Commission: SRM–SECY–08–0050/0050A, ''Firearms Guidelines Implementing Section 161A of the Atomic Energy Act of 1954 and Associated Policy Issues'' (August 15, 2008). | ML082280364. |
| Letter Opinion from Bureau of Alcohol, Tobacco, Firearms, and Explosives' Office of Enforcement on the Transfer of Enhanced Weapons (January 5, 2009). | ML090080191. |
| Proposed Enhanced Weapons, Firearms Background Checks, and Security Event Notifications Rule (February 3, 2011). | ML103410132. |
| DG–5020, Revision 0, ''Applying for Enhanced Weapons Authority, Applying for Preemption Authority, and Accomplishing Firearms Background Checks under 10 CFR Part 73'' (February 3, 2011). | ML100321956. |
| DG–5020, Revision 1, ''Applying for Enhanced Weapons Authority, Applying for Preemption Authority, and Accomplishing Firearms Background Checks under 10 CFR Part 73''. | ML14322A847. |
| Commission: SECY–12–0027, ''Preemption Authority Pursuant to Section 161A, 'Use of Firearms by Security Personnel,' of the Atomic Energy Act of 1954, as Amended'' (February 17, 2012). | ML113130015. |
| Commission: SRM–SECY–12–0027, ''Preemption Authority Pursuant to Section 161A, 'Use of Firearms by Security Personnel,' of the Atomic Energy Act of 1954, as Amended'' (May 3, 2012). | ML12124A377. |
| Commission: SECY–12–0125, ''Interim Actions to Execute Commission Preemption Authority Under Section 161A of the Atomic Energy Act of 1954, as Amended'' (September 20, 2012). | Package—ML12164A839. |
| Commission: SRM–SECY–12–0125, ''Interim Actions to Execute Commission Preemption Authority Under Section 161A of the Atomic Energy Act of 1954, as Amended'' (November 21, 2012). | ML12326A653. |

| Document | ADAMS Accession No./**Federal Register** Citation |
|---|---|
| NUREG/BR–0058, ''Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission,'' Revision 4 (September 30, 2004). | ML042820192. |
| Order EA–13–092: ''Order Designating an Interim Class of NRC-Licensed Facilities That are Eligible to Apply to the Commission for Authorization to Use the Authority Granted Under the Provisions of Section 161a of the Atomic Energy Act of 1954, as Amended''. | 78 FR 35984; June 14, 2013. |
| Draft Supporting Statement for the second supplemental proposed rule | ML15035A633. |

Throughout the development of this rule, the NRC staff may post documents related to this rule, including public comments, on the Federal rulemaking Web site at *http://www.regulations.gov* under Docket ID NRC–2011–0018 and NRC–2011–0015. The Federal rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC–2011–0018 and NRC–2011–0015); (2) click the ''Sign up for Email Alerts'' link; and (3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly).

**List of Subjects in 10 CFR Part 73**

Criminal penalties, Exports, Hazardous materials transportation, Incorporation by reference, Imports, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Security measures.

For the reasons set out in the preamble and under the authority of the AEA, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553; the NRC is proposing to adopt the following amendments to 10 CFR part 73.

## PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** Atomic Energy Act of 1954, secs. 53, 147, 149, 161, 161A, 170D, 170E, 170H, 170I, 223, 234, 1701 (42 U.S.C. 2073, 2167, 2169, 2201, 2201a, 2210d, 2210e, 2210h, 2210i, 2273, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 202 (42 U.S.C. 5841, 5842); Nuclear Waste Policy Act of 1982, secs. 135, 141 (42 U.S.C. 10155, 10161); 44 U.S.C. 3504 note.

Section 73.37(b)(2) also issued under Sec. 301, Pub. L. 96–295, 94 Stat. 789 (42 U.S.C. 5841 note).

■ 2. In § 73.2, paragraph (a), as proposed to be added February 3, 2011 (76 FR 6232), revise the definitions for ''Combined enhanced weapons authority and preemption authority,'' ''Covered weapon,'' ''Enhanced weapon,'' and ''Stand-alone preemption authority,''; and remove the definition for ''Standard weapon'' to read as follows:

**§ 73.2 Definitions.**

* * * * *

(a) * * *

*Combined enhanced weapons authority and preemption authority* means the authority granted to the Commission, at 42 U.S.C. 2201a, to authorize licensees or certificate holders, or the designated security personnel of the licensee or certificate holder, to transfer, receive, possess, transport, import, and use one or more categories of covered weapons, notwithstanding any State, local, or certain Federal firearms laws, including regulations, that prohibit or restrict such conduct.

* * * * *

*Covered weapon* means any handgun, rifle, shotgun, short-barreled shotgun, short-barreled rifle, semi-automatic assault weapon, machine gun, ammunition for any of such weapons, or large capacity ammunition feeding device, as specified under 42 U.S.C. 2201a(b), that are otherwise prohibited or restricted by State, local, or certain Federal firearms laws, including regulations.

* * * * *

*Enhanced weapon* means any short-barreled shotgun, short-barreled rifle, or machine gun. Enhanced weapons do not include destructive devices as specified under 18 U.S.C. 921(a)(4).

* * * * *

*Stand-alone preemption authority* means the authority granted to the Commission, at 42 U.S.C. 2201a, to authorize licensees or certificate holders, or the designated security personnel of a licensee or certificate holder, to transfer, receive, possess, transport, import, and use one or more categories of covered weapons other than enhanced weapons, notwithstanding any State, local, or certain Federal firearms laws, including regulations, that prohibit or restrict such conduct.

* * * * *

■ 3. In § 73.18, as proposed to be added February 3, 2011 (76 FR 6233), revise paragraphs (d), (e), (f)(2)(iii), (j), (n)(2), (n)(3), and (n)(4); and add paragraph (s) to read as follows:

**§ 73.18 Authorization for use of enhanced weapons and preemption of firearms laws.**

* * * * *

(d) *Application process for stand-alone preemption authority.* (1) Only licensees and certificate holders included within the classes of facilities, radioactive material, and other property listed in paragraph (c)(1) of this section may apply to the NRC for stand-alone preemption authority.

(2) Licensees and certificate holders applying for stand-alone preemption authority must submit an application to the NRC using the procedures specified in this section.

(3) The contents of the application must include the following information:

(i) A statement indicating that the licensee or certificate holder is applying for stand-alone preemption authority under 42 U.S.C. 2201a;

(ii) The Commission-designated facility, radioactive material, or other property to be protected by the licensee's or certificate holder's security personnel using the covered weapons;

(iii) A description of the licensee's or certificate holder's purposes and objectives in requesting stand-alone preemption authority. This description must include whether these covered weapons are currently employed as part of the licensee's or certificate holder's existing protective strategy or whether these covered weapons will be used in a revised protective strategy; and

(iv) A description of the licensee's or certificate holder's Firearms Background Check Plan required by § 73.19.

(4) Licensees and certificate holders must supplement their application for stand-alone preemption authority with the following additional information:

(i) A confirmation that a sufficient number of security personnel have completed a satisfactory firearms background check to meet the licensee's or certificate holder's security-personnel minimum staffing requirements as specified in its physical security plan and any applicable fatigue requirements under part 26 of this chapter;

(ii) A confirmation that the necessary training modules and notification

procedures have been developed under their Firearms Background Check Plan; and

(iii) A confirmation that all security personnel whose official duties require access to covered weapons have been trained on these modules and notification procedures.

(5) The licensee or certificate holder must submit both the application and the supplementary information to the NRC in writing, under oath or affirmation, and in accordance with § 73.4.

(6) Upon the effective date of the NRC's approval of its application for stand-alone preemption authority, the licensee or certificate holder must only assign security personnel who have completed a satisfactory firearms background check to duties requiring access to any covered weapons.

(e) *Application process for combined enhanced weapons authority and preemption authority.* (1) Only licensees and certificate holders included within the classes of facilities, radioactive material, and other property listed in paragraph (c)(2) of this section may apply to the NRC for combined enhanced weapons authority and preemption authority.

(2) Licensees and certificate holders applying for combined enhanced weapons authority and preemption authority must submit an application to the NRC using the procedures specified in this section.

(3) The contents of the application must include the following information:

(i) A statement indicating that the licensee or certificate holder is applying for combined enhanced weapons authority and preemption authority under 42 U.S.C. 2201a.

(ii) The Commission-designated facility, radioactive material, or other property to be protected by the licensee's or certificate holder's security personnel using the enhanced weapons.

(iii) A description of the licensee's or certificate holder's purposes and objectives in requesting combined enhanced weapons authority and preemption authority. This must include whether these covered weapons are currently employed as part of the licensee's or certificate holder's existing protective strategy; or whether these covered weapons will be used in a revised protective strategy.

(iv) A description of the licensee's or certificate holder's Firearms Background Check Plan required by § 73.19.

(v) If the NRC has previously approved the licensee's or certificate holder's application for stand-alone preemption authority, under either paragraph (d) of this section or under a Commission Order issued before [EFFECTIVE DATE OF FINAL RULE], then the licensee or certificate holder must include the effective date of the NRC's approval of preemption authority in their application for combined enhanced weapons authority and preemption authority.

(4) The licensee or certificate holder must include with their application the additional technical information required by paragraph (f) of this section.

(5) Licensees and certificate holders must supplement their application with the following additional information:

(i) A confirmation that a sufficient number of security personnel have completed a satisfactory firearms background check to meet the licensee's or certificate holder's security-personnel minimum staffing requirements as specified in its physical security plan and any applicable fatigue requirements under part 26 of this chapter;

(ii) A confirmation that the necessary training modules and notification procedures have been developed under their Firearms Background Check Plan; and

(iii) A confirmation that all security personnel whose official duties require access to covered weapons have been trained on these modules and notification procedures.

(iv) Exceptions:

(A) Licensees and certificate holders who were previously approved by the NRC for preemption authority under paragraph (d) of this section are not required to submit the supplemental information of this paragraph (as a component of their application for combined enhanced weapons authority and preemption authority).

(B) Licensees and certificate holders who were previously approved by the NRC for preemption authority pursuant to a Commission Order issued before [lEFFECTIVE DATE OF FINAL RULE], are not required to submit the supplemental information of this paragraph (as a component of their application for combined enhanced weapons authority and preemption authority).

(6) The licensee or certificate holder must submit its application in accordance with the applicable license amendment or certificate of compliance amendment provisions specified in §§ 50.90, 70.34, 72.56, or 76.45 of this chapter. The licensee or certificate holder must submit both the application and the supplementary information to the NRC in writing and under oath or affirmation.

(7) If a licensee or certificate holder wishes to use a different type or caliber of enhanced weapons or obtain a different quantity of enhanced weapons from that previously approved by the Commission under this section, then the licensee or certificate holder must submit a new application to the NRC in accordance with paragraph (e) of this section (to address these different weapons or different quantities of weapons).

(8) Upon the effective date of the NRC's approval of its application for combined enhanced weapons authority and preemption authority, the licensee or certificate holder must only assign security personnel who have completed a satisfactory firearms background check to perform duties requiring access to any covered weapons.

(f) * * *

(2) * * *

(iii) The licensee or certificate holder must address in the safeguards contingency plan how the enhanced weapons will be employed by the security personnel in implementing the protective strategy, including tactical approaches and maneuvers; and

* * * * *

(j) *Use of enhanced weapons.* Requirements regarding the general use of enhanced weapons by licensee or certificate holder security personnel, in the performance of their official duties, are contained in §§ 73.46, 73.51, and 73.55 and in appendices B, C, and H of this part, as applicable.

* * * * *

(n) * * *

(2) Security personnel transporting enhanced weapons to or from a licensee's or certificate holder's facility following the completion of, or in preparation for, the duty of escorting shipments of radioactive material or other property that is being transported to or from the licensee's or certificate holder's facility must ensure that these weapons are rendered safe and locked in a secure container during transport. Security personnel may transport unloaded weapons and ammunition in the same locked secure container.

(3) Security personnel using enhanced weapons to protect shipments of radioactive material or other property that are being transported to or from the licensee's or certificate holder's facility must ensure that these weapons are maintained in a state of loaded readiness and available for immediate use, except when otherwise prohibited by 18 U.S.C. 922(q).

(4) Security personnel transporting enhanced weapons to or from the licensee's or certificate holder's facility must comply with the requirements of § 73.19.

* * * * *

(s) *Sunsetting of orders.* For licensees who received an NRC order approving an application for stand-alone preemption authority or combined preemption authority and enhanced weapons authority prior to [EFFECTIVE DATE OF FINAL RULE], the following provisions apply.

(1) The NRC's approval via a confirmatory order of preemption authority or enhanced weapons authority under Section 161A for a licensee remains valid and licensees or certificate holders would not need to reapply for this authority.

(2) Licensees issued such orders must comply with the requirements of this section. Accordingly, the requirements of such orders are superseded in their entirety by the requirements of this section.

(3) Licensees issued such orders must update any procedures, instructions, and training material, developed in response to the orders, to reflect the transition from requirements under the order to the requirements of this section. Licensees must complete these transition actions by [DATE 60 DAYS AFTER THE EFFECTIVE DATE OF FINAL RULE].

(4) Licensees issued such orders must notify the NRC in writing, in accordance with § 73.4, of the completion of these transition actions. Licensees must complete this notification by [DATE 70 DAYS AFTER THE EFFECTIVE DATE OF FINAL RULE].

■ 4. In § 73.19, as proposed to be added February 3, 2011 (76 FR 6237), revise paragraph (b); remove and reserve paragraph (c); revise paragraphs (f), (g), (h), (j), (p)(1), and (p)(5); and add paragraph (r) to read as follows:

**§ 73.19 Firearms background checks for armed security personnel.**

* * * * *

(b) *General requirements.* (1) Licensees and certificate holders who have applied to the NRC under § 73.18 for stand-alone preemption authority or for combined enhanced weapons authority and preemption authority must comply with the provisions of this section. Such licensees and certificate holders must establish a Firearms Background Check Plan. Licensees and certificate holders must establish this plan as part of their overall NRC-approved Training and Qualification plan for security personnel whose official duties require access to covered weapons.

(2) For the purposes of § 73.18 and this section only, the term *security personnel whose official duties require access to covered weapons* includes, but is not limited to, the following groups of individuals:

(i) Security officers using covered weapons to protect a Commission-designated facility, radioactive material, or other property;

(ii) Security officers undergoing firearms training on covered weapons;

(iii) Firearms-training instructors conducting training on covered weapons;

(iv) Armorers conducting maintenance, repair, and testing of covered weapons;

(v) Individuals with access to armories and weapons storage lockers containing covered weapons;

(vi) Individuals issuing covered weapons from armories to security personnel and checking in such weapons;

(vii) Individuals conducting inventories of enhanced weapons;

(viii) Individuals removing enhanced weapons from the site for repair, training, and escort-duty purposes; and

(ix) Individuals whose duties require access to covered weapons, whether the individuals are employed directly by the licensee or certificate holder or they are employed by a security contractor who provides security services to the licensee or certificate holder.

(3) The objectives of a Firearms Background Check Plan must include:

(i) Completing firearms background checks for all security personnel whose official duties require access to covered weapons;

(ii) Defining the process for completing initial, periodic, and break in service firearms background checks;

(iii) Defining the training objectives and modules for security personnel who are subject to firearms background checks;

(iv) Completing the initial and periodic training for security personnel whose official duties require access to covered weapons;

(v) Maintaining records of completed firearms background checks, required training, and any supporting documents;

(vi) Maintaining records of a decision to remove security personnel from duties requiring access to covered weapons, due to the identification or occurrence of any Federal or State disqualifying status condition or event; and

(vii) Developing and implementing procedures for notifying the NRC of the removal of security personnel from access to covered weapons, due to the identification or occurrence of any Federal or State disqualifying status condition or event.

(4) Licensees and certificate holders who have applied to the NRC for stand-alone preemption authority or for combined enhanced weapons authority and preemption authority under § 73.18 must ensure that a satisfactory firearms background check has been completed for all security personnel whose official duties require access to covered weapons.

(5) Only licensees and certificate holders who have applied for Section 161A authority under § 73.18 may conduct firearms background checks.

(6) The licensee or certificate holder must commence firearms background checks only after receiving notification from the NRC that the agency has accepted for review their application for stand-alone preemption authority or for combined enhanced weapons authority and preemption authority.

(7) Applicability of firearms background checks to applicants for a license or certificate of compliance:

(i) Applicants for a license or a certificate of compliance who have also submitted an application for Section 161A authority must only commence firearms background checks after:

(A) The NRC has issued their license or certificate of compliance; and

(B) The NRC has accepted their application for stand-alone preemption authority or for combined enhanced weapons authority and preemption authority for review.

(ii) Subsequent to [EFFECTIVE DATE OF FINAL RULE], applicants for a license or a certificate of compliance who have also applied for Section 161A authority and been issued their license or certificate of compliance must ensure a satisfactory firearms background check (as defined in § 73.2) has been completed for all security personnel who require access to covered weapons, before the licensee's or certificate holder's initial receipt of any source material, special nuclear material, or radioactive material specified under the license or certificate of compliance.

(8) Licensee and certificate holder actions in response to an adverse firearms background check (as defined in § 73.2):

(i) The licensee or certificate holder must remove, without delay, from duties requiring access to covered weapons, any security personnel who receive a ''denied NICS response;''

(ii) The licensee or certificate holder must remove, without delay, from duties requiring access to enhanced weapons, any security personnel who receive a ''delayed NICS response;'' and

(iii) If the security personnel to be removed is on duty at the time of removal, then the licensee and certificate holder must reconstitute the vacated position within the timeframe

specified in their NRC-approved physical security plan.

(9) Subsequent to the licensee's or certificate holder's receipt of notification that the NRC has approved its application for either stand-alone preemption authority or for combined enhanced weapons authority and preemption authority:

(i) The licensee or certificate holder must complete a satisfactory firearms background check on security personnel, before assigning that individual to any duties that require access to covered weapons;

(ii) The licensee or certificate holder may return to duties that require access to covered weapons any security personnel who has previously received an adverse firearms background check, if the individual subsequently completes a satisfactory firearms background check or successfully appeals an adverse firearms background check; and

(iii) During the pendency of an individual's appeal to the Federal Bureau of Investigation (FBI) of an adverse firearms background check, the licensee or certificate holder must not assign such security personnel to duties that require access to covered weapons.

(10) *Accomplishment of periodic firearms background checks.* (i) The licensee or certificate holder must complete a periodic firearms background check for security personnel whose duties require access to covered weapons. A satisfactory periodic firearms background check must be completed within 5 calendar years of the most recent satisfactory firearms background check.

(ii) Licensees and certificate holders who had conducted firearms background checks pursuant to a confirmatory order issued by the NRC before [EFFECTIVE DATE OF FINAL RULE], must complete a periodic firearms background check for security personnel whose duties continue to require access to covered weapons. A satisfactory periodic firearms background check must be completed within 5 calendar years of the most recent satisfactory firearms background check.

(iii) The licensee or certificate holder must complete the periodic firearms background check within the allowance period specified in paragraph (f) of this section.

(11) *Accomplishment of break in service firearms background checks.* (i) The licensee or certificate holder must complete a new satisfactory firearms background check if the security personnel has had a break in service with their employing licensee, certificate holder, or their security contractor which is for a duration of greater than one week.

(ii) The licensee or certificate holder must complete a new satisfactory firearms background check if the security personnel has transferred from a different licensee or certificate holder.

(iii) A break in service means the security personnel's cessation of employment with the licensee, certificate holder, or their security contractor, notwithstanding that the previous licensee or certificate holder completed a satisfactory firearms background check on the individual within the last 5 years.

(iv) Exceptions:

(A) For the purposes of this section, a break in service does not include a security personnel's temporary active duty with the U.S. military reserves or National Guard.

(B) The licensees or certificate holders, in lieu of completing a new satisfactory firearms background check, may instead verify via an industry-wide information-sharing database that the security personnel has completed a satisfactory firearms background check within the previous 12 months, provided that this previous firearms background check included a duty station location in the State or Territory where the licensee or certificate holder (who would otherwise be accomplishing the firearms background check) is located or the activity is solely occurring.

(12) If subsequent to the NRC's approval of an application for Section 161A authority under § 73.18, a change occurs in the licensee's or certificate holder's ownership of a facility, radioactive material, or other property or a security contractor that provides security services to the licensee or certificate holder, then the licensee or certificate holder is not required to conduct a break in service firearms background check for the security personnel whose duties require access to covered weapons.

(13) With regard to accomplishing the requirements for other background (*e.g.,* criminal history records) checks or personnel security investigations under the NRC's access authorization or personal security clearance program requirements of this chapter, the licensee or certificate holder may not substitute a satisfactory firearms background check in lieu of completing these other required background checks or security investigations.

(14) If a licensee or certificate holder has completed initial satisfactory firearms background checks pursuant to a Commission order issued before [EFFECTIVE DATE OF FINAL RULE], then the licensee or certificate holder is not required to conduct a new initial firearms background check for its current security personnel. However, the licensee or certificate holder must conduct initial firearms background checks on new security personnel and periodic and break in service firearms background checks on current security personnel in accordance with the provisions of this section.

(15) A licensee or certificate holder who withdraws their application for Section 161A authority or whose application was disapproved by the NRC must discontinue conducting firearms background checks.

(16) A licensee or certificate holder whose authority under Section 161A has been rescinded or was revoked by the NRC must discontinue conducting firearms background checks.

(c) [Reserved]

* * * * *

(f) *Periodic firearms background checks.* (1) Licensees and certificate holders must complete a satisfactory periodic firearms background check at least once every 5 calendar years for security personnel whose continuing duties require access to covered weapons.

(2) Licensees and certificate holders must complete a periodic firearms background check within the same calendar month as the initial, or most recent, firearms background check with an allowance period to midnight of the last day of the calendar month of expiration.

(3) Licensees and certificate holders may continue the security personnel's duties requiring access to covered weapons pending the satisfactory completion of a periodic firearms background check. However, licensees and certificate holders must remove security personnel from duties requiring access to covered weapons if the satisfactory completion of a periodic firearms background check does not occur before the expiration of the allowance period.

(g) *Notification of removal.* (1) Licensees and certificate holders must notify the NRC Headquarters Operations Center by telephone within 72 hours after removing security personnel from duties requiring access to covered weapons due to the identification or occurrence of any Federal or State disqualifying status condition or event that would prohibit them from possessing, receiving, or using firearms or ammunition. Licensees and certificate holders must contact the NRC Headquarters Operations Center at the

phone numbers specified in table 1 of appendix A of this part.

(2) *Exception.* The licensee or certificate holder is not required to notify the NRC if the licensee's or certificate holder's security management was notified by the affected security personnel within 72 hours of the identification or occurrence of any Federal or State disqualifying status condition or event that would prohibit them from possessing, receiving, or using firearms or ammunition.

(h) *Security personnel responsibilities.* (1) Security personnel assigned to duties requiring access to covered weapons must notify their employing licensee's or certificate holder's security management within 72 hours of the identification or occurrence of any Federal or State disqualifying status condition or event that would prohibit them from possessing, receiving, or using firearms or ammunition.

(2) This notification requirement is applicable to all security personnel assigned duties requiring access to covered weapons, irrespective of whether they are directly employed by the licensee or certificate holder or employed by a contractor providing security services to the licensee or certificate holder.

* * * * *

(j) *Training for security personnel subject to firearms background checks.* (1) Licensees and certificate holders must include within their Firearms Background Check Plan the development and accomplishment of training modules for security personnel assigned official duties requiring access to covered weapons.

(2) The training modules must include information on the following topics:

(i) Federal disqualifying status conditions or events specified in 18 U.S.C. 922(g) and (n) and the ATF's implementing regulations in 27 CFR part 478 (including any applicable definitions) identifying categories of persons who are prohibited from possessing, receiving, or using any firearms or ammunition;

(ii) Any applicable State disqualifying status conditions or events;

(iii) The continuing responsibility of security personnel subject to a firearms background check to promptly and voluntarily notify their employing licensee or certificate holder of the identification or occurrence of any Federal or State disqualifying status condition or event; and

(iv) The process for appealing to the FBI a ''denied'' or ''delayed'' NICS response.

(3) Licensees and certificate holders must conduct periodic refresher training on these modules at an annual frequency for security personnel assigned official duties requiring access to covered weapons.

* * * * *

(p) *Appeals and resolution of erroneous system information.* (1) The licensee or certificate holder may not assign security personnel who have receive a ''denied'' or a ''delayed'' NICS response to duties requiring access to covered weapons:

(i) During the pendency of an appeal of a ''denied'' NICS response; or

(ii) During the pendency of providing to the FBI and evaluating any necessary additional information to resolve a ''delayed'' NICS response.

* * * * *

(5) *Challenges of the accuracy and correctness of records.* (i) If the individual wishes to challenge the accuracy of the record upon which the ''denied'' or ''delayed'' response is based, or if the individual wishes to assert that his or her rights to possess or receive a firearm have been restored by lawful process, he or she must first contact the FBI at the address stated in paragraph (p)(4)(i) of this section.

(ii) The individual must file any appeal of a ''denied'' response or file a request to resolve a ''delayed'' response within 45 calendar days after the date the licensee or certificate holder notifies the individual of the adverse response.

(iii) The individual appealing a ''denied'' response or resolving a ''delayed'' response is responsible for providing the FBI any additional information the FBI requires to resolve the adverse response. These individuals must supply this information to the FBI within 45 calendar days after the FBI's response is issued.

(iv) The individual may request extensions of the time to supply the additional information requested by the FBI in support of a timely appeal or resolution request. These extension requests must be made to the licensee or certificate holder. The licensee or certificate holder may grant an extension request for good cause, as determined by the licensee or certificate holder.

(v) The individual's appeal or request submitted to the FBI must include appropriate documentation or record(s) establishing the legal and/or factual basis for the challenge. Any record or document of a court or other government entity or official furnished in support of an appeal must be certified by the court or other government entity or official as a true copy.

(vi) The individual may supplement their initial appeal or request, subsequent to the 45-day filing deadline, with additional information as it becomes available, for example, where obtaining a true copy of a court transcript may take longer than 45 days. The individual should note in their appeal or request any information or records that are being obtained, but are not yet available.

* * * * *

(r) *Sunsetting of orders.* For licensees who received an NRC order designating them as part of an interim class of facilities eligible to apply for Section 161A authority prior to [EFFECTIVE DATE OF FINAL RULE], the following provisions apply regarding the sunsetting of these designation orders.

(1) Licensees issued such orders are no longer considered part of an interim class of facilities eligible to apply for Section 161A authority but instead are encompassed within the Commission-designated classes of facilities, activities, and other property specified in § 73.18(c).

(2) Licensees issued such orders must comply with the requirements of this section, in lieu of complying with the firearms background check requirements of those orders. Accordingly, the requirements of those orders are superseded in their entirety by the requirements of this section.

(3) Licensees issued such orders must update any procedures, instructions, and training material they have developed in response to the orders to reflect the transition from requirements under the order to the requirements of this section. Licensees must complete these transition actions by [DATE 60 DAYS AFTER THE EFFECTIVE DATE OF FINAL RULE].

(4) Licensees issued such orders must notify the NRC in writing, in accordance with § 73.4, of the completion of these transition actions. Licensees must complete this notification by [DATE 70 DAYS AFTER THE EFFECTIVE DATE OF FINAL RULE].

■ 5. In § 73.51, add paragraph (f) to read as follows:

**§ 73.51 Requirements for the physical protection of stored spent nuclear fuel and high-level radioactive waste.**

* * * * *

(f) *Response requirements.* For licensees employing covered weapons as part of their protective strategy, the licensee must train each armed member of the security organization using covered weapons to prevent or impede attempted acts of radiological sabotage by using force sufficient to counter the force directed at that armed member,

including the use of deadly force as authorized by applicable State or Federal law.

Dated at Rockville, Maryland, this 15th day of September, 2015.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 2015–23669 Filed 9–21–15; 8:45 am]

**BILLING CODE 7590–01–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 21

## Notice of Intent To Designate as Abandoned Normal Category Type Certificate: Silvercraft S.co.p.a., Type Certificate No. H2EU

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of intent to designate Silvercraft S.p.A. type certificate issued in the normal category as abandoned; request for comments.

**SUMMARY:** This notice announces the FAA's intent to designate Silvercraft S.co.p.a. (Silvercraft) Type Certificate (TC) H2EU, issued in the normal category, as abandoned. The FAA has been unable to locate Silvercraft, the TC holder, concerning the continued airworthiness of the aircraft certificated under its TC. The Federal Aviation Regulations (regulations) require that TC holders report certain failures, malfunctions, and defects to the FAA. The regulations also require, upon request, that TC holders submit design changes to the FAA that are necessary to correct any unsafe condition in their products. The FAA is responsible for surveillance of Silvercraft's ability to perform continued operational safety management and oversight of the helicopter on its TC. This action is intended to ensure that Silvercraft Model SH–4 helicopters are under a TC that has active continued operational safety management and oversight by a TC holder that can be subject to periodic safety audits by the FAA.

**DATES:** Comments must be received on or before March 21, 2016.

**ADDRESSES:** Comments on this notice must be submitted to the Federal Aviation Administration, Rotorcraft Standards Staff, ASW–110, Rotorcraft Directorate, 10101 Hillwood Pkwy., Fort Worth, Texas 76177; fax: (817) 222–5961.

**FOR FURTHER INFORMATION CONTACT:** Tyrone D. Millard, Aerospace Engineer, FAA, Rotorcraft Directorate, Aircraft Certification Service, 10101 Hillwood Pkwy., Fort Worth, Texas 76177; telephone: (817) 222–5439; email: *tyrone.d.millard@faa.gov*.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested parties are invited to provide comments, written data, views, or arguments relating to this notice. Comments should be submitted to the address specified above. All comments received on or before the closing date will be considered. All comments received will be available in the docket for examination by interested persons. Comments may be inspected at the office of the FAA, Rotorcraft Standards Staff, Rotorcraft Directorate, 5th Floor, 10101 Hillwood Pkwy, Fort Worth, Texas, between 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

### Discussion

This notice is intended to inform the public that the FAA intends to designate Silvercraft Type Certificate H2EU, issued in the normal category, as abandoned and that no additional original airworthiness certificates will be issued against Type Certificate H2EU.

On September 8, 1968, Registro Aeronautico Italiano (now Ente Nazionale per l'Aviazione Civile) issued Silvercraft an Italian TC. On September 11, 1968, the FAA issued TC H2EU for Model SH–4 helicopters to Silvercraft S.co.p.a., Via Carlo Alberto n. 42, 14049 Nissa Monfferrato (At), Italy. On May 2, 2011, the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, revoked Silvercraft's TC SO/A–145. The reason for the revocation is Silvercraft's failure to apply for a design organization approval or an alternative, which is required as an EASA TC holder. Additionally, Silvercraft has failed to respond to all communications from EASA.

As a result of the information provided by EASA, the FAA sent a registered letter to Silvercraft dated February 27, 2015, informing the company that we intend to classify TC H2EU as abandoned unless, within 60 days of receipt of the letter, we receive a written statement from them stating they are the holder of TC H2EU. The FAA has also attempted to make contact with Silvercraft by other means including telephone communication and internet searches but without success. A review of the FAA National Aircraft Registration Database confirms that there are no U.S.- registered SH–4 helicopters.

The basis for issuance of a TC not only includes the applicant's submittal of various reports and data, but also the submittal of information about periodic inspections and maintenance to assure the continued operational safety of the helicopter. Among other regulatory requirements, 14 CFR 21.3 requires TC holders to report certain failures, malfunctions, and defects to the FAA; and 14 CFR 21.99 requires that TC holders submit design changes that are necessary to correct any unsafe condition in its products. Silvercraft is obligated to meet these requirements for all aircraft under its TC.

The FAA is responsible for surveillance of a TC holder's ability to perform continued operational safety management and oversight of each helicopter on its TC. The FAA continues to monitor the safety performance of a helicopter type design after the aircraft is approved and placed into service. This is accomplished through post-certification review of TC holder data, review of service difficulty reports, communication with aircraft owners and operators, and other information provided by a TC holder. Periodic safety audits cannot be accomplished if the TC holder cannot be located. To date, the FAA has been unsuccessful in all attempts to locate Silvercraft.

Hence, the FAA proposes to flag TC H2EU and consider it abandoned. This notice informs the public that the FAA intends to designate TC H2EU as abandoned and no additional original airworthiness certificates will be issued against that TC. This action is not intended as a surrender, suspension, revocation, or termination of the TC as those terms are used in 14 CFR part 21. However, this action is intended to ensure that each Silvercraft Model SH–4 helicopter is under a TC that has active continued operational safety management and oversight by a TC holder that can be subject to periodic safety audits by the FAA.

Issued in Fort Worth, Texas on September 10, 2015.

**James A. Grigg,**

*Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 2015–24098 Filed 9–21–15; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. FAA–2014–0529; Directorate Identifier 2013–NM–260–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; Airbus Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

**SUMMARY:** We are revising an earlier proposed airworthiness directive (AD) for all Airbus Model A318, A319, A320, and A321 series airplanes. The NPRM proposed to supersede Airworthiness Directives (AD) 2011–13–11 and AD 2013–16–09. AD 2011–13–11 currently requires an amendment of the airplane flight manual (AFM), repetitive checks of specific centralized fault display system (CFDS) messages, an inspection of the opening sequence of the main landing gear (MLG) door actuator for discrepancies if certain messages are found, and corrective actions if necessary. AD 2013–16–09 currently requires an inspection to determine airplane configuration and part numbers of the landing gear control interface unit and MLG door actuators; and, for affected airplanes, repetitive inspections of the opening sequence of the MLG door actuator, and replacement of the MLG door actuator if necessary; and provides optional terminating action for the repetitive inspections. The NPRM was prompted by a determination that the interval of the MLG door opening sequence inspection must be reduced. The NPRM proposed to reduce the interval of the MLG door opening sequence inspection, and also to replace or modify certain MLG door actuators. This action revises the NPRM by adding a flushing procedure to be performed when installing a new MLG door actuator. We are proposing this supplemental NPRM (SNPRM) to detect and correct deterioration of the damping ring and associated retaining ring of the MLG door actuator, which can sufficiently increase the friction inside the actuator to restrict opening of the MLG door by gravity, during operation of the landing gear alternate (free-fall) extension system. This condition could prevent the full extension and/or down-locking of the MLG, possibly resulting in MLG collapse during landing and consequent damage to the airplane and injury to occupants. Since these actions impose an additional burden over those proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

**DATES:** We must receive comments on this SNPRM by November 6, 2015.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal: Go to http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, 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.

For Airbus service information identified in this proposed AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; Internet *http://www.airbus.com.* For General Electric service information identified in this AD contact GE Aviation, Customer Support Center, 1 Neumann Way, Cincinnati, OH 45215; phone: 513–552–3272; email: *cs.techpubs@ge.com;* Internet: *http://www.geaviation.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

### Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0529; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0529; Directorate Identifier 2013–NM–260–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A318, A319, A320, and A321 series airplanes. The NPRM published in the **Federal Register** on August 13, 2014 (79 FR 47395; corrected August 27, 2014 (79 FR 51117)) (''the NPRM''). The NPRM proposed to supersede AD 2011–13–11, Amendment 39–16734 (76 FR 37241, June 27, 2011) (''AD 2011–13–11''); and AD 2013–16–09, Amendment 39–17547 (78 FR 48286, August 8, 2013) (''AD 2013–16–09''). AD 2011–13–11 currently requires an amendment of the AFM, repetitive checks of specific CFDS messages, an inspection of the opening sequence of the MLG door actuator for discrepancies if certain messages are found, and corrective actions if necessary. AD 2013–16–09 currently requires an inspection to determine airplane configuration and part numbers of the landing gear control interface unit and MLG door actuators; and, for affected airplanes, repetitive inspections of the opening sequence of the MLG door actuator, and replacement of the MLG door actuator if necessary; and provides optional terminating action for the repetitive inspections. The NPRM was prompted by a determination that the interval of the MLG door opening sequence inspection must be reduced. The NPRM proposed to reduce the interval of the MLG door opening

sequence inspection, and also to replace or modify certain MLG door actuators.

**Actions Since Previous NPRM Was Issued**

Since we issued the NPRM, we have determined that a flushing procedure must be performed when installing a new MLG door actuator. The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0221, dated September 30, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition on all Airbus Model A318, A319, A320, and A321 series airplanes. The MCAI states:

Some operators reported slow operation of the main landing gear (MLG) door opening/closing sequence, leading to the generation of [electronic centralized aircraft monitor] ECAM warnings during the landing gear retraction or extension sequence.

Investigations showed that the damping ring and associated retaining ring of the MLG door actuator may deteriorate. The resultant debris increases the friction inside the actuator which can be sufficiently high to restrict opening of the MLG door by gravity, during operation of the landing gear alternate (freefall) extension system.

This condition, if not corrected, could prevent the full extension and/or down locking of the MLG, possibly resulting in MLG collapse during landing or rollout and consequent damage to the aeroplane and injury to occupants.

[An EASA AD] was issued [and later revised] to require repetitive inspections of the opening sequence of the MLG door in order to identify the affected actuators, and to introduce as an optional terminating action Airbus production Modification (mod) 38274 and associated [Airbus] Service Bulletin (SB) A320–32–1338, which incorporate an improved retaining ring, located on the piston rod's extension end, and a new piston rod with machined shoulder to accommodate the thicker section of the modified retaining ring.

After in-service introduction of the new MLG door actuator, Part Number (P/N) 114122012 (Post-mod 38274—SB A320–32–1338), several operators reported failures of internal parts of the MLG door actuator. Investigations confirmed that these failures could result in slow extension of the actuator rod, delaying the MLG door operation, or possibly stopping just before the end of the stroke, preventing the door to reach the fully open position.

[An EASA AD], which superseded EASA AD 2006–0112R1 [*http://ad.easa.europa.eu/blob/easa_ad_2006_0112_R1_superseded.pdf/AD_2006-0112R1_1*], was issued [and later revised] to require amendment of the applicable Airplane Flight Manual (AFM), repetitive checks of specific Centralized Fault Display System (CFDS) messages, repetitive inspections of the opening sequence of the MLG door actuator and, depending on findings, corrective action(s).

Since EASA AD 2011–0069R1 [*http://ad.easa.europa.eu/blob/easa_ad_2011_0069_R1_superseded.pdf/AD_2011-0069R1_1*] was issued, Airbus introduced a reinforced MLG door actuator P/N 114122014 (mod 153655). Airbus issued SB A320–32–1407 containing instructions for in-service replacement of the affected MLG door actuators, or modification of the actuators to the new standard.

In addition, following a recent occurrence with a gear extension problem, the result of additional analyses by Airbus revealed that the CFDS expected specific messages may not be generated and as a result, repetitive checks of messages are not effective for aeroplanes fitted with landing gear control interface unit (LGCIU) interlink communication ARINC 429 (applied in production through Airbus mod 39303, or in service through Airbus SB A320–32–1409), in combination with LGCIUs 80–178–02–88012 or 80–178–03–88013 in both positions and at least one MLG door actuator pre-mod 153655 (pre-Airbus SB A320–32–1407—pre-GE SB 114122–32–105) installed.

Prompted by these findings, EASA issued Emergency AD 2013–0132–E [*http://ad.easa.europa.eu/blob/easa_ad_2013_0132_E_superseded.pdf/EAD_2013-0132-E_1* (which corresponds to FAA AD 2013–16–09)] to require identification of the affected aeroplanes to establish the configuration and, for those aeroplanes, repetitive inspections of the opening sequence of the MLG door actuator and, depending on findings, replacement of the MLG door actuator. That [EASA] AD also provided an optional terminating action by disconnection of the interlink for certain LGCIUs, or in-service modification of the aeroplane through Airbus SB A320–32–1407 (equivalent to Airbus production mod 153655).

Since those ADs (EASA AD 2011–0069R1 and EASA AD 2013–0132–E) were issued, analyses performed by Airbus have revealed that the MLG door opening sequence inspection interval needed to be reduced, and that the (previously optional) terminating action needed to be made mandatory.

Prompted by these findings, EASA issued AD 2013–0288 [*http://ad.easa.europa.eu/blob/easa_ad_2013_0288_superseded.pdf/AD_2013-0288_1*], retaining the requirements of EASA AD 2011–0069R1 and EASA AD 2013–0132–E, which were superseded, but with reduced inspection intervals, and to require replacement or modification, as applicable, of the affected MLG door actuators as terminating action to the monitoring and repetitive checks and inspections.

Following introduction of post-mod 153655 MLG door actuators on in-service aeroplanes, it has been observed that, in case the removed pre-mod MLG door actuator has internal damage, contamination of the hydraulic system could have occurred.

This condition, if not detected and corrected, could result in performance degradation (damping degradation) of the post-mod MLG door actuator. Testing performed with a new actuator tested in heavily contaminated hydraulic system did not show abnormal hydraulic Restriction/blockage. It is thus not requested to perform this ''flushing procedure'' on aircraft already retrofitted with std-14 actuators.

In addition, since EASA AD 2013–0288 was issued, the applicable AFM was revised and repetitive checks of specific CFDS messages are no longer considered to be required, due to the reduced intervals required by EASA AD 2013–0288.

For the reasons described above, this [EASA] AD partially retains the requirements of EASA AD 2013–0288, which is superseded, introduces improved wording for clarification and requires, in addition to the revised operational (AFM) procedure, hydraulic flushing prior to any installation of a post-mod MLG door actuator.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-529-0003.*

**Related Service Information Under 1 CFR part 51**

Airbus has issued Service Bulletins A320–32–1390, Revision 03, dated July 3, 2014; and A320–32–1407, Revision 01, dated July 3, 2014. Airbus has also issued A318/A319/A320/A321 Temporary Revision (TR) TR437, L/G GEAR NOT DOWNLOCKED, Issue 1.0, dated May 23, 2014, to the Airplane Flight Manual (AFM).

Airbus Service Bulletin A320–32–1390, Revision 03, dated July 3, 2014, describes procedures for inspecting the operation of the MLG door opening sequence to determine if an actuator is defective, flushing contamination from the landing gear extension and retraction system (LGERS), and replacing the door actuator if necessary.

Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014, describes procedures for flushing contamination from the LGERS, and installing new MLG door actuators.

Airbus A318/A319/A320/A321 TR TR437, L/G GEAR NOT DOWNLOCKED, Issue 1.0, dated May 23, 2014, to the AFM updates the procedure used for incomplete landing gear extension during approach.

General Electric Service Bulletin 114122–32–105, Revision 2, dated June 24, 2014, describes procedures for conversion of a MLG door actuator and to remove unwanted material from the hydraulic fluid route.

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

**Comments**

We gave the public the opportunity to participate in developing this SNPRM. We considered the comments received.

**Requests To Adopt the Actions of EASA Airworthiness Directive 2014–0221, Dated September 30, 2014, and Certain Service Bulletins**

Airbus requested that we revise the NPRM to adopt the requirements of EASA Airworthiness Directive 2014–0221, dated September 30, 2014; Airbus Service Bulletin A320–32–1390, Revision 03, dated July 3, 2014; and Airbus Service Bulletin A320–32–1407 Revision 01, dated July 3, 2014. Airbus stated that EASA issued a global airplane flight manual (AFM) TR to mandate updated operational procedures. US Airways requested that we reference Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014, and a new AFM procedure referenced in ''FOT 999–0032/14.''

We agree with the commenters' requests. EASA Airworthiness Directive 2014–0221, dated September 30, 2014, requires, among other things, a revised operational AFM procedure, and hydraulic flushing prior to any installation of a post-modification MLG door actuator. We have revised paragraphs (j), (k), (l), (m), and (w) as designated in the NPRM (paragraphs (j), (k), (l), (m), and (x) in this SNPRM)) to reference Airbus Service Bulletin A320–32–1390, Revision 03, dated July 3, 2014; and paragraphs (r), (t), (u), (w), and (x) as designated in the NPRM (paragraphs (r), (u), (v), (x), and (y) in this SNPRM)) to reference Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014; as the appropriate sources of service information for accomplishing the proposed actions.

**Request To Not Mandate the Actions in Airbus Service Bulletin A320–32–1407, Revision 01, Dated July 3, 2014**

United Airlines requested that we not require the actions in Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014. United Airlines stated that Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014, recommends that operators flush the affected hydraulic system. United Airlines stated that it disagrees with this proposed action and explained that Airbus instituted this requirement to flush the hydraulic system as it failed to recommend the removal, inspection, and cleaning of the restrictors during the modification of the MLG door actuator to the part number (P/N) 114122014 configuration. United Airlines also stated that it has opted to overhaul the MLG door actuators as well as perform the modification described in Airbus Service Bulletin A320–32–1407, dated May 14, 2013. United Airlines explained that this overhaul requires that the restrictors (P/N 114122233 and P/N 114122232) and transfer pipe be removed, inspected, and cleaned. United Airlines stated that it is of the opinion that flushing the hydraulic system is not required as there is no contamination present in the restrictors or the transfer pipe.

We disagree with the commenter's request. Airbus informed the FAA that debris can leave the damaged actuator and remain in the hydraulic lines connected to the door actuator. Flushing of the hydraulic system is required to prevent debris from entering the new actuator. If debris enters the new actuator, its performance can be affected. The flow rate during normal operation is insufficient to ensure complete flushing of the debris to the hydraulic low pressure filter within a few door cycles. Therefore, a specific maintenance procedure has been defined and introduced in Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014; and General Electric Service Bulletin 114122–32–105, Revision 2, dated June 24, 2014. EASA has issued AD 2014–0221, dated September 30, 2014, requiring flushing of the affected hydraulic system in accordance with Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014.

**Request To Provide Credit for Previous Actions**

US Airways requested that we provide credit for the actions required by paragraphs (t) and (u) of the proposed AD (paragraphs (u) and (v) of this SNPRM)), if those actions were done before the effective date of the AD using Airbus Service Bulletins A320–32–1407, dated May 14, 2013, or Revision 01, dated July 3, 2014; or General Electric Service Bulletin 114122–32–105, dated January 17, 2013.

We partially agree with the commenter's request. In this SNPRM, paragraph (aa) already provides credit for General Electric Service Bulletin 114122–32–105, dated January 17, 2013, for the actions in paragraphs (u) and (v) done prior to the effective date of the final rule. We do not agree with giving credit for Airbus Service Bulletin A320–32–1407, dated May 14, 2013; or Revision 01, dated July 3, 2014; because those service bulletins do not require flushing the hydraulic system prior to the installation of P/N 114122014. We have not changed the proposed AD in this regard.

**FAA's Determination and Requirements of This SNPRM**

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

Certain changes described above expand the scope of the NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

**Explanation of ''RC'' Procedures and Tests in Service Information**

The FAA worked in conjunction with industry, under the Airworthiness Directives Implementation Aviation Rulemaking Committee (ARC), to enhance the AD system. One enhancement was a new process for annotating which procedures and tests in the service information are required for compliance with an AD. Differentiating these procedures and tests from other tasks in the service information is expected to improve an owner's/operator's understanding of crucial AD requirements and help provide consistent judgment in AD compliance. The procedures and tests identified as Required for Compliance (RC) in any service information have a direct effect on detecting, preventing, resolving, or eliminating an identified unsafe condition.

As specified in a NOTE under the Accomplishment Instructions of the specified Airbus service information, procedures and tests identified as RC must be done to comply with the proposed AD. However, procedures and tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an alternative method of compliance (AMOC), provided the procedures and tests identified as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to procedures or tests

identified as RC will require approval of an AMOC.

**Changes to the Proposed AD**

This SNPRM makes the following changes to the NPRM.

We have moved the credit for Airbus Service Bulletin A320–32–1309, dated March 7, 2006, specified in paragraph (g) of AD 2011–13–11, into paragraph (aa)(1) of the proposed AD.

We have reformatted and redesignated three tables as figures to comply with requirements of the Office of the Federal Register, as follows:

- ''Table 1 to Paragraph (p) of this AD—Affected Part Numbers'' is ''Figure 2 to Paragraph (p) of this AD—Affected Part Numbers;''
- ''Table 2 to Paragraph (v) of this AD—Affected Part Numbers'' is ''Figure 3 to Paragraph (v) of this AD—Affected Part Numbers;'' and
- ''Table 3 to Paragraph (z) of this AD—Affected Part Numbers'' is ''Figure 4 to Paragraph (z) of this AD.''

**Costs of Compliance**

We estimate that this SNPRM affects 953 airplanes of U.S. registry.

The actions that are required by AD 2011–13–11, and retained in this SNPRM, take about 7 work-hours per product, per inspection cycle, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that are required by AD 2011–13–11 is $595 per product.

The actions that are required by AD 2013–16–09, and retained in this SNPRM, take about 3 work-hours per product, per inspection cycle, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that were required by AD 2013–16–09 is $255 per product.

We also estimate that it would take about 19 work-hours per product to comply with the basic requirements of this SNPRM. The average labor rate is $85 per work-hour. Required parts would cost about $17,140 per product. Based on these figures, we estimate the cost of this SNPRM on U.S. operators to be $17,873,515, or $18,755 per product.

In addition, we estimate that any necessary follow-on actions would take about 3 work-hours, for a cost of $255 per product. We have no way of determining the number of aircraft that might need these actions.

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

**List of Subjects in 14 CFR Part 39**

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

**The Proposed Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directives (AD) 2011–13–11, Amendment 39–16734 (76 FR 37241, June 27, 2011) (''AD 2011–13–11''); and AD 2013–16–09, Amendment 39–17547 (78 FR 48286, August 8, 2013) (''AD 2013–16–09''); and

■ b. Adding the following new AD:

**Airbus:** Docket No. FAA–2014–0529; Directorate Identifier 2013–NM–260–AD.

**(a) Comments Due Date**

We must receive comments by November 6, 2015.

**(b) Affected ADs**

This AD replaces AD 2011–13–11, Amendment 39–16734 (76 FR 37241, June 27, 2011) (''AD 2011–13–11''); and AD 2013–16–09, Amendment 39–17547 (78 FR 48286, August 8, 2013) (''AD 2013–16–09'').

**(c) Applicability**

This AD applies to the Airbus airplanes, certificated in any category, identified in paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD, all manufacturer serial numbers.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –231, –232, and –233 airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

**(d) Subject**

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

**(e) Reason**

This AD was prompted by a determination that the inspection interval of the main landing gear (MLG) door opening sequence must be reduced. We are issuing this AD to detect and correct deterioration of the damping ring and associated retaining ring of the MLG door actuator, which can sufficiently increase the friction inside the actuator to restrict opening of the MLG door by gravity, during operation of the landing gear alternate (free-fall) extension system. This condition could prevent the full extension and/or down-locking of the MLG, possibly resulting in MLG collapse during landing and consequent damage to the aeroplane and injury to occupants.

**(f) Compliance**

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

**(g) Retained Repetitive Inspections/ Replacement, With a Formatting Change**

This paragraph restates the requirements of paragraph (g) of AD 2011–13–11, with a formatting change. At the time specified in paragraph (g)(1) or (g)(2) of this AD, as applicable: Do a general visual inspection of the operation of the MLG door opening sequence to determine if a defective actuator is installed by doing all the applicable actions, including replacing the door actuator, as applicable, specified in the Accomplishment Instructions of Airbus Service Bulletin A320–32–1309, Revision 01, dated June 19, 2006. Do all applicable replacements before further flight. Repeat the inspection thereafter at intervals not to exceed 900 flight cycles. Doing the

inspection required by paragraph (l) of this AD terminates the requirements of this paragraph.

(1) For airplanes on which a record of the total number of flight cycles on the MLG door actuator is available: Before the accumulation of 3,000 total flight cycles on the MLG door actuator, or within 800 flight cycles after April 27, 2007 (the effective date of AD 2007–06–18, Amendment 39–14999 (72 FR 13681, March 23, 2007)), whichever is later.

(2) For airplanes on which a record of the total number of flight cycles on the MLG door actuator is not available: Within 800 flight cycles after April 27, 2007 (the effective date of AD 2007–06–18).

(3) For the purposes of this AD, a general visual inspection is: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

**(h) Retained Provision Regarding Reporting/Parts Return, With No Changes**

This paragraph restates the requirements of paragraph (h) of AD 2011–13–11, with no changes. Although the Accomplishment Instructions of Airbus Service Bulletin A320–32–1309, Revision 01, dated June 19, 2006, specify submitting certain information to the manufacturer and sending defective actuators back to the component manufacturer for investigation, this AD does not include those requirements.

**(i) Retained Revision of the Airplane Flight Manual (AFM), With Formatting Changes**

This paragraph restates the requirements of paragraph (i) of AD 2011–13–11, with formatting changes. Within 14 days after July 12, 2011 (the effective date of AD 2011–13–11), revise the Emergency Procedure Section of the AFM to incorporate the information in figure 1 to paragraph (i) of this AD. This may be done by inserting a copy of this AD into the AFM. When a statement identical to that in figure 1 to paragraph (i) of this AD has been included in the Emergency Procedure Section of the general revisions of the AFM, the general revisions may be inserted into the AFM, and the copy of this AD may be removed from the AFM. Doing the actions required by paragraph (t) of this AD terminates the requirements of this paragraph.

FIGURE 1 TO PARAGRAPH (I) OF THIS AD—AFM REVISION

- If ECAM triggers the ''L/G GEAR NOT DOWNLOCKED'' warning, apply the following procedure:

Recycle landing gear.

- If unsuccessful after 2 min:

Extend landing gear by gravity. Refer to ABN–32 L/G GRAVITY EXTENSION.

**(j) Retained Repetitive Checks, With New Optional Actions and New Service Information**

This paragraph restates the requirements of paragraph (j) of AD 2011–13–11, with new optional actions and new service information. Within 14 days after July 12, 2011 (the effective date of AD 2011–13–11), or before the accumulation of 800 total flight cycles, whichever occurs later, check the post flight report (PFR) for centralized fault display system (CFDS) messages triggered within the last 8 days, in accordance with paragraph 4.2.1 of Airbus All Operators Telex (AOT) A320–32A1390, dated February 10, 2011. Repeat the check thereafter at intervals not to exceed 8 days or 5 flight cycles, whichever occurs later. If done in accordance with a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, the use of an alternative method to check the PFR for CFDS messages (*e.g.,* AIRMAN) is acceptable in lieu of this check if the messages can be conclusively determined from that method. Repetitive inspections of the door opening sequence of the left-hand (LH) and right-hand (RH) doors of the MLG, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1390, Revision 03, dated July 13, 2014, are an acceptable method of compliance for the actions required by this paragraph. Repetitive inspections of the door opening sequence of the LH and RH doors of the MLG of an airplane, as required by paragraph (p) of this AD, is an acceptable method to comply with the requirements of this paragraph.

**(k) Retained On-Condition Inspection, With New Service Information**

This paragraph restates the requirements of paragraph (k) of AD 2011–13–11, with new service information. If, during any check required by paragraph (j) of this AD, a pair of specific CFDS messages specified in paragraph 4.2.1 of Airbus AOT A320–32A1390, dated February 10, 2011, has been triggered by both landing gear control and indication units (LGCIU) for the same flight, before further flight, inspect the door opening sequence of the affected doors of the MLG for discrepancies (*i.e.,* if any condition specified in steps (a) through (d) of paragraph 4.2.2 of Airbus AOT A320–32A1390, dated February 10, 2011, is not met; or if any door actuator fails any inspection check specified in Airbus Service Bulletin A320–32–1390, Revision 03, dated July 13, 2014). Do the inspection in accordance with paragraph 4.2.2 of Airbus AOT A320–32A1390, dated February 10, 2011; or the Accomplishment Instructions of Airbus Service Bulletin A320–32–1390, Revision 03, dated July 13, 2014. As of the effective date of this AD, use only Airbus Service Bulletin A320–32–1390, Revision 03, dated July 13, 2014, for the actions required by this paragraph.

**(l) Retained Repetitive Inspections, With New Service Information, New Optional Actions, and Reduced Compliance Times**

This paragraph restates the requirements of paragraph (l) of AD 2011–13–11, with new service information, new optional actions, and reduced compliance times. At the applicable time specified in paragraph (l)(1) or (l)(2) of this AD: Inspect the door opening sequence of the LH and RH doors of the MLG for discrepancies (*i.e.,* if any condition specified in steps (a) through (d) of paragraph 4.2.2 of Airbus AOT A320–32A1390, dated February 10, 2011, is not met; or if any door actuator fails any inspection check specified in the Accomplishment Instructions of Airbus Service Bulletin A320–32–1390, Revision 03, dated July 13, 2014). Do the inspection in accordance with the instructions of paragraph 4.2.2 of Airbus AOT A320–32A1390, dated February 10, 2011; or the Accomplishment Instructions of Airbus Service Bulletin A320–32–1390, Revision 03, dated July 13, 2014. As of the effective date of this AD, use only Airbus Service Bulletin A320–32–1390, Revision 03, dated July 13, 2014, for the actions required by this paragraph. Repeat the inspection within 8 days or 5 flight cycles after the effective date of this AD, whichever occurs later, without exceeding 425 flight cycles since the most recent inspection; and thereafter repeat the inspection at intervals not to exceed 8 days or 5 flight cycles, whichever occurs later. In addition, whenever any airplane is not operated for a period longer than 8 days, do the inspection before further flight. Doing this inspection terminates the requirements of paragraph (g) of this AD. Repetitive inspections of the door opening sequence of the LH and RH doors of the MLG of an airplane, as required by paragraph (p) of this AD, is an acceptable method to comply with the requirements of this paragraph.

(1) For airplanes on which an inspection required by paragraph (g) of this AD has been done as of July 12, 2011 (the effective date of AD 2011–13–11): Within 800 flight cycles after doing the most recent inspection required by paragraph (g) of this AD, or within 100 flight cycles after July 12, 2011, whichever occurs later.

(2) For airplanes on which an inspection required by paragraph (g) of this AD has not been done as of July 12, 2011 (the effective date of AD 2011–13–11): Within 800 flight cycles after July 12, 2011.

**(m) Retained Replacement, With New Service Information**

This paragraph restates the requirements of paragraph (m) of AD 2011–13–11, with new

service information. If any discrepancy (*i.e.*, if any condition specified in steps (a) through (d) of paragraph 4.2.2 of Airbus AOT A320–32A1390, dated February 10, 2011, is not met; or if any door actuator fails any inspection check specified in the Accomplishment Instructions of Airbus Service Bulletin A320–32–1390, Revision 03, dated July 13, 2014) is found during any inspection required by paragraph (k) or (l) of this AD, before further flight, replace the affected MLG door actuator with a new MLG door actuator, in accordance with the instructions of Airbus AOT A320–32A1390, dated February 10, 2011; or Airbus Service Bulletin A320–32–1390, Revision 03, dated July 13, 2014. As of the effective date of this AD, use only Airbus Service Bulletin A320–32–1390, Revision 03, dated July 13, 2014, to do the actions required by this paragraph.

**(n) Retained Statement of No Terminating Action for Certain Requirements, With No Changes**

This paragraph restates the statement of paragraph (n) of AD 2011–13–11, with no changes. Replacement of the MLG door actuator as required by paragraph (m) of this AD is not a terminating action for the repetitive actions required by paragraphs (j) and (l) of this AD.

**(o) Retained Configuration and Part Number Determination, With No Changes**

This paragraph restates the requirements of paragraph (g) of AD 2013–16–09, with no changes. At the later of the compliance times specified in paragraphs (o)(1) and (o)(2) of this AD: Do an inspection to determine the configuration (modification status) of the airplane and identify the part number of the LH and RH LGCIU and MLG door actuators. A review of the airplane delivery or maintenance records is acceptable for compliance with the requirements of this paragraph provided the airplane configuration and installed components can be conclusively determined from that review.

(1) Prior to the accumulation of 800 total flight cycles since first flight of the airplane.

(2) Within 14 days after August 23, 2013 (the effective date of AD 2013–16–09).

**(p) Retained MLG Door Opening Sequence Repetitive Inspections, With No Changes**

This paragraph restates the requirements of paragraph (h) of AD 2013–16–09, with no changes. If, during the determination and identification required by paragraph (o) of this AD, the configuration of the airplane is determined to be post-Airbus Modification 39303 or post-Airbus Service Bulletin A320–32–1409 (Interlink Communication ARINC 429 installed), and both an LGCIU and a MLG door actuator are installed with a part number listed in figure 2 to paragraph (p) of this AD: Except as provided by paragraph (s) of this AD, at the later of the compliance times specified in paragraphs (o)(1) and (o)(2) of this AD, and thereafter at intervals not to exceed 8 days or 5 flight cycles, whichever occurs later, do an inspection of the door opening sequence of the LH and RH MLG doors, in accordance with the instructions of Airbus AOT A32N001–13, dated June 24, 2013.

FIGURE 2 TO PARAGRAPH (P) OF THIS AD—AFFECTED PART NUMBERS

| Component name | Part number |
|---|---|
| LGCIU (LH and RH) | 80–178–02–88012<br>80–178–03–88013 |
| MLG door actuator ... | 114122006<br>114122007<br>114122009<br>114122010<br>114122011<br>114122012 |

**(q) Retained MLG Door Opening Sequence Corrective Action, With No Changes**

This paragraph restates the requirements of paragraph (i) of AD 2013–16–09, with no changes. If a slow door operation or restricted extension is found during any inspection required by paragraph (p) of this AD: Before further flight, replace the affected MLG door actuator with a new or serviceable actuator, in accordance with the instructions of Airbus AOT A32N001–13, dated June 24, 2013.

**(r) Retained Terminating Action Limitation for Certain Actions, With New Service Information**

This paragraph restates the requirements of paragraph (j) of AD 2013–16–09, with new service information. Replacement of a MLG door actuator, as required by paragraph (q) of this AD, does not constitute terminating action for the repetitive inspections required by paragraph (p) of this AD, unless MLG door actuators having P/N 114122014 are installed on both LH and RH sides, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1407, dated May 14, 2013; or Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014. As of the effective date of this AD, use only Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014, for the actions required by this paragraph.

**(s) Retained Repetitive Inspection Exception, With No Changes**

This paragraph restates the requirements of paragraph (k) of AD 2013–16–09, with no changes. Airplanes on which the LGCIU interlink is disconnected (Airbus Modification 155522 applied in production, or modified in-service in accordance with the instructions of Airbus AOT A32N001–13, dated June 24, 2013), or on which MLG door actuators having P/N 114122014 are installed on both LH and RH sides (Airbus Modification 153655 applied in production, or modified in-service as described in Airbus Service Bulletin A320–32–1407), are not required to do the actions required by paragraph (p) of this AD, provided that the airplane is not modified to a configuration as defined in paragraph (p) of this AD.

**(t) New Revision of the AFM**

Within 14 days after the effective date of this AD, revise the Emergency Procedure Section of the AFM to incorporate Airbus A318/A319/A320/A321 Temporary Revision (TR) TR437, L/G GEAR NOT DOWNLOCKED, Issue 1.0, dated May 23, 2014. When this TR has been included in general revisions of the AFM, the general revisions may be inserted in the AFM, provided the relevant information in the general revision is identical to that in this TR, and the copy of this TR may be removed from the AFM. Doing the action required by this paragraph terminates the actions required by paragraph (i) of this AD.

**(u) New Replacement of MLG Door Actuator Having P/N 114122012**

Within 12 months after the effective date of this AD: Replace each MLG door actuator having P/N 114122012 with a MLG door actuator having P/N 14122014, and flush the affected hydraulic system, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014; or modify each actuator, including doing all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of General Electric Service Bulletin 114122–32–105, Revision 2, dated June 24, 2014; except where General Electric Service Bulletin 114122–32–105, Revision 2, dated June 24, 2014, specifies to contact the manufacturer, before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

**(v) New Replacement of Certain Other MLG Door Actuators**

Within 24 months after the effective date of this AD: Replace each MLG door actuator having a part number listed in figure 3 to paragraph (v) of this AD, except P/N 114122012, with a MLG door actuator having P/N 14122014, and flush the affected hydraulic system, in accordance with Accomplishment Instructions of Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014; or modify each actuator, including doing all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of General Electric Service Bulletin 114122–32–105, Revision 2, dated June 24, 2014; except where General Electric Service Bulletin 114122–32–105, Revision 2, dated June 24, 2014, specifies to contact the manufacturer, before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or Airbus's EASA DOA.

FIGURE 3 TO PARAGRAPH (V) OF THIS AD—AFFECTED PART NUMBERS

| Component name | Part number |
|---|---|
| MLG door actuator ..... | 114122006<br>114122007<br>114122009<br>114122010<br>114122011<br>114122012 |

**(w) New Terminating Action**

Modification of an airplane as required by paragraphs (u) and (v) of this AD, as applicable, constitutes terminating action for

all repetitive actions (PFR monitoring checks and inspections) required by this AD for that airplane.

**(x) New Conditional Terminating Action**

Replacement of a MLG door actuator as required by paragraphs (m) and (q) of this AD; or corrective actions as specified in Airbus AOT A320–32A1390, dated February 10, 2011; or replacement of a MLG door actuator as specified in Airbus Service Bulletin A320–32–1390, Revision 03, dated July 13, 2014; does not constitute terminating action for the repetitive inspections required by paragraphs (j), (l), and (p) of this AD, unless MLG door actuators having P/N 114122014 are installed on both LH and RH sides, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014.

**(y) New Exception to AD Requirements**

(1) An airplane on which MLG door actuators having P/N 114122014 are installed on both LH and RH sides (Airbus Modification 153655 applied in production, or modified in service as specified in Airbus Service Bulletin A320–32–1407, dated May 14, 2013; Airbus Service Bulletin A320–32–1407, Revision 01, dated July 3, 2014; General Electric Service Bulletin 114122–32–105, dated January 17, 2013; or General Electric Service Bulletin 114122–32–105, Revision 1, dated March 26, 2013; or General Electric Service Bulletin 114122–32–105, Revision 2, dated June 24, 2014); is not affected by the requirements of paragraphs (j) through (v) of this AD, provided that no MLG door actuator with a part number in figure 3 to paragraph (v) of this AD has been installed on that airplane since first flight, or since modification, as applicable.

(2) An airplane in the configuration specified in paragraph (y)(1) of this AD, and with flight warning computers having P/N 350E053021212 (H2F7) installed (Airbus Modification 153741 applied in production, or modified in service as specified in Airbus Service Bulletin A320–31–1414), is not affected by the requirement of paragraph (t) of this AD and, following modification, Airbus A318/A319/A320/A321 TR TR437, L/G GEAR NOT DOWNLOCKED, Issue 1.0, dated May 23, 2014 (if inserted), may be removed from the AFM of that airplane.

**(z) New Parts Installation Prohibitions**

(1) Except as specified in paragraph (z)(2) of this AD, as of the effective date of this AD, do not install on any airplane a MLG door actuator having a part number listed in figure 3 to paragraph (v) of this AD.

(2) For an airplane subject to the requirements of paragraphs (u) and (v) of this AD, as applicable, do not install a MLG door actuator having a part number listed in figure 3 to paragraph (v) of this AD after modification of the airplane.

(3) Except as specified in paragraph (z)(4) of this AD, as of the effective date of this AD, do not install on any airplane a flight warning computer (FWC) having a part number listed in figure 4 to paragraph (z) of this AD.

(4) For an airplane subject to the requirements of paragraphs (u) and (v) of this AD, as applicable, do not install a FWC having a part number listed in figure 4 to paragraph (z) of this AD after modification of the airplane.

FIGURE 4 TO PARAGRAPH (Z) OF THIS AD—AFFECTED PART NUMBERS

| Component name | Part number |
|---|---|
| Flight warning computer | 350E016187171 (C5)<br>350E017238484 (H1D1)<br>350E017248685 (H1D2)<br>350E017251414 (H1E1)<br>350E017271616 (H1E2)<br>350E018291818 (H1E3CJ)<br>350E018301919 (H1E3P)<br>350E018312020 (H1E3Q)<br>350E053020202 (H2E2)<br>350E053020303 (H2E3)<br>350E053020404 (H2E4)<br>350E053020606 (H2F2)<br>350E053020707 (H2F3)<br>350E053021010 (H2F3P)<br>350E053020808 (H2F4)<br>350E053020909 (H2F5)<br>350E053021111 (H2F6) |

**(aa) Credit for Previous Actions**

(1) This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before April 27, 2007 (the effective date of AD 2007–06–18), using Airbus Service Bulletin A320–32–1309, dated March 7, 2006. This service information is not incorporated by reference in this AD.

(2) This paragraph provides credit for actions required by paragraphs (k), (l), and (m) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A320–32–1390, Revision 01, dated September 21, 2011; or Revision 02, dated October 23, 2013. Airbus Service Bulletin A320–32–1390, Revision 01, dated September 21, 2011, was incorporated by reference in AD 2011–13–11. Airbus Service Bulletin A320–32–1390, Revision 02, dated October 23, 2013, is not incorporated by reference in this AD.

(3) This paragraph provides credit for actions required by paragraphs (u) and (v) of this AD, if those actions were performed before the effective date of this AD using General Electric Service Bulletin 114122–32–105, dated January 17, 2013; or General Electric Service Bulletin 114122–32–105, Revision 1, dated March 26, 2013. This service information is not incorporated by reference in this AD.

**(bb) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Required for Compliance (RC):* If any Airbus service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the

procedures and tests identified as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(3) *Contacting the Manufacturer:* As of the effective date of this AD, except as specified in paragraph (j) of this AD for the use of an alternative method to check the PFR for CFDS messages, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(4) *Previously Approved AMOCs:* AMOCs approved previously for the AD 2011–13–11 and AD 2013–16–09 are approved as AMOCs for the corresponding provisions of this AD.

**(cc) Special Flight Permits**

Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the airplane can be modified (if the operator elects to do so), provided the MLG remains extended and locked, and that no MLG recycle is done.

**(dd) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014–0221, dated September 30, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0529-0003*.

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

(3) For General Electric service information identified in this AD, contact GE Aviation, Customer Support Center, 1 Neumann Way, Cincinnati, OH 45215; phone: 513–552–3272; email: *cs.techpubs@ge.com;* Internet: *http://www.geaviation.com.*

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

Issued in Renton, Washington, on August 21, 2015.

**Kevin Hull,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2015–21730 Filed 9–21–15; 8:45 am]

**BILLING CODE 4910–13–P**

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 23

**RIN 3038–AE17**

## Proposal To Amend the Definition of ''Material Terms'' for Purposes of Swap Portfolio Reconciliation

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commodity Futures Trading Commission (''Commission'' or ''CFTC'') proposes to amend a provision of the Commission's regulations in connection with the material terms for which counterparties must resolve discrepancies when engaging in portfolio reconciliation.

**DATES:** Comments must be received on or before November 23, 2015.

**ADDRESSES:** You may submit comments, identified by RIN 3038–AE17, and Proposal to Amend the Definition of ''Material Terms'' for Purposes of Swap Portfolio Reconciliation by any of the following methods:

- The agency's Web site, at *http://comments.cftc.gov.* Follow the instructions for submitting comments through the Web site.
- Mail: Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Please submit your comments using only one method.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the rulemaking will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:** Frank N. Fisanich, Chief Counsel, 202–418–5949, *ffisanich@cftc.gov;* Katherine S. Driscoll, Associate Chief Counsel, 202–418–5544, *kdriscoll@cftc.gov;* Gregory Scopino, Special Counsel, 202–418–5175, *gscopino@cftc.gov,* Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

**SUPPLEMENTARY INFORMATION:**

### I. Background

On September 11, 2012, the Commission published in the **Federal Register** final rules § 23.500 through § 23.505 [2] establishing requirements for the timely and accurate confirmation of swaps, the reconciliation and compression of swap portfolios, and documentation of swap trading relationships between swap dealers (''SDs''),[3] major swap participants (''MSPs''),[4] and their counterparties. These regulations were promulgated by the Commission pursuant to the authority granted under Sections 4s(h)(1)(D), 4s(h)(3)(D), and 4s(i) of the Commodity Exchange Act (the ''CEA''),[5]

[1] 17 CFR 145.9. Commission regulations referred to herein are found at 17 CFR Chapter I.

[2] Confirmation, Portfolio Reconciliation, Portfolio Compression, and Swap Trading Relationship Documentation Requirements for Swap Dealers and Major Swap Participants, 77 FR 55904 (Sept. 11, 2012) (hereinafter, ''Portfolio Reconciliation Final Rule'').

[3] Generally, an SD is any person who, in addition to transacting in a notional amount of swaps in excess of specified de minimis thresholds, holds itself out as a dealer in swaps, makes a market in swaps, regularly enters into swaps with counterparties as an ordinary course of business for its own account, or engages in any activity causing it to be commonly known in the trade as a dealer or market maker in swaps. *See* 7 U.S.C. 1a(49); 17 CFR 1.3(ggg).

[4] Generally, an MSP is any non-dealer that maintains a substantial position in swaps for any of the specified major swap categories, whose outstanding swaps create substantial counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets, or any financial entity that is highly leveraged relative to the amount of capital such entity holds and that is not subject to capital requirements established by an appropriate Federal banking agency and maintains a substantial position in outstanding swaps in any major swap category. *See* 7 U.S.C. 1a(33); 17 CFR 1.3(hhh).

[5] 7 U.S.C. 6s(h)(1)(D), 6s(h)(3)(D) and 6s(i).

as amended by Section 731 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act''),[6] which, among other things, directed the Commission to prescribe regulations for the timely and accurate confirmation, processing, netting, documentation and valuation of all swaps entered into by SDs and MSPs,[7] and the Commission's general rulemaking authority under Section 8a(5) of the CEA.[8]

Under § 23.502,[9] SDs and MSPs must reconcile their swap portfolios with one another and provide non-SD and non-MSP counterparties with regular opportunities for portfolio reconciliation.[10] Section 23.500(i) [11] defines the term, ''portfolio reconciliation,'' as ''any process by which the two parties to one or more swaps: (1) Exchange the terms of all swaps in the swap portfolio between the counterparties; (2) exchange each counterparty's valuation of each swap in the swap portfolio between the counterparties as of the close of business on the immediately preceding business day; and (3) resolve any discrepancy in material terms and valuations.'' Section 23.500(g) defines ''material terms'' to mean ''all terms of a swap required to be reported in accordance with part 45 of this chapter.'' [12] Thus, portfolio reconciliation seeks to enable ''the swap market to operate efficiently and to reduce systemic risk'' [13] by requiring counterparties periodically to (1) exchange the terms of their mutual swaps, and (2) locate and resolve discrepancies in material terms of mutual swaps. In particular, the Commission recognized that ''portfolio reconciliation [would] facilitate the identification and resolution of discrepancies between the counterparties with regard to valuations of collateral held as margin.'' [14] The Commission also has described portfolio reconciliation, generally, as follows:

> Portfolio reconciliation is a post-execution processing and risk management technique that is designed to (i) identify and resolve discrepancies between the counterparties with regard to the terms of a swap either immediately after execution or during the life of the swap; (ii) ensure effective confirmation of terms of the swap; and (iii) identify and resolve discrepancies between the counterparties regarding the valuation of the swap.[15]

In adopting § 23.502, the Commission intended to require that SDs, MSPs, and their counterparties engage in portfolio reconciliation at regular intervals. Explaining the rationale for § 23.502, the Commission noted that portfolio reconciliation can identify and reduce overall risk ''[b]y identifying and managing mismatches in key economic terms and valuation for individual transactions across an entire portfolio.'' [16] Portfolio reconciliation is not required for cleared swaps where a derivatives clearing organization (''DCO'') holds the definitive record of the trades and determines binding daily valuations for the swaps.[17]

## II. Proposed Regulation

In 2013, the International Swaps and Derivatives Association, Inc. (''ISDA'') requested interpretive guidance from Commission staff that would permit certain swap data elements to be excluded from portfolio reconciliation as required under § 23.502.[18] Specifically, ISDA requested that ''the terms'' of a swap that counterparties must exchange during portfolio reconciliation exercises be limited to the ''material terms'' of a swap, and that ''material terms'' have the same meaning as ''primary economic terms'' in § 45.1. ISDA further asked that the following data fields (hereinafter referred to as the ''No-Action Excluded Data Fields'') be excluded from the definition of ''material terms'' for purposes of compliance with § 23.502:

1. An indication that the swap will be allocated;
2. If the swap will be allocated, or is a post-allocation swap, the legal entity identifier [19] of the agent;
3. An indication that the swap is a post-allocation swap;
4. If the swap is a post-allocation swap, the unique swap identifier; [20]
5. Block trade indicator;
6. Execution timestamp;
7. Timestamp for submission to swap data repository (''SDR''); [21]
8. Clearing indicator;
9. Clearing venue;
10. If the swap will not be cleared, an indication of whether the clearing requirement exception in CEA Section 2(h)(7) [22] has been elected; and
11. The identity of the counterparty electing the clearing requirement exception in CEA Section 2(h)(7).[23]

ISDA contended generally that the definition of ''material terms'' in § 23.500(g) is too broad to guide market participants in the construction of a reconciliation process, and with regard to the No-Action Excluded Data Fields specifically, ISDA argued that these fields are not relevant to the portfolio reconciliation process because they pertain to the circumstances

[6] Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. 111–203, 124 Stat. 1376 (July 21, 2010).

[7] Portfolio Reconciliation Final Rule, 77 FR at 55926 (''[P]ortfolio reconciliation involves both confirmation and valuation and serves as a mechanism to ensure accurate documentation.'').

[8] 7 U.S.C. 12a(5).

[9] 17 CFR 23.502.

[10] 17 CFR 23.502; *see* Portfolio Reconciliation Final Rule, 77 FR at 55926.

[11] 17 CFR 23.500(i).

[12] 17 CFR 23.500(g). Part 45 of the Commission regulations govern swap data recordkeeping and reporting requirements. The swap terms that must be reported under part 45 are found in appendix 1 to part 45. *See* 17 CFR part 45, App. 1; *see also* 17 CFR 45.1 (defining ''primary economic terms'' as ''all of the terms of a swap matched or affirmed by the counterparties in verifying the swap,'' including ''at a minimum each of the terms included in the most recent **Federal Register** release by the Commission listing minimum primary economic terms for swaps in the swap asset class in question'' and stating that the current list of minimum primary economic terms is in appendix 1); Swap Data Recordkeeping and Reporting Requirements, 77 FR 2197 (Jan. 13, 2012) (promulgating the list of primary economic terms). Examples of primary economic terms include the price of the swap, payment frequency, type of contract (*e.g.,* a ''vanilla option'' or ''complex exotic option''), execution timestamp, and, if the swap is a multi-asset class swap, the primary and secondary asset classes. 17 CFR part 45, App. 1.

[13] Portfolio Reconciliation Final Rule, 77 FR at 55926.

[14] *Id.* In response to comments that industry practice was only to resolve swap terms that lead to material collateral disputes, the Commission, in promulgating the final § 23.502, emphasized the importance of both (1) resolving disputes related to the material terms of swaps and (2) resolving valuation disputes impacting margin payments. *Id.* at 55926–27, 55929–31.

[15] Portfolio Reconciliation Final Rule, 77 FR at 55926.

[16] *Id.*

[17] *Id.* at 55927.

[18] *See* CFTC Staff Letter No. 13–31 (June 26, 2013), *available at http://www.cftc.gov/ucm/groups/public/@lrlettergeneral/documents/letter/13-31.pdf.*

[19] A legal entity identifier is ''a 20-digit, alpha-numeric code, to uniquely identify legally distinct entities that engage in financial transactions.'' *See* Legal Entity Identifier Regulatory Oversight Committee, *http://www.leiroc.org/;* 17 CFR 45.6.

[20] A unique swap identifier is a unique identifier assigned to all swap transactions which identifies the transaction (the swap and its counterparties) uniquely throughout the duration of the swap's existence. *See* 17 CFR 45.5.

[21] A swap data repository is any person that collects and maintains information or records with respect to transactions or positions in, or the terms and conditions of, swaps entered into by third parties for the purpose of providing a centralized recordkeeping facility for swaps. 7 U.S.C. 1a(48); 17 CFR 1.3(qqqq).

[22] Generally speaking, Section 2(h)(1)(A) of the CEA establishes a clearing requirement for swaps, providing that ''[i]t shall be unlawful for any person to engage in a swap unless that person submits such swap for clearing to a derivatives clearing organization that is registered under [the CEA] or a derivatives clearing organization that is exempt from registration under [the CEA] if the swap is required to be cleared.'' 7 U.S.C. 2(h)(1)(A). CEA Section 2(h)(7), however, provides for several limited exceptions to the clearing requirement of Section 2(h)(1)(A). *Id.* at 2(h)(7); *see also* End-User Exception to the Clearing Requirement for Swaps, 77 FR 42560, 42560–61 (July 19, 2012).

[23] CFTC Staff Letter No. 13–31 at 2–3.

surrounding entry into a transaction, and whether a transaction was intended to be cleared, and are not relevant to ongoing rights and obligations under swaps in a swap portfolio existing bilaterally between an SD and a counterparty.

After considering ISDA's request, the Commission's Division of Swap Dealer and Intermediary Oversight (the ''Division'') provided SDs and MSPs with no-action relief on June 26, 2013, pursuant to CFTC Staff Letter 13–31.[24] In such letter, the Division chose not to interpret the reference to ''the terms'' of a swap in § 23.500(i)(1) as meaning the ''material terms'' or to define ''material terms'' to mean the ''primary economic terms'' of a swap minus the No-Action Excluded Data Fields. Rather, the Division merely stated that it would not recommend an enforcement action against an SD or MSP that omits the No-Action Excluded Data Fields from the portfolio reconciliation process required under § 23.502.[25] Thus, it appears that following the issuance of CFTC Staff Letter 13–31, an SD that chose to take advantage of the relief could consider the No-Action Excluded Data Fields not to be terms of a swap required to be exchanged with a counterparty in a portfolio reconciliation exercise.

Against this background, the Commission is now proposing to amend the definition of ''material terms'' in § 23.500(g) to specifically exclude a modified version of the No-Action Excluded Data Fields. As amended, § 23.500(g) would exclude the following data fields from the definition of ''material terms'' (hereinafter referred to as the ''Proposed Excluded Data Fields''):

1. An indication that the swap will be allocated;
2. If the swap will be allocated, or is a post-allocation swap, the legal entity identifier[26] of the agent;
3. An indication that the swap is a post-allocation swap;
4. If the swap is a post-allocation swap, the unique swap identifier;[27]
5. Block trade indicator;
6. With respect to a cleared swap, the execution timestamp;
7. With respect to a cleared swap, the timestamp for submission to SDR;
8. Clearing indicator; and
9. Clearing venue.

The Proposed Excluded Data Fields modify the No-Action Excluded Data Fields by: (1) Amending the execution timestamp data field to be specific to cleared swaps; (2) amending the timestamp for submission to an SDR data field to be specific to cleared swaps; (3) removing the data field containing an indication of whether the clearing requirement exception in CEA Section 2(h)(7) has been elected with respect to an uncleared swap; and (4) removing the data field containing the identity of the counterparty electing the clearing requirement exception in CEA Section 2(h)(7). The Commission is proposing to retain these data fields for uncleared swaps as ''material terms'' because a discrepancy in this information in the records of the counterparties could mean that the related information is erroneous in the records of an SDR, which could have an impact on the Commission's regulatory mission.

The time of execution of an uncleared swap and the time of submission to an SDR is of regulatory value to the Commission for purposes of determining the compliance of SDs and MSPs with Commission regulations.[28] Similarly, the identity of a counterparty electing the end-user exception to clearing is important to the Commission's enforcement of the clearing requirement and its monitoring of systemic risk in the OTC markets under its jurisdiction. Thus, the Commission believes it is reasonable to require SDs, MSPs, and their counterparties to resolve any discrepancy in these data fields and, if necessary, correct the information reported to an SDR.[29]

The Commission intends that, if and when the proposed amendment to the definition of ''material terms'' is adopted, it will direct the Division to withdraw the no-action relief provided pursuant to CFTC Letter 13–31. Accordingly, under this proposal, the Commission is maintaining the status quo of § 23.502 in that SDs and MSPs and their counterparties would be required to exchange ''the terms'' of a swap as required under § 23.500(i)(1) and would have to resolve discrepancies in ''material terms'' of swaps pursuant to § 23.502(a)(4) and (b)(4). However, ''material terms'' would not include the Proposed Excluded Data Fields. This requirement differs from what may be the current practice of SDs and MSPs that have chosen to take advantage of the relief provided in CFTC Staff Letter 13–31. Such SDs and MSPs may be omitting the No-Action Excluded Data Fields from the portfolio reconciliation process altogether and not exchanging such terms at all, or if exchanging them, choosing not to resolve discrepancies that may be discovered. If the Commission's proposal is adopted, such SDs and MSPs would be required to resume exchanging the terms included in the Proposed Excluded Data Fields, although they could continue the practice of choosing not to resolve discrepancies in such terms. In addition, SDs and MSPs would have to resolve discrepancies in execution and SDR submission timestamps for cleared swaps, and discrepancies in the identities of counterparties electing the end-user exception from clearing, which may not be the practice for SDs and MSPs that have been relying on CFTC Staff Letter 13–31.

It is the intention of the Commission's proposal to alleviate the burden of resolving discrepancies in terms of a swap that are not relevant to the ongoing rights and obligations of the parties and the valuation of the swap, or to the Commission's regulatory mission. However, with respect to at least some of the No-Action Excluded Data Fields and the corresponding information that is included in the Proposed Excluded Data Fields, the Commission questions whether such data is actually required to be included in any ongoing portfolio reconciliation exercise. For example, the ''clearing indicator'' and ''clearing venue'' items included in the Proposed Excluded Data Fields pertain to a swap only until it is extinguished when accepted for clearing by a DCO.[30] When extinguished, the original swap would no longer be subject to portfolio reconciliation,[31] and, as explained

[24] *See id.*

[25] *Id.* at 3.

[26] A legal entity identifier is ''a 20-digit, alpha-numeric code, to uniquely identify legally distinct entities that engage in financial transactions.'' *See* Legal Entity Identifier Regulatory Oversight Committee, *http://www.leiroc.org/;* 17 CFR 45.6.

[27] A unique swap identifier is a unique identifier assigned to all swap transactions which identifies the transaction (the swap and its counterparties) uniquely throughout the duration of the swap's existence. *See* 17 CFR 45.5.

[28] For example, among other things, the time of execution of a swap between an SD and a counterparty may be relevant to determining the SD's compliance with the deadlines for confirmation of the swap set forth in § 23.501. Likewise, the time of execution and the time of reporting to an SDR may be relevant to determining the SD's compliance with the reporting deadlines set forth in part 45 of the Commission's regulations.

[29] Reporting counterparties are required to correct errors and omissions in data previously reported to an SDR pursuant to § 45.14.

[30] *See* 17 CFR 23.504(b)(6) (''. . . upon acceptance of a swap by a derivatives clearing organization: (i) The original swap is extinguished; (ii) The original swap is replaced by equal and opposite swaps with the derivatives clearing organization; and (iii) All terms of the swap shall conform to the product specifications of the cleared swap established under the derivative clearing organization's rules.'').

[31] The Commission notes that portfolio reconciliation only applies to swaps currently in effect between an SD or MSP and a particular counterparty, not to expired or terminated swaps. *See* Definition of ''swap portfolio,'' 17 CFR 23.500(k).

above, portfolio reconciliation is not required for cleared swaps.[32] As noted below, the Commission seeks comment on whether such terms should be included in the Proposed Excluded Data Fields.

Finally, the Commission notes that it is not proposing an amendment to § 23.500(i)(1) that would exclude the Proposed Excluded Data Fields from portfolio reconciliation altogether. Thus the Commission is not proposing to change the existing requirement under § 23.502 that parties must exchange terms of all swaps in a mutual portfolio, but need only resolve discrepancies over material terms and valuations. As stated above, the Commission recognizes that the proposed amendment would not have the same effect as the no-action relief provided by the Division in CFTC Staff Letter 13–31. Nevertheless, the Commission has determined that it would be premature to propose to codify the staff relief without considering comments from the public on the nature of the post-Dodd-Frank-Act portfolio reconciliation process and how the Proposed Excluded Data Fields relate to that process.

## III. Request for Comment

To ensure that the proposed rule would, if adopted, achieve its stated purpose, the Commission requests comment generally on all aspects of the proposed rule. Specifically, the Commission requests comment on the following:

- Should the Commission amend its regulations to provide relief identical to that granted in CFTC Letter No. 13–31? Alternatively, should the Commission amend § 23.500(i)(1) so that counterparties only have to exchange the ''material terms'' (which would not include the Proposed Excluded Data Fields) of swaps? Or, lastly, should the Commission adopt its current proposal which is to only remove the Proposed Excluded Data Fields from the definition of ''material terms'' that counterparties must resolve for discrepancies pursuant to § 23.500(i)(3)?
- Should the Commission's Proposed Excluded Data Fields not include the execution and SDR submission timestamps for uncleared swaps? Please explain why or why not.
- Should the Commission's Proposed Excluded Data Fields include an indication of the election of the clearing exception in CEA Section 2(h)(7) and/or the identity of the counterparty electing such clearing requirement exception? Please explain why or why not.
- Are there other items in the Proposed Excluded Data Fields that may have material regulatory value to the Commission or that may be relevant to the ongoing rights and obligations of the parties and the valuation of the swap and, thus, should not be included in the Proposed Excluded Data Fields? Please explain why or why not.
- Is each of the Proposed Excluded Data Fields actually required to be included in any ongoing portfolio reconciliation exercise, and, if not, should any such term be removed from the list of Proposed Excluded Data Fields? Please explain why or why not.
- Should any other ''material term'' as defined in § 23.500(g) be included in the list of Proposed Excluded Data Fields? Please explain why or why not.
- Should the Commission amend § 23.500(g) so that the term, ''material terms,'' is defined as all terms of a swap required to be reported in accordance with part 45 of the Commission regulations other than the Proposed Excluded Data Fields, as proposed? Please explain why or why not.
- To what extent does the proposed amendment facilitate (or fail to facilitate) the policy objectives of portfolio reconciliation? Feel free to reference specific terms listed in the Proposed Excluded Data Fields in your answer.
- Where are the cost savings realized by not having to resolve discrepancies in the Proposed Excluded Data Fields? If any other alternative approach should be considered, what cost savings would be realized by such alternative approach? Commenters are encouraged to quantify these cost savings.

## IV. Related Matters

### *A. Regulatory Flexibility Act.*

The Regulatory Flexibility Act[33] requires that agencies consider whether the rules they propose will have a significant economic impact on a substantial number of small entities and, if so, provide a regulatory flexibility analysis reflecting the impact. For purposes of resolving any discrepancy in material terms and valuations, the proposed regulation would amend the definition in § 23.500(g) of the Commission regulations so that the term ''material terms'' (which is used in § 23.500(i)(3)) is defined as all terms of a swap required to be reported in accordance with part 45 of the Commission's regulations other than the Proposed Excluded Data Fields. As noted above, clause (3) of the definition of ''portfolio reconciliation'' in § 23.500(i) requires the parties to resolve any discrepancy in ''material terms'' and valuations. As a result of the proposed change to the definition of ''material terms'' in § 23.500(g) of the Commission regulations, SDs and MSPs would not need to include the Proposed Excluded Data Fields[34] in any resolution of discrepancies of material terms or valuations when engaging in portfolio reconciliation. The Commission has previously determined that SDs and MSPs are not small entities for purposes of the Regulatory Flexibility Act.[35] Furthermore, any financial end users that may be indirectly[36] impacted by the proposed rule are likely to be eligible contract participants, and, as such, they would not be small entities.[37]

Thus, for the reasons stated above, the Commission preliminarily believes that the proposal will not have a significant economic impact on a substantial number of small entities. Accordingly, the Chairman, on behalf of the Commission, hereby certifies, pursuant to 5 U.S.C. 605(b), that the proposed regulations in this **Federal Register** release would not have a significant economic impact on a substantial number of small entities.

### *B. Paperwork Reduction Act*

The Paperwork Reduction Act of 1995 (''PRA'')[38] imposes certain requirements on Federal agencies, including the Commission, in connection with their conducting or sponsoring any collection of information, as defined by the PRA. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number. This proposed rulemaking would result in an amendment to existing collection of information OMB Control Number 3038–0068 with respect to the collection of information entitled ''Confirmation, Portfolio Reconciliation, and Portfolio Compression Requirements for Swap Dealers and

[32] Portfolio Reconciliation Final Rule, 77 FR at 55927.

[33] 5 U.S.C. 601 *et seq.*

[34] *See* section II above for a list of ''Proposed Excluded Data Fields'' and proposed § 23.500(g) of the Commission regulations.

[35] Policy Statement and Establishment of Definitions of ''Small Entities'' for Purposes of the Regulatory Flexibility Act, 47 FR 18618, 18619 (Apr. 30, 1982).

[36] The Regulatory Flexibility Act focuses on direct impact to small entities and not on indirect impacts on these businesses, which may be tenuous and difficult to discern. *See Mid-Tex Elec. Coop., Inc.* v. *FERC,* 773 F.2d 327, 340 (D.C. Cir. 1985); *Am. Trucking Assns.* v. *EPA,* 175 F.3d 1027, 1043 (D.C. Cir. 1985).

[37] *See* Opting Out of Segregation, 66 FR 20740, 20743 (Apr. 25, 2001).

[38] 44 U.S.C. 3501 *et seq.*

Major Swap Participants.'' [39] The Commission is therefore submitting this proposal to the Office of Management and Budget (OMB) for review. The Commission previously discussed, for purposes of the PRA, the burden [40] that the regulation mandating, *inter alia,* portfolio reconciliation would impose on market participants.[41] In particular, the Commission estimated the burden to be 1,282.5 hours for each SD and MSP, and the aggregate burden for registrants—based on a then-projected 125 registrants—was 160,312.5 burden hours.[42] Since the Commission finalized the rules for SDs and MSPs, 104 entities have provisionally registered as SDs and two entities have provisionally registered as MSPs, for a total of 106 registrants.[43] Accordingly, based on the original estimate of 1,282.5 burden hours for each SD and MSP, the aggregate burden for all registrants is estimated at 135,945 burden hours.

The proposed regulation would amend the definition in § 23.500(g) of the Commission regulations so that the term ''material terms'' (which is used in § 23.500(i)(3)) is defined as all terms of a swap required to be reported in accordance with part 45 of the Commission's regulations other than the Proposed Excluded Data Fields.[44] As noted above, clause (3) of the definition of ''portfolio reconciliation'' in § 23.500(i) requires the parties to resolve any discrepancy in ''material terms'' and valuations. The proposed change would clarify that SDs and MSPs would not need to include the Proposed Excluded Data Fields in any resolution of discrepancies of material terms or valuations.

As discussed above, the rule change proposed herein would reduce the number of ''material terms'' that counterparties would need to resolve for discrepancies in portfolio reconciliation exercises, but would not eliminate the portfolio reconciliation requirement itself. However, the Commission believes that the changes proposed to the regulatory definition of ''material terms'' described herein would reduce the time burden for portfolio reconciliation by one burden hour for each SD and MSP, which would reduce the annual burden to 1,281.5 hours per SD and MSP. The Commission believes that the proposed rule would result in one hour of less work for computer programmers for SDs and MSPs because the programmers who have to match the needed data fields from two different databases would have fewer data fields to obtain and resolve for discrepancies. Given that there are 106 provisionally registered SDs and MSPs, the proposed rule, if adopted, would result in an aggregate burden of 135,839 burden hours. The Commission welcomes comments about the potential impact that this proposal would have on the time and cost burden associated with portfolio reconciliation.

1. Information Collection Comments

The Commission invites the public and other Federal agencies to comment on any aspect of the reporting burdens discussed above. Pursuant to 44 U.S.C. 3506(c)(2)(B), the Commission solicits comments in order to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) evaluate the accuracy of the Commission's estimate of the burden of the proposed collection of information; (3) determine whether there are ways to enhance the quality, utility, and clarity of the information to be collected; and (4) mitigate the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology.

Comments may be submitted directly to the Office of Information and Regulatory Affairs, by fax at (202) 395–6566 or by email at *OIRAsubmissions@omb.eop.gov.* Please provide the Commission with a copy of submitted comments so that all comments can be summarized and addressed in the final rule preamble. Refer to the **ADDRESSES** section of this notice of proposed rulemaking for comment submission instructions to the Commission. A copy of the supporting statement for the collection of information discussed above may be obtained by visiting *http://reginfo.gov/.* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

*C. Considerations of Costs and Benefits*

Section 15(a) of the CEA requires the Commission to consider the costs and benefits of its actions before promulgating a regulation under the CEA or issuing an order. Section 15(a) further specifies that the costs and benefits shall be evaluated in light of the following five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations. The Commission considers the costs and benefits resulting from its discretionary determinations with respect to the section 15(a) factors.

1. Background

The Commission believes that, while portfolio reconciliation generally helps counterparties to manage risk by facilitating the resolution of discrepancies in material terms of swaps, forcing entities to resolve discrepancies in the Proposed Excluded Data Fields does not improve the management of risks in swaps portfolios. By eliminating the need to resolve discrepancies over material swap terms that remain constant (and that do not impact the valuation of the swap or the payment obligations of the counterparties) and thereby reducing the number of data fields that parties must resolve for differences in portfolio reconciliation exercises, the Commission believes this proposal will slightly decrease the costs that its regulations impose on SDs and MSPs (and their counterparties) without a concomitant reduction in the benefits obtained from portfolio reconciliation exercises under the existing regulatory framework, as described below.

2. Costs

The Commission believes this proposal will slightly decrease the costs that its regulations impose on SDs and MSPs (and their counterparties) because it would eliminate the need to verify and resolve discrepancies in swap terms that remain constant (or that do not impact the valuation of swaps or the payment obligations of the counterparties) and thereby reduce the number of data fields requiring particular attention in portfolio

[39] *See* OMB Control No. 3038–0068, *http://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=3038-0068.*

[40] ''For purposes of the PRA, the term 'burden' means the 'time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal Agency.' '' Portfolio Reconciliation Final Rule, 77 FR at 55959.

[41] Portfolio Reconciliation Final Rule, 77 FR at 55958–60.

[42] Portfolio Reconciliation Final Rule, 77 FR at 55959.

[43] Provisionally Registered Swap Dealers as of June 17, 2015, *http://www.cftc.gov/LawRegulation/DoddFrankAct/registerswapdealer;* Provisionally Registered Major Swap Participants as of March 1, 2013, *http://www.cftc.gov/LawRegulation/DoddFrankAct/registermajorswappart.*

[44] As noted earlier, the proposed rule is amending the definition of the term ''material terms'' at § 23.500(g) to exclude nine data fields that would not be considered ''material terms'' in the definition of the term ''portfolio reconciliation'' of § 23.500(i)(3).

reconciliation exercises.[45] As mentioned previously, the Commission believes that this change will reduce the annual burden hours for each SD and MSP by one hour, resulting in a total of 1,281.5 hours, which leads to an aggregate number, based on 106 registrants, of 135,839 burden hours. The Commission previously estimated that, assuming 1,282.5 annual burden hours per SD and MSP, the financial cost of its regulations on each SD and MSP would be $128,250.[46] Therefore, based on those prior estimates, a one-hour reduction in the annual burden hours for each SD and MSP would result in a financial cost of $128,150 per registrant. Accordingly, the Commission estimates that, if the proposed rule is adopted, the aggregate financial burden of its regulations on SDs and MSPs would be $13,583,900.[47]

The Commission does not believe the proposed regulation would increase the Commission's costs or impair the Commission's ability to oversee and regulate the swaps markets. Portfolio reconciliation is designed to enable counterparties to understand the current status or value of swap terms. As mentioned above, the Commission is proposing to amend the definition of ''material terms'' in § 23.500(g) so as to exclude the Proposed Excluded Data Fields because it preliminarily agrees with market participants that the Proposed Excluded Data Fields are not material to the ongoing rights and obligations of the counterparties to a swap. Because the Commission's proposal would only remove terms from the discrepancy resolution process for material terms, as opposed to the general portfolio reconciliation process or swaps reporting requirements, it will not negatively impact the amount of information available to the Commission about swaps. While the Commission believes that this proposal would reduce SDs', MSPs', or their counterparties' costs of complying with Commission regulations (because it would reduce the number of terms that counterparties must periodically resolve for discrepancies during portfolio reconciliations), the Commission seeks specific comment on the following, and encourages commenters to provide quantitative information in their comments where practical):

- How will the proposed regulation affect the costs of portfolio reconciliation for swap counterparties? Is the Commission's estimate of cost reductions that would result from the proposed rule a reasonable estimate of cost savings that would be realized from adopting the proposal?
- Will the proposed regulation make the portfolio reconciliation process more or less expensive? How so?
- How would the proposed rule affect the ongoing costs of compliance with Commission regulations?
- Are there other costs that the Commission should consider?

Commenters are strongly encouraged to include quantitative information in their comment on this rulemaking where practical.

3. Benefits

The Commission believes that this proposal would benefit SDs, MSPs, and their counterparties because it will not require them to expend the resources necessary to resolve discrepancies over swap terms that are included in the Proposed Excluded Data Fields in accordance with tight regulatory timeframes.[48] The Commission requests comment on all aspects of its preliminary consideration of benefits and encourages commenters to provide quantitative information where practical. Has the Commission accurately identified the benefits of this proposed regulation? Are there other benefits to the Commission, market participants, and/or the public that may result from the adoption of the proposed regulation that the Commission should consider?

4. Section 15(a)

Section 15(a) of the CEA requires the Commission to consider the effects of its actions in light of the following five factors:

a. Protection of Market Participants and the Public

The Commission believes that, notwithstanding its proposal to remove the Proposed Excluded Data Fields from the list of material terms that counterparties must periodically scrutinize to resolve any discrepancies, its regulations will continue to protect market participants and the public. The Commission, however, welcomes comment as to how market participants and the public may be protected or harmed by the proposed regulation.

b. Efficiency, Competitiveness, and Financial Integrity of Markets

The Commission believes that its proposal, which will ensure that the parties resolving discrepancies in material terms and valuations in portfolio reconciliation exercises need not concern themselves with terms in the Proposed Excluded Data Fields may increase resource allocation efficiency of market participants engaging in reconciliation exercises without increasing the risk of harm to the financial integrity of markets.

The Commission seeks comment as to how the proposed regulation may promote or hinder the efficiency, competitiveness, and financial integrity of markets.

c. Price Discovery

The Commission has not identified an impact on price discovery as a result of the proposed regulation, but seeks comment as to any potential impact. Will the proposed regulation impact, positively or negatively, the price discovery process?

d. Sound Risk Management

The Commission believes that its proposal is consistent with sound risk management practices because the proposed regulatory change would not impair an entity's ability to conduct portfolio reconciliations. The Commission solicits comments on whether market participants believe the proposal will impact, positively or negatively, the risk management procedures or actions of SDs, MSPs, or their counterparties.

e. Other Public Interest Considerations

The Commission has not identified any other public interest considerations, but welcomes comment on whether this proposal would promote public confidence in the integrity of derivatives markets by ensuring meaningful regulation and oversight of all SDs and MSPs. Will this proposal impact, positively or negatively, any heretofore unidentified matter of interest to the public?

**List of Subjects in 17 CFR Part 23**

Authority delegations (Government agencies), Commodity futures, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Commodity Futures

[45] The Commission notes the existence of CFTC Staff Letter No. 13–31 and that the Proposal, if finalized, could increase the burden for SDs, MSPs, and their counterparties relying on the relief in that letter.

[46] Portfolio Reconciliation Final Rule, 77 FR at 55959.

[47] The Commission had estimated that, if 125 entities had registered as SDs and MSPs, the aggregate burden would be $16,031,250. *Id.*

[48] *See* § 23.502(a)(4) requiring SDs and MSPs to resolve discrepancies in material terms immediately with counterparties that are also SDs or MSPs. *See also* § 23.502(b)(4) (requiring SDs and MSPs to resolve discrepancies in material terms and valuations in a timely fashion with counterparties that are not SDs or MSPs).

Trading Commission proposes to amend 17 CFR part 23 as set forth below:

## PART 23—SWAP DEALERS AND MAJOR SWAP PARTICIPANTS

■ 1. The authority citation for part 23 continues to read as follows:

**Authority:** 7 U.S.C. 1a, 2, 6, 6a, 6b, 6b–1, 6c, 6p, 6r, 6s, 6t, 9, 9a, 12, 12a, 13b, 13c, 16a, 18, 19, 21.

■ 2. Revise § 23.500(g) to read as follows:

**§ 23.500 Definitions.**

* * * * *

(g) *Material terms* means all terms of a swap required to be reported in accordance with part 45 of this chapter other than the following:

(1) An indication that the swap will be allocated;

(2) If the swap will be allocated, or is a post-allocation swap, the legal entity identifier of the agent;

(3) An indication that the swap is a post-allocation swap;

(4) If the swap is a post-allocation swap, the unique swap identifier;

(5) Block trade indicator;

(6) With respect to a cleared swap, execution timestamp;

(7) With respect to a cleared swap, timestamp for submission to a swap data repository;

(8) Clearing indicator; and

(9) Clearing venue.

* * * * *

Issued in Washington, DC, on September 17, 2015, by the Commission.

**Christopher J. Kirkpatrick,**

*Secretary of the Commission.*

**Note:** The following appendices will not appear in the Code of Federal Regulations.

## Appendices to Proposal To Amend the Definition of ''Material Terms'' for Purposes of Swap Portfolio Reconciliation—Commission Voting Summary, Chairman's Statement, and Commissioner's Statement

### Appendix 1—Commission Voting Summary

On this matter, Chairman Massad and Commissioners Bowen and Giancarlo voted in the affirmative. No Commissioner voted in the negative.

### Appendix 2—Statement of Chairman Timothy G. Massad

I support issuing this proposal to amend the definition of ''material terms'' for purposes of portfolio reconciliation performed by swap dealers and major swap participants.

The proposed amendment would replace an existing ''no-action'' letter issued during the implementation of the Dodd-Frank Act. This gives greater certainty to affected registrants and furthers the Commission's ongoing process of simplifying, fine-tuning, and harmonizing our rules.

The proposal not only seeks comment on the technical aspects of reconciling specific data fields excluded under the staff no-action letter, but also seeks answers to important questions regarding the experience of swap dealers and major swap participants in complying with the portfolio reconciliation requirement more generally. Further, it seeks comment on the relationship of portfolio reconciliation to the integrity of data reported to swap data repositories.

The feedback of knowledgeable market participants on this proposal will allow the Commission to further its goal of continuously improving our recordkeeping, reporting, and data quality rules and practices. I encourage all market participants to join in this effort by examining the proposal and providing detailed comments. I look forward to reviewing them.

### Appendix 3—Statement of Commissioner J. Christopher Giancarlo

In its rush to implement the Dodd-Frank Act over the past few years, the Commission issued multiple rules that proved to be confusing, impracticable or unworkable, which in turn necessitated the unprecedented issuance of no-action relief, either due to unrealistic compliance deadlines, problematic elements of the rules or both. I trust that today's proposal from the Commission signals that the epoch of heedless rule production is drawing to a close.

The Commission is seeking comment on a proposed rule that would codify a modified version of no-action relief issued in 2013 (the ''No-Action Relief'') by the Division of Swap Dealer and Intermediary Oversight (''DSIO'') pursuant to a request for an interpretive letter from the International Swaps and Derivatives Association (''ISDA''). The No-Action Relief allows Swap Dealers (''SDs'') and Major Swap Participants (''MSPs'') to treat certain Part 45 data fields as non-material for purposes of portfolio reconciliation under Commission Regulation 23.502.[1]

I commend the Chairman and DSIO staff for taking steps to replace the No-Action Relief with a rulemaking subject to a cost-benefit analysis and the notice and comment requirements of the Administrative Procedure Act. Reasonable people understood at the height of the Dodd-Frank rulemaking frenzy that the Commission would and could not get everything right. That is why actions like today's rule proposal are necessary and appropriate.

I urge the CFTC staff to continue down the path of bringing to the Commission for consideration amendments to flawed Dodd-Frank rulesets. It is appropriate as a matter of good government that we replace the hundreds of no-action, exemptive and interpretive letters, guidance, advisories and other communications, both written and unwritten, issued without a Commission vote in the wake of the Dodd-Frank Act with proper administrative rulemakings.

I support issuing for public comment the proposed amendments to the definition of ''material terms'' for purposes of portfolio reconciliation. As the public reviews this rule change and formulates comments, I would like to draw its attention to several aspects of the proposal. Commission Regulation 23.502 requires SDs and MSPs to engage in portfolio reconciliation once each day, week or calendar quarter, depending on the size of the swap portfolio, and to resolve immediately any discrepancy in a material term. It is unclear why the Commission needs a daily, weekly, or quarterly reconciliation of data fields that will not change over time once established. In particular, I note that the proposed rule would continue to treat as material terms the execution timestamp and timestamp for submission to a swap data repository for uncleared swaps, an indication of whether the clearing requirement exception in section 2(h)(7) of the Commodity Exchange Act has been elected and the identity of the counterparty electing the clearing requirement exception. I am aware of the staff's concern that a discrepancy in these terms could negatively impact the Commission's regulatory mission, but question whether these terms will ever need to be reconciled after an initial verification.

On the other hand, I also question what additional burden will be placed on market participants by including these terms in the portfolio reconciliation process. I note that in its request for an interpretive letter ISDA stated that requiring reconciliation of data fields that are not relevant to the ongoing rights and obligations of the parties to a swap unnecessarily adds to the costs and complexity associated with implementing and managing the portfolio reconciliation process.[2] It would be most helpful if parties affected by the rule would submit detailed comments regarding these costs.

It is also unclear why the Commission is proposing to retain the requirement that SDs and MSPs exchange non-material terms throughout the life of a swap as part of a portfolio reconciliation exercise. Commission Regulation 23.500(i) defines portfolio reconciliation as the process by which two parties to one or more swaps: (1) Exchange ''terms'' (meaning all terms) of all swaps between the counterparties; (2) exchange each counterparty's valuation of each swap as of the close of business on the immediately preceding business day; and (3) resolve any discrepancy in ''material'' terms and valuations. I note that ISDA requested that the Commission narrow the definition of ''terms'' in Rule 23.500(i)(1) to mean ''material terms,'' but the Commission is not proposing to do so. Thus, counterparties will be required to exchange all terms of each swap on a daily, weekly, or quarterly basis throughout the life of a swap, but will be required to reconcile only ''material terms.'' As with treating the terms relating to timestamps and the clearing exception as ''material terms'' discussed above, I question the utility of including non-material terms that are not required to be reconciled as part of the portfolio reconciliation process. It would be most helpful if parties affected by

[1] *See* CFTC Letter No. 13–31 (June 26, 2013).

[2] *See* ISDA Request for Interpretive Letter—Part 23 dated May 31, 2013.

the rule would submit detailed comments weighing the burdens against benefits of continuing to include such non-material terms.

I look forward to thoughtful comments on all aspects of the proposal.

[FR Doc. 2015–24021 Filed 9–21–15; 8:45 am]

**BILLING CODE 6351–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Parts 1, 11, 16, 106, 110, 114, 117, 120, 123, 129, 179, 211, 225, 500, 507, and 579

**[Docket No. FDA–2015–N–001]**

**RIN 0910–AG10 and 0910–AG36**

## The Food and Drug Administration Food Safety Modernization Act: Final Rules To Establish Requirements for Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human and Animal Food; Public Meeting

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notification of public meeting.

**SUMMARY:** The Food and Drug Administration (FDA or we) is announcing a public meeting entitled ''FDA Food Safety Modernization Act: Final Rules to Establish Requirements for Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human and Animal Food.'' The public meeting will provide interested persons an opportunity to discuss the final rules for current good manufacturing practice, hazard analysis, and risk-based preventive controls for human and animal food (the preventive controls final rules) and FDA's comprehensive planning effort for the next phase of the FDA Food Safety Modernization Act (FSMA) implementation, which involves putting in place the new public health prevention measures and the risk-based industry oversight framework that is at the core of FSMA. The purpose of the public meeting is to brief stakeholders and interested persons on the key components of the preventive controls final rules, respond to questions, and discuss the next phase of FSMA implementation with respect to human and animal food preventive controls requirements.

**DATES:** See section III, ''How to Participate in the Public Meeting'' in the **SUPPLEMENTARY INFORMATION** section of this document for dates and times of the public meeting, closing dates for advance registration, and requesting special accommodations due to disability.

**ADDRESSES:** See section III, ''How to Participate in the Public Meeting'' in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** *For questions about registering for the meeting or to register by phone:* Courtney Treece, Planning Professionals Ltd., 1210 West McDermott St., Suite 111, Allen, TX 75013, 704–258–4983, FAX: 469–854–6992, email: *ctreece@planningprofessionals.com*.

*For general questions about the meeting or for special accommodations due to a disability:* Juanita Yates, Center for Food Safety and Applied Nutrition (HFS–009), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–1731, email: *Juanita.yates@fda.hhs.gov*.

**SUPPLEMENTARY INFORMATION:**

### I. Background

The FDA Food Safety Modernization Act (FSMA) (Pub. L.111–353), signed into law by President Obama on January 4, 2011, enables FDA to better protect public health by helping to ensure the safety and security of the food supply. FSMA amends the Federal Food, Drug, and Cosmetic Act (the FD&C Act) to establish the foundation of a modernized, prevention-based food safety system. Among other things, FSMA requires FDA to issue regulations requiring preventive controls for human food and animal food, setting standards for produce safety, and requiring importers to perform certain activities to help ensure that the food they bring into the United States is produced in a manner consistent with U.S. standards.

FSMA was the first major legislative reform of FDA's food safety authorities in more than 70 years. In the **Federal Register** of January 16, 2013 (78 FR 3646), we proposed to amend our regulations for Current Good Manufacturing Practice In Manufacturing, Packing, or Holding Human Food to modernize it and to add requirements for domestic and foreign facilities that are required to register under the FD&C Act to establish and implement hazard analysis and risk-based preventive controls for human food. We also proposed to revise certain definitions in our current regulation for Registration of Food Facilities to clarify the scope of the exemption from registration requirements provided by the FD&C Act for ''farms.'' In the **Federal Register** of October 29, 2013 (78 FR 64735), we proposed regulations for domestic and foreign facilities that are required to register under the FD&C Act to establish requirements for current good manufacturing practice in manufacturing, processing, packing, and holding of animal food. We proposed to require that certain facilities establish and implement hazard analysis and risk-based preventive controls for food for animals to provide greater assurance that animal food is safe and will not cause illness or injury to animals or humans.

Based on input we received from public comments, in the **Federal Register** of September 29, 2014 (79 FR 58476 and 79 FR 58524), we proposed to amend our 2013 proposed rules for Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human and Animal Food and reopened the comment period only with respect to specific issues identified in supplemental proposed rules.

In the **Federal Register** of September 17, 2015 (80 FR 55908), we issued a final rule to establish the requirements for Current Good Manufacturing Practice, Hazard Analysis, and Risk-Base Preventive Controls for Human Food. In the **Federal Register** of September 17, 2015 (80 FR 56170), we issued a final rule to establish requirements for Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Food for Animals. The preventive controls final rules apply to human and animal food and require domestic and foreign facilities that are required to register under the FD&C Act to have written plans that identify hazards, specify the preventive controls that will be put in place to significantly minimize or prevent those hazards, include procedures to monitor the implementation of the preventive controls, and include corrective action procedures for use when preventive controls are not properly implemented. We also revised certain definitions in the regulation for Registration of Food Facilities to clarify the scope of the exemption from registration requirements provided for ''farms'' and, in so doing, to clarify which domestic and foreign facilities are subject to the requirements for hazard analysis and risk-based preventive controls for food. The preventive controls final rules and related fact sheets are available on FDA's FSMA Web page located at *http://www.fda.gov/FSMA*.

## II. Purpose and Format of the Public Meeting

FDA is holding the public meeting on the two preventive controls final rules to address what is different from the proposals; discuss the plans for guidance documents and outstanding issues that might be addressed in guidance; provide an update on the development of implementation work plans; and answer questions.

These two preventive controls final rules are the first of several final rules that will establish the foundation of, and central framework for, the modern food safety system envisioned by Congress in FSMA. We will not use any information or data submitted during the public meeting to inform any FSMA rulemakings where the comment periods have closed.

There will be an opportunity for stakeholders who are unable to participate in person to join the meeting via webcast. (See section III of this document for more information on the webcast option.)

## III. How To Participate in the Public Meeting

We are holding the public meeting on October 20, 2015, from 8:30 a.m. until 5 p.m., at Chicago Marriott Downtown Magnificent Mile, 540 North Michigan Ave, Chicago, IL 60611. Due to limited space and time, we encourage all persons who wish to attend the meeting to register in advance. There is no fee to register for the public meeting, and registration will be on a first-come, first-served basis. Early registration is recommended because seating is limited. Onsite registration will be accepted, as space permits, after all preregistered attendees are seated.

Table 1 of this document provides information on participation in the public meeting.

TABLE 1—INFORMATION ON PARTICIPATION IN THE MEETING

| | Date | Electronic address | Address | Other information |
|---|---|---|---|---|
| Attend public meeting. | October 20, 2015, from 8:30 a.m. to 5 p.m. CDT. | Please preregister at *http://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm*. | Chicago Marriott Downtown Magnificent Mile, 540 North Michigan Ave, Chicago, IL 60611. | Registration check-in begins at 8 a.m. |
| View webcast | October 20, 2015, from 8:30 a.m. to 5 p.m. CDT. | Individuals who wish to participate by webcast are asked to preregister at *http://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm*. | ..... | The webcast will have closed captioning. |
| Preregister ..... | Register by October 12, 2015 | Individuals who wish to participate in person are asked to preregister at *http://www.fda.gov/Food/NewsEvents/WorkshopsMeetingsConferences/default.htm*. | We encourage the use of electronic registration, if possible.[1] . | There is no registration fee for the public meeting. |
| Request special accommodations due to disability. | Request by October 6, 2015 | Juanita Yates, email: *Juanita.yates@fda.hhs.gov*. | See *For Further Information Contact*. | |
| Submit electronic questions about the FSMA final rules. | ..... | Submit questions to the FDA FSMA Technical Assistance Network at *http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm459719.htm*. | ..... | For more information about the FDA FSMA Technical Assistance Network, visit *http://www.fda.gov/Food/GuidanceRegulation/FSMA/ucm459719.htm*. |

[1] You may also register via email, mail, or fax. Please include your name, title, firm name, address, and phone and fax numbers in your registration information and send to: Courtney Treece, Planning Professionals Ltd., 1210 West McDermott St., Suite 111, Allen, TX 75013, 704–258–4983, FAX: 469–854–6992, email: *ctreece@planningprofessionals.com*.

## IV. Transcripts and Recorded Video

Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov* and at FDA's FSMA Web site at: *http://www.fda.gov/FSMA*. You may also view the transcript at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. The Freedom of Information office address is available on the Agency's Web site at *http://www.fda.gov*. Additionally, we will be video recording the public meeting. Once the recorded video is available, it will be accessible at FDA's FSMA Web site at *http://www.fda.gov/FSMA*.

Dated: September 17, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–24027 Filed 9–21–15; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 108

**[Docket No. FDA–2015–N–2819]**

## Emergency Permit Control Regulations; Technical Amendments

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed rule; technical amendments.

**SUMMARY:** The Food and Drug Administration (FDA or we) is proposing to amend certain regulations pertaining to registration and process filings related to acidified foods and thermally processed low-acid foods packaged in hermetically sealed containers (historically referred to as ''low-acid canned foods'' or ''LACF''). The amendments would reflect new FDA process filing form numbers and would make changes to addresses or locations where such forms can be found or must be sent. Additionally, the amendments would remove obsolete references to the effective dates that occurred years ago and update a reference to another Federal Agency.

**DATES:** Submit either electronic or written comments on the proposed rule by December 7, 2015.

**ADDRESSES:** You may submit comments by any of the following methods.

*Electronic Submissions*

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

*Written Submissions*

Submit written submissions in the following way:

- *Mail/Hand delivery/Courier (for paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

*Instructions:* All submissions received must include the Docket No. (FDA–2015–N–2819) for this rulemaking. All comments received may be posted without change to *http://www.regulations.gov,* including any personal information provided. For additional information on submitting comments, see the ''Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and insert the docket number(s), found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Susan Brecher, Center for Food Safety and Applied Nutrition (HFS–302), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 240–402–1781.

**SUPPLEMENTARY INFORMATION:**

## I. Background

Among other things, current FDA regulations at part 108 (21 CFR part 108) provide that a commercial processor, when first engaging in the manufacture, processing, or packing of acidified foods or low-acid canned foods, must, not later than 10 days after first so engaging, register and file with FDA information including the name of the establishment, principal place of business, the location of each establishment in which that processing is carried on, the processing method, and a list of foods so processed in each establishment (§ 108.25(c)(1) and § 108.35(c)(1)). In addition, our regulations require the submission of process filing forms. Specifically, our regulations require that commercial processors engaged in the processing of acidified foods must, not later than 60 days after registration, and before packing any new product, provide FDA with information on the scheduled processes for each acidified food in each container size (§ 108.25(c)(2)). An analogous requirement for process filing applies to commercial processors of low-acid canned foods (§ 108.35(c)(2)). The regulations specify the specific process filing forms to be used (Forms FDA 2541a and 2541c), and also state where the forms can be obtained and where the forms should be sent.

We recently engaged in an effort to modernize our forms and to provide a means for submitting the forms using electronic ''smart form'' technology. This effort involved the drafting of four new draft process filing forms: Forms FDA 2541d, FDA 2541e, FDA 2541f, and FDA 2541g. (For more information about the draft new process filing forms, see ''Draft Guidance for Industry: Submitting Form FDA 2541 (Food Canning Establishment Registration) and Forms FDA 2541d, FDA 2541e, FDA 2541f, and FDA 2541g (Food Process Filing Forms) to FDA in Electronic or Paper Format,'' available at *http://www.fda.gov/FoodGuidances.*) Once completed, this effort will make it easier for firms to submit information to us and will improve the accuracy of the information submitted in the forms. In conjunction with these changes, the proposed rule would make technical amendments to § 108.25, ''Acidified Foods,'' and § 108.35, ''Thermal Processing of Low-Acid Foods Packaged in Hermetically Sealed Containers.'' Specifically, the proposed rule would incorporate the new FDA form numbers. FDA hopes to finalize the new process filing forms later in 2015. By incorporating the new FDA form numbers into part 108, the proposed rule would cause the new forms to fully replace the forms currently listed in part 108 once this proposed rule becomes final and effective. At that point, FDA would no longer accept the currently-listed forms.

In addition, the proposed rule would make changes to the addresses or locations where forms can be found or must be sent. Finally, the proposed rule would remove obsolete references to dates that occurred years ago and would update the name of the Agency of the U. S. Department of Agriculture that administers the meat and poultry inspection programs under the Federal Meat Inspection Act and the Poultry Products Inspection Act.

## II. Legal Authority

We are issuing this proposed rule under the Federal Food, Drug, and Cosmetic Act (the FD&C Act). Section 404(a) of the FD&C Act (21 U.S.C. 344(a)) provides that whenever the Secretary finds after investigation that the distribution in interstate commerce of any class of food may, by reason of contamination with micro-organisms during the manufacture, processing, or packing thereof in any locality, be injurious to health, and that such injurious nature cannot be adequately determined after such articles have entered interstate commerce, the Secretary then shall issue regulations providing for the issuance, to manufacturers, processors, or packers of such class of food in such locality, of permits to which shall be attached such conditions governing the manufacture, processing, or packing of such class of food, for such temporary period of time, as may be necessary to protect the public health. Under section 404 of the FD&C Act, FDA's regulations in part 108 have long required registration of food processing establishments, filing of process information, and maintenance of processing and production records for acidified foods and low-acid canned foods. Under section 701(e) of the FD&C Act, any action for the issuance, amendment, or repeal of any regulation under section 404(a) of the FD&C Act shall be begun by a proposal made either by the Secretary on his own initiative or by petition of any interested persons, showing reasonable grounds therefor, filed with the Secretary.

## III. Description of the Proposed Rule

As stated in section I, the proposed rule would make technical amendments to § 108.25, ''Acidified Foods,'' and § 108.35, ''Thermal Processing of Low-Acid Foods Packaged in Hermetically Sealed Containers.'' These changes would incorporate the new FDA form

numbers and changes to the addresses or locations where forms can be found or must be sent. These changes would also remove obsolete references to dates that occurred years ago and would update the name of the Agency of the U. S. Department of Agriculture that administers the meat and poultry inspection programs under the Federal Meat Inspection Act and the Poultry Products Inspection Act. Specifically, the proposed rule would:

- Amend § 108.25(c)(1) and (c)(2) and § 108.35(c)(1) and (c)(2) to replace the obsolete mailing code (HFS–618) listed in those provisions with the current mailing code (HFS–303) for the FDA office identified in those provisions.
- Amend § 108.25(c)(1) and (c)(2) and § 108.35(c)(1) and (c)(2) to provide an Internet address where forms can be found or submitted. The new text would state that the forms are available on our Web site at *http://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/AcidifiedLACFRegistration/ucm2007436.htm* and, for electronic submission, would refer to FDA's Industry Systems Web site at *www.access.fda.gov*.
- Amend § 108.25(c)(1) by deleting ''Commercial processors presently so engaged shall register within 120 days after the effective date of this regulation.'' We propose to delete this sentence because the effective date occurred years ago, so the sentence is no longer necessary. We also propose to replace the sentence stating that ''Foreign processors shall register within 120 days after the effective date of this regulation or before any offering of foods for import into the United States, whichever is later,'' with a new sentence stating that ''Foreign processors shall register before any offering of foods for import into the United States.'' We propose to make this change because the effective date occurred years ago, so reference to the effective date is no longer necessary.
- Amend § 108.25(c)(2) by replacing ''form FDA 2541a (food canning establishment process filing form for all methods except aseptic)'' with ''Form FDA 2541e (Food Process Filing for Acidified Method).'' This change would reflect the new form number and form that FDA is introducing.
- Amend § 108.35(c)(1) by deleting the sentence stating that ''Commercial processors presently so engaged shall register not later than July 13, 1973.'' Given the passage of time since § 108.35(c)(1) was issued, reference to the date of July 13, 1973, is no longer necessary.
- Amend § 108.35(c)(2) by replacing ''Form FDA 2541a (food canning establishment process filing for all methods except aseptic), or Form FDA 2541c (food canning establishment process filing for aseptic systems)'' with a list of the following new forms: Form FDA 2541d (Food Process Filing for Low-Acid Retorted Method); Form FDA 2541f (Food Process Filing for Water Activity/Formulation Control Method); and Form FDA 2541g (Food Process Filing for Low-Acid Aseptic Systems). These changes refer to the new form numbers and forms that FDA is introducing.
- Amend § 108.35(c)(2)(ii) by inserting ''LACF Registration Coordinator (HFS–303)'' before ''Center for Food Safety and Applied Nutrition.'' This change would provide greater specificity as to the FDA office that should receive information for purposes of § 108.35(c)(2)(ii).
- Amend § 108.35(i) (which refers to ''the meat and poultry inspection program of the Animal and Plant Health Inspection Service of the Department of Agriculture'') by replacing ''Animal and Plant Health Inspection Service'' with ''Food Safety Inspection Service.'' We are making this change because the Food Safety and Inspection Service of the U.S. Department of Agriculture now administers the meat and poultry inspection program under the Federal Meat Inspection Act and the Poultry Products Inspection Act, and not the Animal and Plant Health Inspection Service.

## IV. Proposed Effective Date

We propose that any final rule resulting from this rulemaking process become effective 30 days after its date of publication in the **Federal Register**.

## V. Economic Analysis of Impacts

We are publishing this proposed rule under the formal rulemaking process. *Executive Order 12866* does not require us to analyze the costs and benefits of proposed rules that we publish under this rulemaking process.

The Regulatory Flexibility Act requires Agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. The proposed rule would amend §§ 108.25 and 108.35 to delete obsolete references to long-expired effective dates, make changes to FDA addresses or locations, and reflect new process filing forms. With regard to the new process filing forms, FDA would replace references to Forms FDA 2541a and FDA 2541c with references to four new process filing forms: Forms FDA 2541d, FDA 2541e, FDA 2541f, and FDA 2541g. Some of the data entry fields on the four new process filing forms are not on current Forms FDA 2541a and FDA 2541c. The new forms add certain data entry fields to improve the efficiency of FDA's review of the process filings. For example, the new forms include data entry fields for the ''food product group'' (such as liquid, ready-to-eat ''breakfast foods''). In addition, the new forms provide for ''smart form'' technology using an electronic submission system. The updated process filing portion of the electronic submission system queries the processor about the processes used to produce the food and presents only those data entry fields that are applicable. As a result, processors will no longer need to evaluate whether particular data entry fields are applicable to their products. For example, when a processor submits a process filing for a product that is processed using a low-acid retorted method with a process mode of ''agitating,'' smart form technology would bypass questions that are not applicable to this process mode option. We estimate that the additional time it would take processors to complete the new information requested on the new forms would be offset by the time processors will save by not having to evaluate whether certain data entry fields on Form FDA 2541a or FDA 2541c are applicable to their products. Hence, we propose to certify that the rule, if finalized, will not have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that Agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $144 million, using the most current (2014) Implicit Price Deflator for the Gross Domestic Product. FDA does not expect this proposed rule to result in any 1-year expenditure that would meet or exceed this amount.

## VI. Analysis of Environmental Impact

FDA has determined, under 21 CFR 25.30(i), that this proposed rule is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

## VII. Paperwork Reduction Act of 1995

This proposed rule contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). These collections of information have been previously approved under OMB control number 0910–0037 which expires September 30, 2017.

## VIII. Federalism

FDA has analyzed this proposed rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the proposed rule, if finalized, would not contain policies that would have substantial direct effects 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. Accordingly, we tentatively conclude that the proposed rule does not contain policies that have federalism implications as defined in the Executive Order and, consequently, a federalism summary impact statement is not required.

## IX. Additional Information Regarding Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

## List of Subjects in 21 CFR Part 108

Administrative practice and procedure, Foods, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 108 be amended as follows:

## PART 108—EMERGENCY PERMIT CONTROL

■ 1. The authority citation for 21 CFR part 108 continues to read as follows:

**Authority:** 21 U.S.C. 342, 344, 371.

■ 2. In § 108.25, revise paragraphs (c)(1) and (c)(2) to read as follows:

### § 108.25 Acidified foods.

* * * * *

(c)(1) *Registration.* A commercial processor, when first engaging in the manufacture, processing, or packing of acidified foods in any State, as defined in section 201(a)(1) of the act, shall, not later than 10 days after first so engaging, register and file with the Food and Drug Administration on Form FDA 2541 (food canning establishment registration) information including, but not limited to, the name of the establishment, principal place of business, the location of each establishment in which that processing is carried on, the processing method in terms of acidity and pH control, and a list of foods so processed in each establishment. These forms are available from the LACF Registration Coordinator (HFS–303), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, or at any Food and Drug Administration district office. The completed form shall be submitted to the Center for Food Safety and Applied Nutrition (HFS–565), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740. These forms also are available on the Food and Drug Administration's Web site at *http://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/AcidifiedLACFRegistration/ucm2007436.htm.* For electronic submission go to FDA's Industry Systems Web site at *www.access.fda.gov.* Foreign processors shall register before any offering of foods for import into the United States. Commercial processors duly registered under this section shall notify the Food and Drug Administration not later than 90 days after the commercial processor ceases or discontinues the manufacture, processing, or packing of the foods in any establishment, except that this notification shall not be required for temporary cessations due to the seasonal character of an establishment's production or by temporary conditions including, but not limited to, labor disputes, fire, or acts of God.

(2) *Process filing.* A commercial processor engaged in the processing of acidified foods shall, not later than 60 days after registration, and before packing any new product, provide the Food and Drug Administration information on the scheduled processes including, as necessary, conditions for heat processing and control of pH, salt, sugar, and preservative levels and source and date of the establishment of the process, for each acidified food in each container size. Filing of this information does not constitute approval of the information by the Food and Drug Administration, and information concerning processes and other data so filed shall be regarded as trade secrets within the meaning of 21 U.S.C. 331(j) and 18 U.S.C. 1905. This information shall be submitted on Form FDA 2541e (Food Process Filing for Acidified Method). Forms are available from the LACF Registration Coordinator (HFS–303), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, or at Food and Drug Administration district office. The completed form shall be submitted to the LACF Registration Coordinator (HFS–618), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740. These forms also are available on the Food and Drug Administration's Web site at *http://www.fda.gov/Food/GuidanceRegulation/FoodFacilityRegistration/AcidifiedLACFRegistration/ucm2007436.htm.* For electronic submission go to FDA's Industry Systems Web site at *www.access.fda.gov.*

* * * * *

■ 3. In § 108.35, revise paragraphs (c)(1), (c)(2) introductory text, (c)(2)(ii), and (i) to read as follows:

### § 108.35 Thermal processing of low-acid foods packaged in hermetically sealed containers.

* * * * *

(c) * * *

(1) *Registration.* A commercial processor when first engaging in the manufacture, processing, or packing of thermally processed low-acid foods in hermetically sealed containers in any state, as defined in section 201(a)(1) of the act, shall, not later than 10 days after first so engaging, register with the Food and Drug Administration on Form FDA 2541 (food canning establishment registration) information including (but not limited to) his name, principal place of business, the location of each establishment in which such processing is carried on, the processing method in terms of the type of processing equipment employed, and a list of the low-acid foods so processed in each such establishment. These forms are available from the LACF Registration Coordinator (HFS–303), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, or at any Food and Drug Administration district office. The completed form shall be submitted to the LACF Registration

Coordinator (HFS–618), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740. These forms also are available on the Food and Drug Administration's Web site at *http://www.fda.gov/Food/FoodSafety/Product-SpecificInformation/AcidifiedLow-AcidCanned/Foods/default.htm.* For electronic submission go to FDA's Industry Systems Web site at *www.access.fda.gov.* Commercial processors duly registered in accordance with this section shall notify the Food and Drug Administration not later than 90 days after such commercial processor ceases or discontinues the manufacture, processing, or packing of thermally processed foods in any establishment: *Provided,* That such notification shall not be required as to the temporary cessation necessitated by the seasonal character of the particular establishment's production or caused by temporary conditions including but not limited to strikes, lockouts, fire, or acts of God.

(2) *Process filing.* A commercial processor engaged in the thermal processing of low-acid foods packaged in hermetically sealed containers shall, not later than 60 days after registration and prior to the packing of a new product, provide the Food and Drug Administration information as to the scheduled processes including but not limited to the processing method, type of retort or other thermal processing equipment employed, minimum initial temperatures, times and temperatures of processing, sterilizing value (Fo), or other equivalent scientific evidence of process adequacy, critical control factors affecting heat penetration, and source and date of the establishment of the process, for each such low-acid food in each container size: *Provided,* That the filing of such information does not constitute approval of the information by the Food and Drug Administration, and that information concerning processes and other data so filed shall be regarded as trade secrets within the meaning of 21 U.S.C. 331(j) and 18 U.S.C. 1905. This information shall be submitted on the following forms as appropriate: Form FDA 2541d (Food Process Filing for Low-Acid Retorted Method), Form FDA 2541f (Food Process Filing for Water Activity/Formulation Control Method), or Form FDA 2541g (Food Process Filing for Low-Acid Aseptic Systems). These forms are available from the LACF Registration Coordinator (HFS–303), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, or at any Food and Drug Administration district office. The completed form(s) shall be submitted to the LACF Registration Coordinator (HFS–303), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740. These forms also are available on the Food and Drug Administration's Web site at *http://www.fda.gov/Food/FoodSafety/Product-SpecificInformation/AcidifiedLow-AcidCannedFoods/default.htm.* For electronic submission, go to FDA's Industry Systems Web site at *www.access.fda.gov.*

* * * * *

(ii) If a packer intentionally makes a change in a previously filed scheduled process by reducing the initial temperature or retort temperature, reducing the time of processing, or changing the product formulation, the container, or any other condition basic to the adequacy of scheduled process, he shall prior to using such changed process obtain substantiation by qualified scientific authority as to its adequacy. Such substantiation may be obtained by telephone, telegram, or other media, but must be promptly recorded, verified in writing by the authority, and contained in the packer's files for review by the Food and Drug Administration. Within 30 days after first use, the packer shall submit to the LACF Registration Coordinator (HFS–303), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740 a complete description of the modifications made and utilized, together with a copy of his file record showing prior substantiation by a qualified scientific authority as to the safety of the changed process. Any intentional change of a previously filed scheduled process or modification thereof in which the change consists solely of a higher initial temperature, a higher retort temperature, or a longer processing time, shall not be considered a change subject to this paragraph, but if that modification is thereafter to be regularly scheduled, the modified process shall be promptly filed as a scheduled process, accompanied by full information on the specified forms as provided in this paragraph.

* * * * *

(i) This section shall not apply to the commercial processing of any food processed under the continuous inspection of the meat and poultry inspection program of the Food Safety Inspection Service of the Department of Agriculture under the Federal Meat Inspection Act (34 Stat. 1256, as amended by 81 Stat. 584 (21 U.S.C. 601 *et seq.*)) and the Poultry Products Inspection Act (71 Stat. 441, as amended by 82 Stat. 791 (21 U.S.C. 451 *et seq.*)).

* * * * *

Dated: September 15, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–23614 Filed 9–21–15; 8:45 am]

**BILLING CODE 4164–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA–R04–OAR–2015–0444; FRL–9934–42–Region 4]**

### Air Plan Approval; KY; Emissions Statements for the 2008 8-Hour Ozone NAAQS

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve the portion of a draft state implementation plan (SIP) revision submitted by the Commonwealth of Kentucky, through the Kentucky Division of Air Quality (DAQ) on April 15, 2015, for parallel processing, that addresses the emissions statement requirements for Kentucky's portion of the Cincinnati, Ohio-Kentucky-Indiana (Cincinnati, OH-KY-IN) 2008 8-hour ozone national ambient air quality standards (NAAQS) nonattainment area (hereinafter referred to as the ''Cincinnati, OH-KY-IN Area'' or ''Area''). Annual emissions reporting (*i.e.*, emissions statements) is required for all ozone nonattainment areas. The Area is comprised of Butler, Clermont, Clinton, Hamilton and Warren Counties in Ohio; portions of Boone, Campbell, and Kenton Counties in Kentucky; and a portion of Dearborn County in Indiana. EPA will consider and take action on the Ohio and Indiana submissions addressing the emissions statements requirements for their portions of this Area in separate actions. This action is being taken pursuant to the Clean Air Act (CAA or Act) and its implementing regulations.

**DATES:** Written comments must be received on or before October 22, 2015.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R04–OAR–2015–0444, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: R4–ARMS@epa.gov.*
3. *Fax:* (404) 562–9019.
4. *Mail:* ''EPA–R04–OAR–2015–0444,'' Air Regulatory Management Section, (formerly the Regulatory Development Section), Air Planning and Implementation Branch (formerly the Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.
5. *Hand Delivery or Courier:* Lynorae Benjamin, Chief, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

*Instructions:* Direct your comments to Docket ID No. EPA–R04–OAR–2015–0444. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov*, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

*Docket:* All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information may not be publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Tiereny Bell, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Ms. Bell can be reached at (404) 562–9088 and via electronic mail at *bell.tiereny@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. What is parallel processing?

Consistent with EPA regulations found at 40 CFR part 51, Appendix V, section 2.3.1, for purposes of expediting review of a SIP submittal, parallel processing allows a state to submit a plan to EPA prior to actual adoption by the state. Generally, the state submits a copy of the proposed regulation or other revisions to EPA before conducting its public hearing. EPA reviews this proposed state action and prepares a notice of proposed rulemaking. EPA's notice of proposed rulemaking is published in the **Federal Register** during the same time frame that the state is holding its public process. The state and EPA then provide for concurrent public comment periods on both the state action and federal action.

If the revision that is finally adopted and submitted by the state is changed in aspects other than those identified in the proposed rulemaking on the parallel process submission, EPA will evaluate those changes and if necessary and appropriate, issue another notice of proposed rulemaking. The final rulemaking action by EPA will occur only after the SIP revision has been adopted by the state and submitted formally to EPA for incorporation into the SIP.

On April 15, 2015, the State of Kentucky, through Kentucky DAQ, submitted a formal letter request for parallel processing of a draft SIP revision that the Commonwealth was already taking through public comment. Kentucky DAQ requested parallel processing so that EPA could begin to take action on its draft SIP revision in advance of the Commonwealth's submission of the final SIP revision, should that be necessary. As stated above, the final rulemaking action by EPA will occur only after the SIP revision has been: (1) Adopted by Kentucky; (2) submitted formally to EPA for incorporation into the SIP; and (3) evaluated by EPA, including any changes made by the State after the April 15, 2015, draft was submitted to EPA.

## II. Background

On March 12, 2008, EPA promulgated a revised 8-hour ozone NAAQS of 0.075 parts per million (ppm). *See* 73 FR 16436 (March 27, 2008). Under EPA's regulations at 40 CFR part 50, the 2008 8-hour ozone NAAQS is attained when the 3-year average of the annual fourth-highest daily maximum 8-hour average ambient air quality ozone concentrations is less than or equal to 0.075 ppm. *See* 40 CFR 50.15. Ambient air quality monitoring data for the 3-year period must meet a data completeness requirement. The ambient air quality monitoring data completeness requirement is met when the average percent of days with valid ambient monitoring data is greater than 90 percent, and no single year has less than 75 percent data completeness as determined in Appendix I of part 50.

Upon promulgation of a new or revised NAAQS, the CAA requires EPA to designate as nonattainment any area that is violating the NAAQS, based on the three most recent years of ambient air quality data at the conclusion of the designation process. The Cincinnati, OH-KY-IN Area was designated nonattainment for the 2008 8-hour ozone NAAQS on April 30, 2012 (effective July 20, 2012) using 2008–2010 ambient air quality data. *See* 77 FR 30088. At the time of designation, the Cincinnati, OH-KY-IN Area was classified as a marginal nonattainment area for the 2008 8-hour ozone NAAQS.

On March 6, 2015, EPA finalized a rule entitled ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements'' (SIP Requirements Rule) that establishes the requirements that state, tribal, and local air quality management agencies must meet as they develop implementation plans for areas where air quality exceeds the 2008 8-hour ozone NAAQS.[1] *See* 80 FR 12264. This rule establishes nonattainment area attainment dates based on Table 1 of section 181(a) of the CAA, including an attainment date three years after the July 20, 2012, effective date, for areas classified as marginal for the 2008 8-hour ozone NAAQS. Therefore, the attainment date for the Cincinnati, OH-KY-IN Area is July 20, 2015.

Based on the nonattainment designation, Kentucky is required to develop a nonattainment SIP revision addressing certain CAA requirements. Specifically, pursuant to CAA section 182(a)(3)(B), Kentucky is required to submit a SIP revision addressing emissions statements requirements.

Ground level ozone is not emitted directly into the air, but is created by chemical reactions between oxides of nitrogen ($NO_X$) and volatile organic compounds (VOC) in the presence of sunlight. Emissions from industrial facilities and electric utilities, motor vehicle exhaust, gasoline vapors, and chemical solvents are some of the major sources of $NO_X$ and VOC. Section 182(a)(3)(B) of the CAA requires each state with ozone nonattainment areas to submit a SIP revision requiring annual emissions statements to be submitted to the state by the owner or operator of each $NO_X$ or VOC stationary source [2] located within a nonattainment area showing the actual emissions of $NO_X$ and VOC from that source. The first statement is due three years from the area's nonattainment designation, and subsequent statements are due at least annually thereafter.

On April 15, 2015, Kentucky submitted a draft SIP revision, for parallel processing, containing emissions statements requirements related to its portion of the Cincinnati, OH-KY-IN Area. EPA is now taking action to propose approval of this SIP revision as meeting the requirements of section 182(a)(3)(B) of the CAA. More information on EPA's analysis of Kentucky's SIP revision is provided below.

## III. Analysis of the Commonwealth's Submittal

Kentucky's April 15, 2015, draft submission seeks to include the specific sections of 401 Kentucky Administrative Regulations (KAR) 52.020—*Title V permits*, 401 KAR 52:030 *Federally-enforceable permits for non-major sources*, 401 KAR 52:040—*State-Origin Permits*, and 401 KAR 52:070—*Registration of designated sources* identified on pages 8 and 9 of its submittal into the SIP to meet the emissions statements requirements of CAA section 182(a)(3)(B). EPA has preliminarily determined that the specific regulatory sections identified on pages 8 and 9 of the SIP submission, collectively, meet the emissions statement requirements of section 182(a)(3)(B) because they require sources that emit 25 tons per year or more of VOCs or $NO_X$ within the Kentucky portion of the Area to submit annual certified statements showing actual VOC and $NO_X$ emissions.[3] Consequently, EPA is proposing to approve the portion of Kentucky's April 15, 2015, draft SIP submission that addresses the emissions statements requirements for the Kentucky portion of the Area.

## IV. Incorporation By Reference

In this proposed rule, EPA is proposing to finalize regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to finalize the incorporate by reference of 401 KAR 52:020—*Title V permits*, Section 22 entitled ''Annual Emissions Certification'', first sentence only and Section 23 entitled ''Certification by Responsible Official'', introductory paragraph text and subsection (4) only; 401 KAR 52:030—*Federally-enforceable permits for nonmajor sources*, Section 3 entitled ''General Provisions'', subsection (4) only, Section 22 entitled ''Certification by Responsible Official'', introductory text and subsection (4) only, and Section 25 entitled ''Sources Subject to Title V'', subsection (1) introductory text, subsection (1)(c), and subsection (2) introductory text only; 401 KAR 52:040—*State-Origin Permits*, Section 3 entitled ''General Provisions'', subsection (2) introductory text, subsection (2)(c), and subsection (3) only, Section 20 entitled ''Annual Emissions Certification for Specified Sources'', subsection (1) only, and Section 21 entitled ''Certification by Responsible Official'', introductory text and subsection (4) only; and 401 KAR 52:070—*Registration of designated sources*, Section 3 entitled ''General Provisions'', subsection (2) introductory text, subsection (2)(a)(1), and subsection (2)(a)(2) first sentence only. EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the Region 4 EPA office (see the **ADDRESSES** section of this preamble for more information).

## V. Proposed Action

EPA is proposing to approve the portion of a draft SIP revision submitted by Kentucky on April 15, 2015, that addresses the CAA section 182(a)(3)(B) emissions statements requirements for the Kentucky portion of the Cincinnati, OH-KY-IN Area. EPA has preliminarily concluded that this portion of the Commonwealth's draft submission meets the requirements of sections 110 and 182 of the CAA.

## VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

[1] The SIP Requirements Rule addresses a range of nonattainment area SIP requirements for the 2008 ozone NAAQS, including requirements pertaining to attainment demonstrations, reasonable further progress (RFP), reasonably available control technology, reasonably available control measures, major new source review, emission inventories, and the timing of SIP submissions and of compliance with emission control measures in the SIP. The rule also revokes the 1997 ozone NAAQS and establishes anti-backsliding requirements.

[2] A state may waive the emissions statements requirement for any class or category of stationary sources which emit less than 25 tons per year of VOCs or $NO_X$ if the state meets the requirements of section 182(a)(3)(B)(ii).

[3] Kentucky's requirement for an emissions statement program is listed within its permitting regulations. Kentucky does not have a stand-alone regulation addressing the emissions statement requirements of section 182(a)(3)(B).

- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

**List of Subjects in 40 CFR Part 52**

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

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

Dated: September 10, 2015.

**Heather McTeer Toney,**

*Regional Administrator, Region 4.*

[FR Doc. 2015–23657 Filed 9–21–15; 8:45 am]

**BILLING CODE 6560–50–P**

# Notices

Federal Register
Vol. 80, No. 183
Tuesday, September 22, 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

### Federal Crop Insurance Corporation

**[Docket No. FCIC–15–0005]**

### Notice of Request for Extension of a Currently Approved Information Collection

**AGENCY:** Risk Management Agency, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) this notice announces the Risk Management Agency's intention to request an extension for and revision to a currently approved information collection for Risk Management Education and Targeted States Partnerships Program; Request for Applications.

**DATES:** Written comments on this notice will be accepted until close of business November 23, 2015.

**ADDRESSES:** RMA prefers that comments be submitted electronically through the Federal eRulemaking Portal. You may submit comments, identified by Docket ID No. FCIC–15–0005, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Deputy Director, Risk Management Education Division, USDA/RMA, 1400 Independence Avenue SW., Stop 0808, Washington, DC 20250–0801.

All comments received, including those received by mail, will be posted without change to *http://www.regulations.gov,* including any personal information provided, and can be accessed by the public. All comments must include the agency name and docket number or Regulatory Information Number (RIN) for this rule. For detailed instructions on submitting comments and additional information, see *http://www.regulations.gov.* If you are submitting comments electronically through the Federal eRulemaking Portal and want to attach a document, we ask that it be in a text-based format. If you want to attach a document that is a scanned Adobe PDF file, it must be scanned as text and not as an image, thus allowing RMA to search and copy certain portions of your submissions. For questions regarding attaching a document that is a scanned Adobe PDF file, please contact the RMA Web Content Team at (816) 823–4694 or by email at *rmaweb.content@rma.usda.gov.*

Privacy Act: Anyone is able to search the electronic form of all comments received for any dockets by the name of the person submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the complete User Notice and Privacy Notice for Regulations.gov at *http://www.regulations.gov/#!privacyNotice.*

**FOR FURTHER INFORMATION CONTACT:** Young Kim at (202) 720–1416 or via email at *Young.Kim@rma.usda.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Risk Management Education and Targeted States Partnerships Program.

*OMB Number:* 0563–0067.

*Type of Request:* Extension of a currently approved information collection.

*Abstract:* The Federal Crop Insurance Act directs the Federal Crop Insurance Corporation, operating through RMA, to (a) establish crop insurance education and information programs in States that have been historically underserved by the Federal crop insurance program [7 U.S.C. 1524(a)(2)]; and (b) provide agricultural producers with training opportunities in risk management, with a priority given to producers of specialty crops and underserved commodities [7 U.S.C. 1522(d)(3)(F)]. With this submission, RMA seeks to obtain OMB's approval for an information collection project that will assist RMA in operating and evaluating these programs. The information collection project is a Request for Applications. The primary objective of the information collection projects is to enable RMA to better evaluate the performance capacity and plans of organizations that are applying for funds for cooperative and partnership agreements for risk management education programs and crop insurance education programs in Targeted States.

*Estimate of Burden:* The public reporting burden for this collection of information is estimated to average: 16.75 per response for the Risk Management Education Targeted States Partnerships Program for agri-business professionals.

*Respondents/Affected Entities:* Agribusiness professionals.

*Estimated Annual Number of Respondents:* 250 respondents.

*Estimated Annual Number of Responses:* 250 responses or 1 per respondent.

*Estimated Total Annual Burden per Respondents:* 4,188 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, or other collection technologies, *e.g.* permitting electronic submission of responses.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Signed in Washington, DC, on September 14, 2015.

**Brandon Willis,**

*Manager, Federal Crop Insurance Corporation.*

[FR Doc. 2015–23438 Filed 9–21–15; 8:45 am]

**BILLING CODE 3410–FA–P**

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

**[Docket No. FCIC–15–0004]**

### Notice of Request for Renewal of a Currently Approved Information Collection

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Renewal of approval of an information collection; comment request.

**SUMMARY:** *Note:* With the renewal of this package, we are changing the title of the current information collection from General Administrative Regulations; Interpretations of Statutory and Regulatory Provisions to Interpretations of Statutory and Regulatory Provisions and Written Interpretations of FCIC Procedures.

This notice announces a public comment period on the information collection requests (ICRs) associated with the interpretation of statutory and regulatory provisions and written interpretations of FCIC procedures administered by Federal Crop Insurance Corporation (FCIC).

**DATES:** Written comments on this notice will be accepted until close of business November 23, 2015.

**ADDRESSES:** FCIC prefers that comments be submitted electronically through the Federal eRulemaking Portal. You may submit comments, identified by Docket ID No. FCIC–15–0004, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Director, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, P.O. Box 419205, Kansas City, MO 64133–6205.

All comments received, including those received by mail, will be posted without change to *http://www.regulations.gov,* including any personal information provided, and can be accessed by the public. All comments must include the agency name and docket number or Regulatory Information Number (RIN) for this document. For detailed instructions on submitting comments and additional information, see *http://www.regulations.gov.* If you are submitting comments electronically through the Federal eRulemaking Portal and want to attach a document, we ask that it be in a text-based format. If you want to attach a document that is a scanned Adobe PDF file, it must be scanned as text and not as an image, thus allowing FCIC to search and copy certain portions of your submissions. For questions regarding attaching a document that is a scanned Adobe PDF file, please contact the RMA Web Content Team at (816) 823–4694 or by email at *rmaweb.content@rma.usda.gov.*

Privacy Act: Anyone is able to search the electronic form of all comments received for any dockets by the name of the person submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the complete User Notice and Privacy Notice for Regulations.gov at *http://www.regulations.gov/#!privacyNotice.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Interpretations of Statutory and Regulatory Provisions and Written Interpretations of FCIC Procedures.

*OMB Number:* 0563–0055.

*Expiration Date of Approval:* February 29, 2016.

*Type of Request:* Extension of a currently approved information collection.

*Abstract:* FCIC is proposing to renew the currently approved information collection, OMB Number 0563–0055. It is currently up for renewal and extension for three years. The information collection requirements for this renewal package are necessary for FCIC to provide an interpretation of request for a final agency determination and an interpretation of procedures. This data is used to administer the provisions of 7 CFR part 400, subpart X in accordance with the Federal Crop Insurance Act, as amended.

We are asking the Office of Management and Budget (OMB) to extend its approval of our use of this information collection activity for an additional 3 years.

The purpose of this notice is to solicit comments from the public concerning this information collection activity. These comments will help us:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, *e.g.,* permitting electronic submission of responses.

*Estimate of Burden:* The public reporting burden for this collection of information is estimated to average 8 hours per response.

*Respondents/Affected Entities:* Parties affected by the information collection requirements included in this Notice are any producer (including their legal counsel) with a valid crop insurance policy and approved insurance provider (agents, loss adjusters, employees, contractors or legal counsel) with agreement with FCIC.

*Estimated Annual Number of Respondents:* 32.

*Estimated Annual Number of Responses per Respondent:* 1.

*Estimated Annual Number of Responses:* 32.

*Estimated Total Annual Burden Hours on Respondents:* 256.

*Comments are invited on:* (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, or other collection technologies, *e.g.* permitting electronic submission of responses.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Signed in Washington, DC, on September 14, 2015.

**Brandon Willis,**

*Manager, Federal Crop Insurance Corporation.*

[FR Doc. 2015–23440 Filed 9–21–15; 8:45 am]

**BILLING CODE 3410–08–P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Kansas Advisory Committee To Plan for a Public Hearing Regarding Civil Rights and Voting Requirements in the State; the Discussion Will Include Approving an Agenda of Speakers, and Logistical Setup for the Event

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Kansas Advisory Committee (Committee) will hold a meeting on Tuesday, October 27, 2015, at 12:00 p.m. CDT for the purpose of discussing preparations for an upcoming hearing on voting rights in the State.

This meeting is available to the public through the following toll-free call-in number: 888–539–3678, conference ID:

5855935. Any interested member of the public may call this number and listen to the meeting. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are invited and welcomed to make statements at the end of the conference call. In addition, members of the public may submit written comments; the comments must be received in the regional office within 30 days after the meeting. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Administrative Assistant, Corrine Sanders at *csanders@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://database.faca.gov/committee/meetings.aspx?cid=249* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

**Agenda**

Welcome and Introductions
Elizabeth Kronk Warner, Chair
Preparatory Discussion for Public Hearing on Voting Rights in Kansas
Kansas Advisory Committee
Open Comment
Public Participation
Adjournment

**DATES:** The meeting will be held on Tuesday, October 27, 2015, at 12:00 p.m. CDT.

*Public Call Information:*

Dial: 888–539–3678
Conference ID: 8588935

**FOR FURTHER INFORMATION CONTACT:** Melissa Wojnaroski, DFO, at 312–353–8311 or *mwojnaroski@usccr.gov*.

Dated September 16, 2015.

**David Mussatt,**

*Chief, Regional Programs Unit.*

[FR Doc. 2015–23979 Filed 9–21–15; 8:45 am]

**BILLING CODE 6335–01–P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Indiana Advisory Committee To Review and Vote for Approval of a Project Proposal To Study Civil Rights and the School to Prison Pipeline in Indiana

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Indiana Advisory Committee (Committee) will hold a meeting on Wednesday, October 14, 2015, at 3:00 p.m. EDT for the purpose of reviewing, and voting on the approval of a project proposal to study Civil Rights and the School to Prison Pipeline in Indiana. The Committee will also begin preparations for a related public hearing as appropriate.

Members of the public may listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–572–7034, conference ID: 725625. Any interested member of the public may call this number and listen to the meeting. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Member of the public are also invited to make statements during the scheduled open comment period. In addition, members of the public may submit written comments; the comments must be received in the regional office within 30 days after the Committee meeting. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Administrative Assistant, Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://database.faca.gov/committee/meetings.aspx?cid=247* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

*Agenda:*

Welcome and Introductions

Review and Vote on Approval of Project Proposal ''*Civil Rights and the School to Prison Pipeline in Indiana''*

Preparatory Discussion Regarding Public Hearing

Agenda of Panelists

Location

Date and Time

Schedule of Events

Open Comment

Adjournment

**DATES:** The meeting will be held on Wednesday October 14, 2015, at 3:00 p.m. EDT.

*Public Call Information:*

Dial: 888–572–7034

Conference ID: 725625

**FOR FURTHER INFORMATION CONTACT:** Melissa Wojnaroski, DFO, at 312–353–8311 or *mwojnaroski@usccr.gov*

Dated: September 16, 2015.

**David Mussatt,**

*Chief, Regional Programs Unit.*

[FR Doc. 2015–23980 Filed 9–21–15; 8:45 am]

**BILLING CODE 6335–01–P**

## DEPARTMENT OF COMMERCE

### Bureau of the Census

### Census Advisory Committee Meeting

**AGENCY:** Bureau of the Census, Department of Commerce.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Bureau of the Census (Census Bureau) is giving notice of a meeting of the National Advisory Committee on Racial, Ethnic and Other Populations (NAC). The NAC meeting will address the facilitator guide for tribal consultations. The NAC will meet via teleconference on October 13, 2015. Last-minute changes to the schedule are possible, which could prevent us from giving advance public notice of schedule adjustments. Please visit the Census Advisory Committees Web site for the most current meeting agenda at: *http://www.census.gov/cac/.*

**DATES:** October 13, 2015. The meeting will begin at approximately 2 p.m. and end at approximately 4 p.m.

**ADDRESSES:** The meeting will be held via teleconference. To attend, participants should call the following phone number: 1–877–973–5204. When prompted, please use the following password: 1733620.

**FOR FURTHER INFORMATION CONTACT:** Kim Collier, Assistant Division Chief for Stakeholders, Customer Liaison and Marketing Services Office, *kimberly.l.collier@census.gov,* Department of Commerce, U.S. Census Bureau, Room 8H185, 4600 Silver Hill Road, Washington, DC 20233, telephone 301–763–6590. For TTY callers, please use the Federal Relay Service 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:** The NAC comprises up to thirty-two members. The Committee provides an organized and continuing channel of communication between race, ethnic, and other populations and the Census Bureau. The Committee advises the Director of the Census Bureau on the full range of economic, housing, demographic, socioeconomic, linguistic, technological, methodological, geographic, behavioral and operational variables affecting the cost, accuracy and implementation of Census Bureau programs and surveys, including the decennial census.

The Committee is established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 10(a)(b)).

All meetings are open to the public. A brief period will be set aside at the meeting for public comment on October 13. However, individuals with extensive questions or statements must submit them in writing to: *census.national.advisory.committee@census.gov* (subject line ''October 13, 2015 NAC Teleconference Public Comment''), or by letter submission to the Committee Liaison Officer, October 13, 2015, NAC Teleconference, Department of Commerce, U.S. Census Bureau, Room 8H185, 4600 Silver Hill Road, Washington, DC 20233.

Dated: September 16, 2015.

**John H. Thompson,**

*Director, Bureau of the Census.*

[FR Doc. 2015–24070 Filed 9–21–15; 8:45 am]

**BILLING CODE 3510–07–P**

## DEPARTMENT OF COMMERCE

### Economic Development Administration

### Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

**AGENCY:** Economic Development Administration, Department of Commerce.

**ACTION:** Notice and opportunity for public comment.

Pursuant to Section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341 *et seq.*), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[9/16/2015 through 9/16/2015]

| Firm name | Firm address | Date accepted for investigation | Product(s) |
|---|---|---|---|
| Rex Plastics, Inc ..... | 12515 Northeast, 95th Street, Vancouver, WA 98682. | 9/16/2015 | The firm manufactures plastic molded products. |
| OmegaNet, Inc ..... | 2056 West Park Place Boulevard, Suite H, Stone Mountain, GA 30087. | 9/16/2015 | The service firm provides web site design, development and industry specific web development software. |
| Bracalente Manufacturing. | 20 West Creamery Road, Trumbauersville, PA 18970. | 9/16/2015 | The firm manufactures aluminum alloy profiles and components for aerospace, agriculture, automotive, and electronics industries. |
| Rochester Precision Machine, Inc. | 1016 Chester Avenue Southeast, Rochester, MN 55904. | 9/15/2015 | The firm manufactures precision machined metal components such as brackets, cylinders, housings and rotors. |
| Brookville Equipment Corporation. | 175 Evans Street, Brookville, PA 15825 ..... | 9/16/2015 | The firm manufactures rail mounted haulage and transportation equipment. |

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Dated: September 16, 2015.

**Michael S. DeVillo,**

*Eligibility Examiner.*

[FR Doc. 2015–24009 Filed 9–21–15; 8:45 am]

**BILLING CODE 3510–WH–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–002]**

### Chloropicrin From the People's Republic of China: Continuation of Antidumping Duty Order

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

**SUMMARY:** As a result of the determinations by the Department of Commerce (the ''Department'') and the International Trade Commission (the ''ITC'') that revocation of the antidumping duty order on chloropicrin from the People's Republic of China (''PRC'') would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing this notice of continuation of the antidumping duty order.

**DATES:** *Effective date:* September 22, 2015.

**FOR FURTHER INFORMATION:** Howard Smith, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5193.

**SUPPLEMENTARY INFORMATION:**

#### Background

On April 1, 2015, the Department initiated [1] and the ITC instituted [2] a five-year (sunset) review of the antidumping duty order on chloropicrin from the PRC pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). The Department conducted an expedited sunset review of this order. As a result of its review, the Department determined that revocation of the antidumping duty order on chloropicrin from the PRC would likely lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the dumping margins likely to prevail should the order be revoked.[3] On September 8, 2015, the ITC published its determination, pursuant to sections 751(c) and 752 of the Act, that revocation of the antidumping duty order on chloropicrin from the PRC would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[4]

#### Scope of the Order

The merchandise subject to the antidumping duty order is chloropicrin, also known as trichloronitromethane. A major use of the product is as a pre-plant soil fumigant (pesticide). Such merchandise is currently classifiable under Harmonized Tariff Schedule (''HTS'') item number 2904.90.50.05.[5] The HTS item number is provided for convenience and customs purposes. The written description remains dispositive.

#### Continuation of the Order

As a result of the determinations by the Department and the ITC that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty order on chloropicrin from the PRC. U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the order will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of the order not later than 30 days prior to the fifth anniversary of the effective date of continuation of the order.

This five-year sunset review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: September 15, 2015.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2015–24095 Filed 9–21–15; 8:45 am]

**BILLING CODE 3510–DS–P**

[1] *See Initiation of Five-year (''Sunset'') Review,* 80 FR 17388 (April 1, 2015).

[2] *See Chloropicrin From China; Institution of a Five-Year Review,* 80 FR 17496 (April 1, 2015).

[3] *See Chloropicrin From the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order,* 80 FR 47467 (August 07, 2015).

[4] *See Chloropicrin from China; Determinations,* 80 FR 53888 (September 8, 2015).

[5] In 2004, a new HTS category was developed and identified specifically for imports of chloropicrin, *i.e.,* 2904.90.50.05. Previously, the HTS category that included chloropicrin was 2904.90.50.

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–895 ]**

### Certain Crepe Paper Products From the People's Republic of China: Continuation of Antidumping Duty Order

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** As a result of the determinations by the Department of Commerce (''the Department'') and the International Trade Commission (''ITC'') that revocation of the antidumping duty order on certain crepe paper products from the People's Republic of China (''PRC'') would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing a notice of continuation of the antidumping duty order.

**DATES:** *Effective date:* September 22, 2015.

**FOR FURTHER INFORMATION:** Javier Barrientos, AD/CVD Operations, Office V, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2243.

**SUPPLEMENTARY INFORMATION:**

#### Background

On April 1, 2015, the Department initiated a sunset review of the antidumping duty order on certain crepe paper products from the PRC, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act'').[1] As a result of its review, the Department determined that revocation of the antidumping duty order on certain crepe paper products from the PRC would likely lead to a continuation or recurrence of dumping and, therefore, notified the ITC of the magnitude of the margins likely to prevail should the order be revoked.[2] On September 8, 2015, the ITC published its determination, pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on certain crepe paper products from the PRC would likely lead to a continuation or recurrence of material injury to an

[1] *See Initiation of Five-Year (''Sunset'') Review,* 80 FR 17388 (April 1, 2015).

[2] *See Certain Crepe Paper Products From the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order,* 80 FR 46954 (August 6, 2015).

industry in the United States within a reasonably foreseeable time.[3]

**Scope of the Order**

For purposes of the order, the term ''certain crepe paper'' includes crepe paper products that have a basis weight not exceeding 29 grams per square meter prior to being creped and, if appropriate, flame-proofed. Crepe paper has a finely wrinkled surface texture and typically but not exclusively is treated to be flame-retardant. Crepe paper is typically but not exclusively produced as streamers in roll form and packaged in plastic bags. Crepe paper may or may not be bleached, dye colored, surface-colored, surface decorated or printed, glazed, sequined, embossed, die-cut, and/or flame retardant. Subject crepe paper may be rolled, flat or folded, and may be packaged by banding or wrapping with paper, by placing in plastic bags, and/or by placing in boxes for distribution and use by the ultimate consumer. Packages of crepe paper subject to this order may consist solely of crepe paper of one color and/or style, or may contain multiple colors and/or styles. The merchandise subject to this order does not have specific classification numbers assigned to them under the Harmonized Tariff Schedule of the United States (''HTSUS''). Subject merchandise may be under one or more of several different HTSUS subheadings, including: 4802.30; 4802.54; 4802.61; 4802.62; 4802.69; 4804.39; 4806.40; 4808.30; 4808.90; 4811.90; 4818.90; 4823.90; 9505.90.40. The tariff classifications are provided for convenience and customs purposes; however, the written description of the scope of this order is dispositive.

**Continuation of the Order**

As a result of the determinations by the Department and the ITC that revocation of the antidumping duty order would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping order on certain crepe paper products from the PRC. U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the order will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of the order not later than 30 days prior to the fifth anniversary of the effective date of continuation.

This five-year (''sunset'') review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: September 11, 2015.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

[FR Doc. 2015–24038 Filed 9–21–15; 8:45 am]

**BILLING CODE 3510–DS–P**

[3] *See Crepe Paper from China: Determination,* 80 FR 53888 (September 8, 2015); *see also* Crepe Products from China: Investigation No. 731–TA–1070A USITC Publication 4560 (August 2015).

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–890]**

### Wooden Bedroom Furniture From the People's Republic of China: Final Results of Changed Circumstances Review, and Revocation of Antidumping Duty Order, in Part

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

**SUMMARY:** On August 11, 2015, the Department of Commerce (the ''Department'') published its *Preliminary Results* of a changed circumstances review (CCR) and intent to revoke, in part, the antidumping duty (''AD'') order on wooden bedroom furniture from the People's Republic of China (''PRC'') [1] with respect to certain jewelry armoires.[2] The Department preliminarily determined that the producers accounting for substantially all of the production of the domestic like product to which the *Order* pertains lacked interest in the relief provided by the *Order* with respect to certain jewelry armoires with at least one front door. We invited interested parties to comment on the *Preliminary Results.* No party submitted comments. For the final results, the Department is revoking, in part, the *Order* as to certain jewelry armoires with at least one front door.

**DATES:** *Effective date:* September 22, 2015.

**FOR FURTHER INFORMATION CONTACT:** Cara Lofaro or Howard Smith, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5720 or (202) 482–5193, respectively.

**Background**

On January 4, 2005, the Department published the *Order* in the **Federal Register**. On February 13, 2015, the Department received a request on behalf of Pier 1 Imports (U.S.), Inc. (''Pier One'') for a CCR to revoke, in part, the *Order* with respect to jewelry armoires with at least one front door.[3] On April 2, 2015, the Department published the *Initiation Notice* for the requested CCR in the **Federal Register**.[4] On August 11, 2015, the Department published the *Preliminary Results* of this CCR in which it found that producers accounting for substantially all of the production of the domestic like product lack interest in the relief afforded by the *Order* with respect to certain jewelry armoires that have at least one front door as described in Pier One's Request.[5] The Department invited interested parties to submit comments on the *Preliminary Results* in accordance with 19 CFR 351.309(c)(1)(ii). We received no comments.

**Final Results of Changed Circumstances Review, and Revocation of the Order, in Part**

Because no party submitted comments opposing the Department's *Preliminary Results,* and the record contains no other information or evidence that calls into question the *Preliminary Results,* the Department determines pursuant to section 751(d)(1) of the Tariff Act of 1930, as amended (the ''Act''), and 19 CFR 351.222(g), that there are changed circumstances that warrant revocation of the *Order,* in part. Specifically, because the producers accounting for substantially all of the production of the domestic like product to which the *Order* pertains, lack interest in the relief provided by the *Order* with respect to the following type

[1] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Wooden Bedroom Furniture From the People's Republic of China,* 70 FR 329 (January 4, 2005) (''*Order*'').

[2] *See Wooden Bedroom Furniture From the People's Republic of China: Preliminary Results of Changed Circumstances Review, and Intent To Revoke Antidumping Duty Order in Part,* 80 FR 48075 (August 11, 2015) (''*Preliminary Results*'').

[3] *See* Submission from Pier One, ''Wooden Bedroom Furniture From the People's Republic of China; Request for a Changed Circumstance Review as to Certain Additional Jewelry Armoires,'' dated February 13, 2015 (''Pier One's Request'').

[4] *See Wooden Bedroom Furniture from the People's Republic of China: Notice of Initiation of Changed Circumstances Review, and Consideration of Revocation of the Antidumping Duty Order in Part,* 80 FR 17719 (April 2, 2015) (''Initiation Notice'').

[5] *See Preliminary Results.*

of jewelry armoire, we are revoking the *Order,* in part with respect to any armoire, cabinet or other accent item for the purpose of storing jewelry, not to exceed 24 inches in width, 18 inches in depth, and 49 inches in height, including a minimum of 5 lined drawers lined with felt or felt-like material, at least one side door or one front door (whether or not the door is lined with felt or felt-like material), with necklace hangers, and a flip-top lid with inset mirror. The scope description below includes this exclusion language.

**Scope of the Order**

The product covered by the order is wooden bedroom furniture. Wooden bedroom furniture is generally, but not exclusively, designed, manufactured, and offered for sale in coordinated groups, or bedrooms, in which all of the individual pieces are of approximately the same style and approximately the same material and/or finish. The subject merchandise is made substantially of wood products, including both solid wood and also engineered wood products made from wood particles, fibers, or other wooden materials such as plywood, strand board, particle board, and fiberboard, with or without wood veneers, wood overlays, or laminates, with or without non-wood components or trim such as metal, marble, leather, glass, plastic, or other resins, and whether or not assembled, completed, or finished.

The subject merchandise includes the following items: (1) Wooden beds such as loft beds, bunk beds, and other beds; (2) wooden headboards for beds (whether stand-alone or attached to side rails), wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds; (3) night tables, night stands, dressers, commodes, bureaus, mule chests, gentlemen's chests, bachelor's chests, lingerie chests, wardrobes, vanities, chessers, chifforobes, and wardrobe-type cabinets; (4) dressers with framed glass mirrors that are attached to, incorporated in, sit on, or hang over the dresser; (5) chests-on-chests,[6] highboys,[7] lowboys,[8] chests of drawers,[9] chests,[10] door chests,[11] chiffoniers,[12] hutches,[13] and armoires; [14] (6) desks, computer stands, filing cabinets, book cases, or writing tables that are attached to or incorporated in the subject merchandise; and (7) other bedroom furniture consistent with the above list.

The scope of the order excludes the following items: (1) seats, chairs, benches, couches, sofas, sofa beds, stools, and other seating furniture; (2) mattresses, mattress supports (including box springs), infant cribs, water beds, and futon frames; (3) office furniture, such as desks, stand-up desks, computer cabinets, filing cabinets, credenzas, and bookcases; (4) dining room or kitchen furniture such as dining tables, chairs, servers, sideboards, buffets, corner cabinets, china cabinets, and china hutches; (5) other non-bedroom furniture, such as television cabinets, cocktail tables, end tables, occasional tables, wall systems, book cases, and entertainment systems; (6) bedroom furniture made primarily of wicker, cane, osier, bamboo or rattan; (7) side rails for beds made of metal if sold separately from the headboard and footboard; (8) bedroom furniture in which bentwood parts predominate; [15] (9) jewelry armories; [16] (10) cheval mirrors; [17] (11) certain metal parts; [18] (12) mirrors that do not attach to, incorporate in, sit on, or hang over a dresser if they are not designed and marketed to be sold in conjunction with a dresser as part of a dresser-mirror set; (13) upholstered beds; [19] and (14) toy boxes.[20] Also excluded from the scope

[6] A chest-on-chest is typically a tall chest-of-drawers in two or more sections (or appearing to be in two or more sections), with one or two sections mounted (or appearing to be mounted) on a slightly larger chest; also known as a tallboy.

[7] A highboy is typically a tall chest of drawers usually composed of a base and a top section with drawers, and supported on four legs or a small chest (often 15 inches or more in height).

[8] A lowboy is typically a short chest of drawers, not more than four feet high, normally set on short legs.

[9] A chest of drawers is typically a case containing drawers for storing clothing.

[10] A chest is typically a case piece taller than it is wide featuring a series of drawers and with or without one or more doors for storing clothing. The piece can either include drawers or be designed as a large box incorporating a lid.

[11] A door chest is typically a chest with hinged doors to store clothing, whether or not containing drawers. The piece may also include shelves for televisions and other entertainment electronics.

[12] A chiffonier is typically a tall and narrow chest of drawers normally used for storing undergarments and lingerie, often with mirror(s) attached.

[13] A hutch is typically an open case of furniture with shelves that typically sits on another piece of furniture and provides storage for clothes.

[14] An armoire is typically a tall cabinet or wardrobe (typically 50 inches or taller), with doors, and with one or more drawers (either exterior below or above the doors or interior behind the doors), shelves, and/or garment rods or other apparatus for storing clothes. Bedroom armoires may also be used to hold television receivers and/or other audio-visual entertainment systems.

[15] As used herein, bentwood means solid wood made pliable. Bentwood is wood that is brought to a curved shape by bending it while made pliable with moist heat or other agency and then set by cooling or drying. *See* CBP's Headquarters Ruling Letter 043859, dated May 17, 1976.

[16] Any armoire, cabinet or other accent item for the purpose of storing jewelry, not to exceed 24 inches in width, 18 inches in depth, and 49 inches in height, including a minimum of 5 lined drawers lined with felt or felt-like material, at least one side door or one front door (whether or not the door is lined with felt or felt-like material), with necklace hangers, and a flip-top lid with inset mirror. *See* Issues and Decision Memorandum from Laurel LaCivita to Laurie Parkhill, Office Director, concerning ''Jewelry Armoires and Cheval Mirrors in the Antidumping Duty Investigation of Wooden Bedroom Furniture from the People's Republic of China,'' dated August 31, 2004. *See also Wooden Bedroom Furniture From the People's Republic of China: Final Changed Circumstances Review, and Determination To Revoke Order in Part,* 71 FR 38621 (July 7, 2006).

[17] Cheval mirrors are any framed, tiltable mirror with a height in excess of 50 inches that is mounted on a floor-standing, hinged base. Additionally, the scope of the order excludes combination cheval mirror/jewelry cabinets. The excluded merchandise is an integrated piece consisting of a cheval mirror, *i.e.,* a framed tiltable mirror with a height in excess of 50 inches, mounted on a floor-standing, hinged base, the cheval mirror serving as a door to a cabinet back that is integral to the structure of the mirror and which constitutes a jewelry cabinet line with fabric, having necklace and bracelet hooks, mountings for rings and shelves, with or without a working lock and key to secure the contents of the jewelry cabinet back to the cheval mirror, and no drawers anywhere on the integrated piece. The fully assembled piece must be at least 50 inches in height, 14.5 inches in width, and 3 inches in depth. *See Wooden Bedroom Furniture From the People's Republic of China: Final Changed Circumstances Review and Determination To Revoke Order in Part,* 72 FR 948 (January 9, 2007).

[18] Metal furniture parts and unfinished furniture parts made of wood products (as defined above) that are not otherwise specifically named in this scope (*i.e.,* wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds) and that do not possess the essential character of wooden bedroom furniture in an unassembled, incomplete, or unfinished form. Such parts are usually classified under HTSUS subheadings 9403.90.7005, 9403.90.7010, or 9403.90.7080.

[19] Upholstered beds that are completely upholstered, *i.e.,* containing filling material and completely covered in sewn genuine leather, synthetic leather, or natural or synthetic decorative fabric. To be excluded, the entire bed (headboards, footboards, and side rails) must be upholstered except for bed feet, which may be of wood, metal, or any other material and which are no more than nine inches in height from the floor. *See Wooden Bedroom Furniture from the People's Republic of China: Final Results of Changed Circumstances Review and Determination to Revoke Order in Part,* 72 FR 7013 (February 14, 2007).

[20] To be excluded the toy box must: (1) be wider than it is tall; (2) have dimensions within 16 inches to 27 inches in height, 15 inches to 18 inches in depth, and 21 inches to 30 inches in width; (3) have a hinged lid that encompasses the entire top of the box; (4) not incorporate any doors or drawers; (5) have slow-closing safety hinges; (6) have air vents; (7) have no locking mechanism; and (8) comply with American Society for Testing and Materials (''ASTM'') standard F963–03. Toy boxes are boxes generally designed for the purpose of storing children's items such as toys, books, and playthings. *See Wooden Bedroom Furniture from the People's Republic of China: Final Results of Changed Circumstances Review and Determination to Revoke Order in Part,* 74 FR 8506 (February 25, 2009). Further, as determined in the scope ruling memorandum ''Wooden Bedroom Furniture from the People's Republic of China: Scope Ruling on a White Toy Box,'' dated July 6, 2009, the

Continued

are certain enclosable wall bed units, also referred to as murphy beds, which are composed of the following three major sections: (1) a metal wall frame, which attaches to the wall and uses coils or pistons to support the metal mattress frame; (2) a metal frame, which has euro slats for supporting a mattress and two legs that pivot; and (3) wood panels, which attach to the metal wall frame and/or the metal mattress frame to form a cabinet to enclose the wall bed when not in use. Excluded enclosable wall bed units are imported in ready-to-assemble format with all parts necessary for assembly. Enclosable wall bed units do not include a mattress. Wood panels of enclosable wall bed units, when imported separately, remain subject to the order.

Also excluded from the scope are certain shoe cabinets 31.5–33.5 inches wide by 15.5–17.5 inches deep by 34.5–36.5 inches high. They are designed strictly to store shoes, which are intended to be aligned in rows perpendicular to the wall along which the cabinet is positioned. Shoe cabinets do not have drawers, rods, or other indicia for the storage of clothing other than shoes. The cabinets are not designed, manufactured, or offered for sale in coordinated groups or sets and are made substantially of wood, have two to four shelves inside them, and are covered by doors. The doors often have blinds that are designed to allow air circulation and release of bad odors. The doors themselves may be made of wood or glass. The depth of the shelves does not exceed 14 inches. Each shoe cabinet has doors, adjustable shelving, and ventilation holes.

Imports of subject merchandise are classified under subheadings 9403.50.9042 and 9403.50.9045 of the HTSUS as ''wooden . . . beds'' and under subheading 9403.50.9080 of the HTSUS as ''other . . . wooden furniture of a kind used in the bedroom.'' In addition, wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds may also be entered under subheading 9403.50.9042 or 9403.50.9045 of the HTSUS as ''parts of wood.'' Subject merchandise may also be entered under subheadings 9403.50.9041, 9403.60.8081, 9403.20.0018, or 9403.90.8041. Further, framed glass mirrors may be entered under subheading 7009.92.1000 or 7009.92.5000 of the HTSUS as ''glass mirrors . . . framed.'' The order covers all wooden bedroom furniture meeting the above description, regardless of tariff classification. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

dimensional ranges used to identify the toy boxes that are excluded from the wooden bedroom furniture order apply to the box itself rather than the lid.

### Instructions to U.S. Customs and Border Protection

Because we determine that there are changed circumstances that warrant the revocation of the *Order,* in part, we will instruct U.S. Customs and Border Protection (''CBP'') to liquidate without regard to antidumping duties, and to refund any estimated antidumping duties on, all unliquidated entries of the merchandise covered by this revocation that are not covered by the final results of an administrative review or automatic liquidation.

### Notification

This notice serves as a reminder to parties subject to an administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these final results and revocation, in part, and notice in accordance with sections 751(b) and 777(i) of the Act and 19 CFR 351.216, 19 CFR 351.221(c)(3), and 19 CFR 351.222.

Dated: September 14, 2015.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2015–24090 Filed 9–21–15; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

### United States Travel and Tourism Advisory Board: Meeting of the United States Travel and Tourism Advisory Board

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

**ACTION:** Notice of an Open Meeting.

**SUMMARY:** The United States Travel and Tourism Advisory Board (Board) will hold an open meeting held via teleconference on Tuesday, October 6, 2015. The Board was re-chartered in August 2015, to advise the Secretary of Commerce on matters relating to the U.S. travel and tourism industry.

The purpose of the meeting is for Board members to review and deliberate on recommendations developed by the Infrastructure subcommittee looking at the Department of Transportation's ''Beyond Traffic 2045'' report. The agenda may change to accommodate Board business. The final agenda will be posted on the Department of Commerce Web site for the Board at *http://trade.gov/ttab,* at least one week in advance of the meeting.

**DATES:** Tuesday, October 6, 2015, 4:00 p.m.–5:00 p.m. The deadline for members of the public to register, including requests to make comments during the meetings and for auxiliary aids, or to submit written comments for dissemination prior to the meeting, is 5 p.m. EDT on September 29, 2015.

**ADDRESSES:** The meeting will be held by conference call. The call-in number and passcode will be provided by email to registrants. Requests to register (including to speak or for auxiliary aids) and any written comments should be submitted to: U.S. Travel and Tourism Advisory Board, U.S. Department of Commerce, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230, *archana.sahgal@trade.gov.* Members of the public are encouraged to submit registration requests and written comments via email to ensure timely receipt.

**FOR FURTHER INFORMATION CONTACT:** Archana Sahgal, the United States Travel and Tourism Advisory Board, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: 202–482–4501, email: *archana.sahgal@trade.gov.*

**SUPPLEMENTARY INFORMATION:**

### Background

The Board advises the Secretary of Commerce on matters relating to the U.S. travel and tourism industry.

### Public Participation

The meeting will be open to the public and will be accessible to people with disabilities. All guests are required to register in advance by the deadline identified under the **DATES** caption. Requests for auxiliary aids must be submitted by the registration deadline. Last minute requests will be accepted, but may be impossible to fill. There will be fifteen (15) minutes allotted for oral comments from members of the public joining the call. To accommodate as many speakers as possible, the time for public comments may be limited to

three (3) minutes per person. Individuals wishing to reserve speaking time during the meeting must submit a request at the time of registration, as well as the name and address of the proposed speaker. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a written copy of their prepared remarks by 5:00 p.m. on Tuesday, September 29, 2015, for inclusion in the meeting records and for circulation to the members of the Travel and Tourism Advisory Board.

In addition, any member of the public may submit pertinent written comments concerning the Board's affairs at any time before or after the meeting. Comments may be submitted to Archana Sahgal at the contact information indicated above. To be considered during the meeting, comments must be received no later than 5:00 p.m. EDT on September 29, 2015, to ensure transmission to the Board prior to the meeting. Comments received after that date and time will be distributed to the members but may not be considered on the call. Copies of Board meeting minutes will be available within 90 days of the meeting.

Dated: September 17, 2015.

**Archana Sahgal,**

*Executive Secretary, United States Travel and Tourism Advisory Board.*

[FR Doc. 2015–24072 Filed 9–21–15; 8:45 am]

**BILLING CODE 3510–DR–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–549–502]**

### Circular Welded Carbon Steel Pipes and Tubes From Thailand: Rescission of Antidumping Duty Administrative Review; 2015

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

**DATES:** *Effective date:* September 22, 2015.

**FOR FURTHER INFORMATION CONTACT:** Alexander Cipolla or Nicholas Czajkowski, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4956 and (202) 482–1395, respectively.

**Background**

On March 2, 2015, the Department of Commerce (the Department) published a notice of opportunity to request an administrative review of the antidumping duty (AD) order on circular welded carbon steel pipes and tubes from Thailand covering the period of review (POR) of March 1, 2014, through February 28, 2015.[1] The Department received a timely request for review of Saha Thai Steel Pipe (Public) Company, Ltd. (Saha Thai).[2] The Department published a notice initiating an administrative review of the AD order on circular welded carbon steel pipes and tubes from Thailand with respect to Saha Thai.[3] On April 28, 2015, Saha Thai timely withdrew its request for review.[4]

**Rescission**

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party or parties that requested the review withdraws the request within 90 days of the publication date of the notice of initiation of the requested review. As noted above, Saha Thai withdrew its request for review within 90 days of the publication date of the notice of initiation. No other parties requested an administrative review of the order. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review in its entirety.

**Assessment**

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of circular welded carbon steel pipes and tubes from Thailand. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice of rescission of administrative review.

**Notification Regarding Administrative Protective Orders**

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties

This notice also serves as a final reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under an APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: September 15, 2015.

**Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2015–24057 Filed 9–21–15; 8:45 am]

**BILLING CODE 3510–DS–P**

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 80 FR 11161 (March 2, 2015).

[2] *See* Letter to the Department from Saha Thai ''Circular Welded Carbon Steel Pipes and Tubes from Thailand, (A–549–502)—Request for Administrative Review for POR 2014–2015,'' dated March 31, 2015.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative,* 80 FR 24233 (April 30, 2015).

[4] *See* Letter to the Department from Saha Thai ''Circular Welded Carbon Steel Pipes and Tubes from Thailand (A–549–502)—Withdrawal of Request for Administrative Review for POR 2014–2015'' dated April 28, 2015.

## DEPARTMENT OF COMMERCE

### International Trade Administration

### President's Advisory Council on Doing Business In Africa: Meeting of the President's Advisory Council on Doing Business in Africa

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

**ACTION:** Notice of an Open Meeting.

**SUMMARY:** The President's Advisory Council on Doing Business in Africa (Council) will hold a meeting to deliberate on recommendations related to strengthening commercial engagement between the United States and Africa. Topics may include: infrastructure development, energy and

power, health system strengthening, regional cooperation, agricultural value chain, training, entrepreneurship, and women in business. The final agenda will be posted at least one week in advance of the meeting on the Council's Web site at *http://trade.gov/pac-dbia.*

**DATES:** October 14, 2015 at 9:30 a.m. (ET).

**ADDRESSES:** The President's Advisory Council on Doing Business in Africa meeting will be broadcast via live webcast on the Internet at *http://whitehouse.gov/live.*

**FOR FURTHER INFORMATION CONTACT:** Tricia Van Orden, Executive Secretary, President's Advisory Council on Doing Business in Africa, Room 4043, 1401 Constitution Avenue NW., Washington, DC, 20230, telephone: 202–482–5876, email: *dbia@trade.gov.*

**SUPPLEMENTARY INFORMATION:**

*Background:* President Barack Obama directed the Secretary of Commerce to establish the President's Advisory Council on Doing Business in Africa by Executive Order No. 13675 dated August 5, 2014. The Council was established by Charter on November 3, 2014, to advise the President, through the Secretary of Commerce, on strengthening commercial engagement between the United States and Africa, with a focus on advancing the President's Doing Business in Africa Campaign as described in the U.S. Strategy Toward Sub-Saharan Africa of June 14, 2012. This Council is established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App.

*Public Submissions:* The public is invited to submit written statements to the President's Advisory Council on Doing Business in Africa. Statements must be received by COB October 9, 2015, by either of the following methods:

a. Electronic Submissions

Submit statements electronically to Tricia Van Orden, Executive Secretary, President's Advisory Council on Doing Business in Africa, via email: *dbia@trade.gov.*

b. Paper Submissions

Send paper statements to Tricia Van Orden, Executive Secretary, President's Advisory Council on Doing Business in Africa, Room 4043, 1401 Constitution Avenue NW., Washington, DC, 20230.

Statements will be provided to the members in advance of the meeting for consideration and also will be posted on the President's Advisory Council on Doing Business in Africa Web site (*http://trade.gov/pac-dbia*) without change, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you wish to make publicly available.

*Meeting minutes:* Copies of the Council's meeting minutes will be available within ninety (90) days of the meeting on the Council's Web site at *http://trade.gov/pac-dbia.*

Dated: September 17, 2015.

**Tricia Van Orden,**

*Executive Secretary, President's Advisory Council on Doing Business in Africa.*

[FR Doc. 2015–24079 Filed 9–21–15; 8:45 am]

**BILLING CODE 3510–DR–P**

## BUREAU OF CONSUMER FINANCIAL PROTECTION

### Notice of Availability of Translated Consumer Information Booklet

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice of availability.

**SUMMARY:** The Bureau of Consumer Financial Protection (Bureau) announces the availability of a Spanish-language translation of a consumer publication, the Home Buying Information Booklet, also known as the Special Information Booklet or the Settlement Cost Booklet, required under the Real Estate Settlement Procedures Act (RESPA), Regulation X, and Regulation Z. The title of this publication is *Su conjunto de herramientas para préstamos hipotecarios: Guía paso a paso* (English title: *Your home loan toolkit: a step-by-step guide*).

**ADDRESSES:** The Spanish translation of the consumer publication is available for download on the Bureau's Web site at *www.consumerfinance.gov/learnmore* and can also be found in the Catalog of U.S. Government Publications (*http://catalog.gpo.gov*), maintained by Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402.

**FOR FURTHER INFORMATION CONTACT:** Julie Vore, Originations Analyst, Office of Mortgage Markets; or David Friend, Counsel, Office of Regulations; *CFPB_reginquiries@cfpb.gov* or (202) 435–7700.

**SUPPLEMENTARY INFORMATION:** The Bureau is publishing this notice of availability to inform the public of a Spanish-language translation of the recently revised Home Buying Information Booklet (Booklet). Background and contents of the Booklet were provided in the Notice of availability of the English-language version of the Booklet in 80 FR 17414, on April 1, 2015.

**Distribution and Use of the Translated Toolkit**

The Bureau views this Booklet as part of the Bureau's broader mission to educate consumers about consumer financial products. The Booklet was revised to, among other things, improve its readability and usability and link to the Bureau's Web site for tools and resources that consumers can use to make better-informed decisions about homeownership. Pursuant to 12 CFR 1026.19(g)(2), creditors may not make changes to, deletions from, or additions to the Booklet, other than certain types of changes to the cover page.

Under 12 U.S.C. 2604(a), the Bureau is required to prepare a booklet to help consumers applying for federally related mortgage loans to understand the nature and costs of real estate settlement services. Under 12 U.S.C. 2604(d) and 12 CFR 1024.6(d) and 1026.19(g), each lender is required to provide the Booklet to each person from whom it receives an application for certain mortgage loans. The statute and regulations require the lender to deliver the Booklet or place it in the mail not later than three business days after the lender receives an application. Lenders are required to provide the Booklet in the version that is most appropriate for the person receiving it. 12 U.S.C. 2604(d). Just as with the revised English-language version announced on March 31, 2015, the Spanish-language version of the Booklet has been designed to help consumers make better-informed decisions about homeownership and understand the nature and costs of real estate settlement services. The Bureau encourages all mortgage market participants (including real estate agents, homeownership counselors, and mortgage brokers, for example) to provide the Booklet to consumers at any time, preferably as early in the home- or mortgage-shopping process as possible.

Those who provide the Booklet should be aware that both the revised English and Spanish-language versions include information on the new Loan Estimate and Closing Disclosure that generally is required to be provided to consumers for applications for federally related mortgage loans that are received on or after October 3, 2015. Accordingly, the Bureau believes that

the English and Spanish versions of the Booklet, entitled *Your home loan toolkit: A step-by-step guide* or *Su conjunto de herramientas para préstamos hipotecarios: Guía paso a paso,* respectively, should be used only after that date.

The Bureau also announces that it has fixed a typographical error in the ''small'' English-language version of the Booklet. This error was nonsubstantive: A duplicate sentence located on page 44. The corrected version is now available on the Bureau's Web site as well as in the Catalog of U.S. Government Publications.

Dated: September 14, 2015.

**Richard Cordray,**

*Director, Bureau of Consumer Financial Protection.*

[FR Doc. 2015–24031 Filed 9–21–15; 8:45 am]

**BILLING CODE 4810–AM–P**

## DEPARTMENT OF DEFENSE

### Department of the Air Force

### US Air Force Partially Patent License

**AGENCY:** Air Force Research Laboratory Information Directorate, Rome, New York, Department of the Air Force.

**ACTION:** Notice of intent to issue a partially exclusive patent license.

**SUMMARY:** Pursuant to the provisions of part 404 of Title 37, Code of Federal Regulations, which implements Public Law 96–517, as amended, the Department of the Air Force announces its intention to grant Exelis Inc., a wholly owned subsidiary of Harris Corporation, Mission Sustainment Division, a corporation of Indiana, having a place of business at 474 Phoenix Drive, Rome, New York 13441, a partially exclusive license in any right, title and interest the United States Air Force has in: U.S. Patent No. 8,732,100, issued on May 20th, 2014 entitled ''Method and Apparatus for Event Detection Permitting Per Event Adjustment of False Alarm Rate.''

**FOR FURTHER INFORMATION CONTACT:** An exclusive license for this patent will be granted unless a written objection is received within fifteen (15) days from the date of publication of this Notice. Written objections should be sent to: Air Force Research Laboratory, Office of the Staff Judge Advocate, AFRL/RIJ, 26 Electronic Parkway, Rome, New York 13441–4514. Telephone: (315) 330–2087; Facsimile (315) 330–7583.

**Henry Williams,**

*Acting, Air Force Federal Register Liaison Officer.*

[FR Doc. 2015–23989 Filed 9–21–15; 8:45 am]

**BILLING CODE 5001–10–P**

## DEPARTMENT OF DEFENSE

### Department of the Air Force

### Notice of Intent To Prepare an Environmental Impact Statement on the Proposal To Improve F–22 Operational Efficiency at Joint Base Elmendorf-Richardson, Alaska

**AGENCY:** United States Air Force, Pacific Air Forces.

**ACTION:** Notice of intent.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321, *et seq.*), the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), and Air Force policy and procedures (32 CFR part 989), the Air Force is issuing this notice to advise the public of the intent to prepare an Environmental Impact Statement (EIS) for proposed F–22 operational efficiency improvements at Joint Base Elmendorf-Richardson (JBER).

The proposed action is to improve F–22 operational efficiency; there is no proposed change in the number of aircraft at JBER nor in the ongoing military training in existing Alaska training airspace. Six alternatives that have been initially identified include changes in runway use and/or airfield infrastructure and maintenance. The EIS will address potential impacts resulting from implementation of the alternatives. The No Action Alternative is the runway use conditions from the F–22 Plus-Up Environmental Assessment (EA) and Finding of No Significant Impacts (FONSI) published, June 2011.

*Scoping:* In order to define the full range of issues to be evaluated in the EIS, the Air Force will determine the scope of the analysis by soliciting comments from interested local, state and federal elected officials and agencies, as well as interested members of the public. This NOI also serves to provide early notice of compliance with Executive Order (EO) 11990, ''Protection of Wetlands'' and EO 11988, ''Floodplain Management.'' State and federal regulatory agencies with special expertise in wetlands and floodplains have been contacted to request comment. The Air Force plans to use the NEPA scoping process to also fulfill the requirements of the NHPA Section 106 implementing regulations by seeking public input on historic preservation issues and concerns.

The scoping meeting will be held Wednesday, October 14, 2015, from 6:00 p.m. to 8:30 p.m. ADT, at Tyson Elementary School, 2801 Richmond Avenue, Anchorage, Alaska.

Public scoping comments will be accepted in writing at the scoping meetings. Additional scoping comments will be accepted at any time during the EIS process. However, in order to ensure the Air Force has sufficient time to consider public input, scoping comments should arrive at the address below by October 27, 2015.

**FOR FURTHER INFORMATION CONTACT:** JBER Public Affairs, Bldg. 10480 Sijan Ave., Suite 123, JBER, AK 99506 telephone: 907–552–8151 or email: *jber.pa.3@us.af.mil.*

**Henry Williams,**

*Acting Air Force Federal Register Liaison Officer.*

[FR Doc. 2015–23988 Filed 9–21–15; 8:45 am]

**BILLING CODE 5001–10–P**

## DEPARTMENT OF DEFENSE

### Department of the Army

### Army Science Board Partially Closed Meeting Notice

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice of a partially closed meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 and title 41 of the Code of Federal Regulations, the Department of the Army announces a meeting of the Army Science Board.

**FOR FURTHER INFORMATION CONTACT:** Army Science Board, Designated Federal Officer, 2530 Crystal Drive, Suite 7098, Arlington, VA 22202; LTC Stephen K. Barker, the committee's Designated Federal Officer (DFO), at (703) 545–8652 or email: *stephen.k.barker.mil@mail.mil*, or Mr. Paul Woodward at (703) 695–8344 or email: *paul.j.woodward2.civ@mail.mil.*

**SUPPLEMENTARY INFORMATION:** Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (U.S.C. 552b, as amended) and 41 Code of Federal Regulations (CFR) § 102–3.140 through 160, the Department of the Army

announces the following committee meeting:

*Name of Committee:* Army Science Board (ASB) Fall Voting Session.

*Date:* Tuesday, October 6, 2015.

*Time:* 0800–1100.

*Locations:*

*Open portion:* Capital Conference Center, One Virginia Square, 3601 Wilson Boulevard, 6th Floor, Arlington, Virginia 22201, from 0800–0900.

*Closed portion:* Capital Conference Center, One Virginia Square, 3601 Wilson Boulevard, 6th Floor, Arlington, Virginia 22201, from 0900–1100.

*Purpose of Meeting:* The purpose of the meeting is for ASB members to review, deliberate, and vote on the findings and recommendations presented for the Board's two remaining Fiscal Year 2015 (FY15) studies.

*Agenda:* The board will present findings and recommendations for deliberation and vote on the following two FY15 studies:

Human Interaction and Behavioral Enhancement. This study is partially classified and will be presented in the open and closed portions of the meeting. The purpose of this study is to identify and assess methods and techniques to understand, interact, and influence human behavior in support of Army missions.

Force 2025 and Beyond. This study is classified and will be presented in the closed portion of the meeting. This study will provide findings and recommendations for operational concepts and advanced technologies along with the associated force designs for improving and maintaining readiness, designing and conducting training, and aligning the required logistics investments.

*Filing Written Statement:* Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow the public to speak; however, interested persons may submit a written statement for consideration by the Board. Individuals submitting a written statement must submit their statement to the DFO at the address listed above. Written statements not received at least 10 calendar days prior to the meeting may not be considered by the Board prior to its scheduled meeting.

The DFO will review all timely submissions with the Board's executive committee and ensure they are provided to the specific study members as necessary before, during, or after the meeting. After reviewing written comments, the study chairs and the DFO may choose to invite the submitter of the comments to orally present their issue during a future open meeting.

The DFO, in consultation with the executive committee, may allot a specific amount of time for members of the public to present their issues for discussion.

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 3.165, and the availability of space, the open portion of this meeting is open to the public. Seating is on a first-come basis. The Antlers Hilton is fully handicapped accessible. For additional information about public access procedures, contact LTC Stephen Barker at the telephone number or email address listed in the **FOR FURTHER INFORMATION CONTACT** section.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2015–24089 Filed 9–21–15; 8:45 am]

**BILLING CODE 3710–08–P**

## DEPARTMENT OF DEFENSE

### Department of the Army

### Final Environmental Impact Statement for Short-Term Projects and Real Property Master Plan Update for Fort Belvoir, VA

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice of availability.

**SUMMARY:** The Department of the Army announces the availability of the Final Environmental Impact Statement (FEIS) for the proposed update of the Real Property Master Plan (RPMP) for Fort Belvoir, VA, which includes proposed short-term projects and long-term development. In accordance with the National Environmental Policy Act (NEPA), the FEIS analyzes the environmental impacts associated with the proposed short-term projects, long-term development, and anticipated land use changes designated in an updated RPMP. The short-term projects are proposed for implementation through 2017. The long-term development projects, which currently are not fully defined, are proposed for implementation between 2018 and 2030. The FEIS assesses potential environmental impacts associated with future development and management of land, facilities, resources and infrastructure based on the population capacity identified in the updated RPMP. The only area for which significant adverse impacts are identified is traffic and transportation. The updated RPMP incorporates adjustments to the land use plan in the RPMP that were made in the Final EIS for the Implementation of Base Realignment and Closure (BRAC) Recommendations and Related Army Actions at Fort Belvoir, VA (2007) and BRAC-related changes made since 2007.

**DATES:** The FEIS will be available for 30 days following publication of the NOA in the **Federal Register** by the U.S. Environmental Protection Agency.

**ADDRESSES:** A copy of the FEIS may be obtained by contacting: Fort Belvoir Directorate of Public Works at Environmental and Natural Resources Division, Re: Real Property Master Plan EIS, 9430 Jackson Loop, Suite 200, Fort Belvoir, VA 22060–5116; or by email to *imcom.fortbelvoir.dpw.environmental@us.army.mil*. The FEIS can be viewed at the following Web site: *https://www.belvoir.army.mil/environdocssection9.asp*.

**FOR FURTHER INFORMATION CONTACT:** Please contact Fort Belvoir Directorate of Public Works, Environmental and Natural Resources Division, at 703–806–3193 or 703–806–0020, during normal working business hours Monday through Friday, 8 a.m. to 4:00 p.m.; or by email to *imcom.fortbelvoir.dpw.environmental@us.army.mil*.

**SUPPLEMENTARY INFORMATION:** The RPMP and the FEIS focus on Fort Belvoir's Main Post (7,700 acres) and the Fort Belvoir North Area (800 acres, formerly called the Engineer Proving Ground). The RPMP update does not cover Fort Belvoir property at Rivanna Station in Charlottesville, VA; the Mark Center in Alexandria, VA; or the Humphreys Engineer Center, adjacent to Main Post.

The FEIS analyzes the environmental impacts of the short-term projects currently programmed for construction through 2017. These projects include new office buildings, community and recreational facilities, a Fisher House (provides free or low cost lodging to veterans and military families receiving treatment at military medical centers), industrial and maintenance facilities, roads, a new gate, and the National Museum of the U.S. Army.

The Army is also updating its RPMP for Fort Belvoir by analyzing the off-post and on-post environmental impacts of reasonably foreseeable future development and management of real property (land uses, facilities, resources, infrastructure, and population capacity). The FEIS assesses the potential direct, indirect, and cumulative environmental impacts associated with updating the RPMP to meet the Army's current and future planning needs. Additional site-specific NEPA analyses will be prepared for the long-term projects identified in the RPMP, as appropriate.

Four alternatives are analyzed in the FEIS: No Action, Full Implementation, Modified Long-Term, and Modified Short-Term. The alternatives reflect various scenarios for short-term and long-term development. Other alternatives are briefly considered in the FEIS but were determined not to require further analysis.

(1) The No Action Alternative proposes maintaining the current conditions and not proceeding with any new short-term projects or long-term development. The approved 1993 RPMP (as amended in the 2007 BRAC EIS) would remain in effect.

(2) The Full Implementation Alternative (the Preferred Alternative) proposes implementing the revised RPMP, all short-term projects, and all long-term projects.

(3) The Modified Long-Term Alternative proposes implementing the revised RPMP, all but two short-term projects proposed under the Full Implementation Alternative, and all but one of the long-term projects proposed under the Full Implementation Alternative.

(4) The Modified Short-Term Alternative proposes implementing the revised RPMP, most of the short-term projects, and all of the long-term projects. Construction of most of the short-term projects proposed under the Full Implementation Alternative would be delayed until after 2017.

The FEIS evaluates the impacts of the alternatives on land use; socioeconomics, community facilities, and environmental justice; cultural resources; transportation and traffic; air quality; noise; geology, topography, and soils; water resources; biological resources; hazardous materials; utilities; and energy use and sustainability. The only resource that could sustain significant adverse impacts is transportation and traffic; impacts would be significant under all three action alternatives. The RPMP would include short-term and long-term transportation projects. As development is proposed for Fort Belvoir, appropriate transportation measures would be identified from those in the RPMP, as well as any appropriate site-specific mitigation measures. While no significant adverse impacts are expected on biological or water resources, mitigations are proposed for tree removal for certain projects and for cumulative impacts.

Comments received on the Draft Environmental Impact Statement (DEIS) are addressed in the FEIS. Changes made to the text of the DEIS include factual corrections and minor additions or edits only. No substantive changes to the alternatives considered or the findings of the impact analysis were required or made.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2015–23601 Filed 9–21–15; 8:45 am]

**BILLING CODE 3710–08–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Transmittal No. 15–50]**

### 36(b)(1) Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense,.

**ACTION:** Notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

**FOR FURTHER INFORMATION CONTACT:** Sarah A. Ragan or Heather N. Harwell, DSCA/LMO, (703) 604–1546/(703) 607–5339.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 15–50 with attached Policy Justification and Sensitivity of Technology.

Dated: September 16, 2015.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

AUG 26 2015

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15-50, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the Government of the United Kingdom for defense articles and services estimated to cost $3.0 billion. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 15–50

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of the United Kingdom

(ii) *Total Estimated Value:*

| | |
|---|---|
| Major Defense Equipment *. | $1.68 billion |
| Other | *$1.32 billion* |
| Total | $3.00 billion. |

* as defined in Section 47(6) of the Arms Export Control Act.

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Remanufacture of fifty (50) United Kingdom (UK) WAH–64 Mk 1 Attack Helicopters to AH–64E Block III Apache Guardian Helicopters with one hundred and ten (110) T–700–GE–701D Engines (100 installed and 10 spares)

Refurbishment of fifty-three (53) AN/ASQ–170 Modernized Target Acquisition and Designation Sights (M–TADS) (50 installed and 3 spares)

Refurbishment of fifty-three (53) AN/AAR–11 Modernized Pilot Night Vision Sensors (PNVS) (50 installed and 3 spares)

Refurbishment of fifty-two (52) AN/APG–78 Fire Control Radars (FCR) (50 installed and 2 spares) with fifty-five (55) Radar Electronics Units (Longbow Component) (50 installed and 5 spares), fifty-two (52) AN/APR–48B Modernized Radar Frequency Interferometers (50 installed and 2 spares), sixty (60) AAR–57(V) 3/5 Common Missile Warning Systems (CMWS) with 5th Sensor and

Improved Countermeasure Dispenser (50 installed and 10 spares), one hundred twenty (120) Embedded Global Positioning Systems with Inertial Navigation (100 installed and 20 spares), and three hundred (300) Apache Aviator Integrated Helmets.

Also included are AN/AVR–2B Laser Detecting Sets, AN/APR–39D(V)2 Radar Signal Detecting Sets, Integrated Helmet and Display Sight Systems (IHDSS–21), Manned-Unmanned Teaming International (MUMT–I), KOR–24A Link 16 terminals, M206 infrared countermeasure flares, M211 and M212 Advanced Infrared Countermeasure Munitions (AIRCMM) flares, Identification Friend or Foe (IFF) transponders, ammunition, communication equipment, tools and test equipment, training devices, simulators, generators, transportation, wheeled vehicles, organizational equipment, spare and repair parts, support equipment, personnel training and training equipment, U.S. government and contractor engineering, technical, and logistics support services, and other related elements of logistics support.

(iv) *Military Department:* Army (WSO)

(v) *Prior Related Cases, if any:* FMS Case WMN-$3.5M–28JUNE2002 FMS Case WRZ-$12M–27MARCH2012

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* 26 AUG 15

**POLICY JUSTIFICATION**

*United Kingdom—AH–64E APACHE GUARDIAN Attack Helicopters*

The Government of the United Kingdom has requested the remanufacture of fifty (50) United Kingdom (UK) WAH–64 Mk 1 Attack Helicopters to AH–64E Apache Guardian Helicopters with one hundred and ten (110) T–700–GE–701D Engines (100 installed and 10 spares), the refurbishment of fifty-three (53) AN/ASQ–170 Modernized Target Acquisition and Designation Sights (M–TADS) (50 installed and 3 spares), the refurbishment of fifty-three (53) AN/AAR–11 Modernized Pilot Night Vision Sensors (PNVS) (50 installed and 3 spares), the refurbishment of fifty-two (52) AN/APG–78 Fire Control Radars (FCR) (50 installed and 2 spares) with fifty-five (55) Radar Electronics Units (Longbow Component) (50 installed and 5 spares), fifty-two (52) AN/APR–48B Modernized Radar Frequency Interferometers (50 installed and 2 spares), sixty (60) AAR–57(V) 3/5 Common Missile Warning Systems (CMWS) with 5th Sensor and Improved Countermeasure Dispenser (50 installed and 10 spares), one hundred and twenty (120) Embedded Global Positioning Systems (GPS) with Inertial Navigation (100 installed and 20 spares), and three hundred (300) Apache Aviator Integrated Helmets.

Also included are AN/AVR–2B Laser Detecting Sets, AN/APR–39D(V)2 Radar Signal Detecting Sets, Integrated Helmet and Display Sight Systems (IHDSS–21), Manned-Unmanned Teaming International (MUMT–I), KOR–24A Link 16 terminals, M206 infrared countermeasure flares, M211 and M212 Advanced Infrared Countermeasure Munitions (AIRCMM) flares, Identification Friend or Foe (IFF) transponders, ammunition, communication equipment, tools and test equipment, training devices, simulators, generators, transportation, wheeled vehicles, organizational equipment, spare and repair parts, support equipment, personnel training and training equipment, U.S. Government and contractor engineering, technical, and logistics support services, and other related elements of logistics support. The estimated cost is $3.00 billion.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a North Atlantic Treaty Organization (NATO) ally which has been, and continues to be, an important force for political stability and economic progress around the world. The upgrade and refurbishment of these helicopters will allow the United Kingdom greater interoperability with U.S. forces.

The proposed sale provides the Government of the United Kingdom with assets vital to deter and defend against potential threats. The United Kingdom will use the Apache helicopters to conduct various missions, including counter-terrorism and counter-piracy operations. The materiel and services under this program will enable the United Kingdom to become a more capable defensive force and will also provide key elements required for interoperability with U.S. forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractors will be The Boeing Company in Mesa, Arizona; Lockheed Martin Corporation in Orlando, Florida; General Electric Company in Cincinnati, Ohio; Lockheed Martin Mission Systems and Training in Owego, New York; and Longbow Limited Liability Corporation in Orlando, Florida. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale may require the assignment of six (6) U.S. contractor representatives in country full-time for up to sixty (60) months for equipment checkout, fielding, and technical support.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

**Transmittal No. 15–50**

**Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended**

**Annex**

**Item No. vii**

(vii) *Sensitivity of Technology:*

1. The AH–64E APACHE Attack Helicopter weapon system contains communications and target identification equipment, navigation equipment, aircraft survivability equipment, displays, and sensors. The airframe itself does not contain sensitive technology; however, the pertinent equipment listed below will be either installed on the aircraft or included in the sale.

a. The AN–APG–78 Fire Control Radar (FCR) is an active, low-probability of intercept, millimeter-wave radar combined with a passive AN/APR–48B Modernized Radar Frequency Interferometer (MRFI) mounted on top of the helicopter mast. The FCR Ground Targeting Mode detects, locates, classifies and prioritizes stationary or moving armored vehicles, tanks and mobile air defense systems, as well as hovering helicopters and fixed wing aircraft in normal flight. The MRFI detects threat radar emissions and determines the type of radar and mode of operation. The FCR data and MRFI data are fused for maximum synergism. If desired, the radar data can be used to refer targets to the regular electro-optical Modernized Target Acquisition and Designation Sight (MTADS), permitting additional visual/infrared imagery and control of weapons, including the semi-active laser version of the HELLFIRE missile. The content of these items is classified Secret.

b. The AN/APR–48B Modernized Radar Frequency Interferometer (MRFI) is an updated version of the passive radar detection and direction finding system. It utilizes a detachable User Data Module (UDM) on the Modernized Radar Frequency Interferometer (MRFI) processor, which contains the Radar Frequency (RF) threat library. The UDM,

which is a hardware asssemblage item, is classified Confidential when programmed with threat parametrics, threat priorities, and/or techniques dervied from U.S. intelligence information. The hardware becomes Classified when populated with threat parametric data. Releasable technical manuals are Unclassified/restricted distribution.

c. The AN/AVR–2B Laser Warning Set is a passive laser warning system. It receives, processes, and displays on the multi-functional display unit threat information resulting from illumination of the aircraft by lasers. The hardware is classified Confidential. Releasable technical manuals for operation and maintenance are classified Secret.

d. The AN/APR–39D(V)2 Radar Signal Detecting Set is a system that provides warning of a radar-directed air defense threat to allow engagement of countermeasures. This is the MIL–STD 1553 data bus compatible configuration. Hardware is classified Confidential when programmed with U.S. threat data. Releasable technical manuals for operation and maintenance are classified Confidential. Releasable technical data (technical performance) are classified Secret.

e. The AN/ARC–201D Single Channel Ground and Airborne Radio System (SINCGARS) is a tactical frequency modulation (FM) airborne radio subsystem that provides secure, anti-jam voice and data communication. The Enhanced Data Modes (EDM) of the radio employ a Reed-Solomon Forward Error Correction (FEC) technique that provides enhanced bit-error-rate performance.

f. The M211 flare is a countermeasure decoy. It consists of case, piston, special material payload foils, and end cap. The special material is a pyrophoric metal (iron) foil that reacts with oxygen to generate infrared energy. The M211 flares are dispersed from aircraft to be used as decoys in combination with currently fielded M206 and M212 countermeasure flares to protect against advanced air-to-air missile threats. The hardware is Unclassified and releasable technical manuals for operation and maintenance are classified Secret.

g. The M212 flare is a multi-spectral countermeasure flare. It consists of a case, impulse cartridge, Safe and Ignition (S&I), a propellant grain and a forward brass closure which acts as a weight to improve aerodynamics of the decoy. The M212 flares are dispersed from an aircraft and used in combination with the currently fielded M206 and M211 countermeasure flares and decoys to protect against advanced air-to-air and surface-to-air missile threats. The hardware is Unclassified and releasable technical manuals for operation and maintenance are classified Secret.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to create countermeasures which might reduce weapons system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that the recipient country can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of the United Kingdom.

[FR Doc. 2015–23966 Filed 9–21–15; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

### Norfolk Harbor and Channels Deepening NEPA Scoping Meeting and Public Comment Period

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** NEPA scoping meeting and public comment period.

**SUMMARY:** Pursuant to the requirements of the National Environmental Policy Act of 1969, as amended (NEPA), 42 U.S.C. 4321–4370, as implemented by the Council on Environmental Quality Regulations (40 CFR parts 1500–1508), the U.S. Army Corps of Engineers (USACE) plans to prepare an Environmental Assessment (EA) to evaluate environmental impacts from reasonable project alternatives and to determine the potential for significant impacts related to improvements to the Norfolk Harbor Channels. If the USACE determines that there is a potential for a significant environmental impact, the USACE will issue a Notice of Intent to prepare an Environmental Impact Statement in the **Federal Register**.

Federal, state, and local agencies, Indian tribes, and the public are invited to provide scoping comments to identify issues, alternatives, and potentially significant effects to be considered in the analysis.

**DATES:** Scoping comments may be submitted until October 30, 2015.

**ADDRESSES:** The public is invited to submit NEPA scoping comments at the meeting and/or submit comments to Alicia Logalbo, USACE, via email/mail/telephone at *Alicia.Logalbo@usace.army.mil/* ATTN: Alicia Logalbo, Department of the Army, U.S. Army Corps of Engineers, Norfolk District, Fort Norfolk, 803 Front St., Norfolk, VA 23510, (757) 201–7210. The project title and the commenter's contact information should be included with submitted comments.

**FOR FURTHER INFORMATION CONTACT:** Alicia Logalbo, (757) 201–7210.

**SUPPLEMENTARY INFORMATION:** The USACE is the lead federal agency for this project and the Commonwealth of Virginia acting through its Agent, the Virginia Port Authority, will act as the non-federal sponsor for the study. Norfolk Harbor (sometimes referred to as the Port of Hampton Roads) is located in the southeastern part of the Commonwealth of Virginia at the southern end of Chesapeake Bay, midway on the Atlantic Seaboard (approximately 170 miles south of Baltimore, MD, and 220 miles north of Wilmington, NC). The harbor is formed by the confluence of the James, Nansemond, and Elizabeth Rivers. The land area surrounding the harbor encompasses approximately 1,500 square miles and includes the cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach, as well as Isle of Wight County on the south side and Hampton and Newport News on the north side. The Norfolk Harbor and Channels Deepening Project consists of a network of federally-improved channels extending from the Atlantic Ocean, through the Chesapeake Bay, and into the Port of Hampton Roads. The study is anticipated to include an evaluation of a range of Norfolk Harbor Channels' dimensions. Specific planning objectives for the Norfolk Harbor and Channels Deepening General Reevaluation Study include:

- Determine if light loading, tidal delay, or other commercial navigation benefits exist to justify increasing channel system dimensions in the Atlantic Ocean Channel, the Thimble Shoal Channel, and/or the Norfolk Harbor Channel to Lambert's Point on the Main Branch of the Elizabeth River;
- Examine the impact of increased channel system dimensions on the capacity of existing dredged material placement sites;
- Evaluate the impact of increased channel system dimensions on shoaling rates for existing and advance harbor maintenance needs;

• Examine the hydrodynamic and environmental effects of increased dimensions of the channel system and effects on adjacent shorelines;

• Identify environmental and cultural resources in the study area and potential impacts from increased channel system dimensions to those resources; and

• Identify the National Economic Development plan which most efficiently and safely accommodates existing and larger commercial ship and barge traffic while avoiding or minimizing impacts to environmental resources.

*Scoping/Public Involvement.* A public NEPA scoping meeting will be held on September 24, 2015 from 6:00 p.m.–8:00 p.m. The NEPA scoping meeting will be held at the Half Moone Cruise and Celebration Center, Virginia Room, 1 Waterside Drive, Norfolk, VA 23510.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2015–24085 Filed 9–21–15; 8:45 am]

**BILLING CODE 3710–58–P**

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

### Elizabeth River and Southern Branch Navigation Improvements NEPA Scoping Meeting and Public Comment Period

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** NEPA scoping meeting and public comment period.

**SUMMARY:** Pursuant to the requirements of the National Environmental Policy Act of 1969, as amended (NEPA), 42 U.S.C. 4321–4370, as implemented by the Council on Environmental Quality Regulations (40 CFR parts 1500–1508), the U.S. Army Corps of Engineers (USACE) plans to prepare an Environmental Assessment (EA) to evaluate environmental impacts from reasonable project alternatives and to determine the potential for significant impacts related to improvements to the Elizabeth River and Southern Branch Channels. If the USACE determines that there is a potential for a significant environmental impact, the USACE will issue a Notice of Intent to prepare an Environmental Impact Statement in the **Federal Register**.

Federal, state, and local agencies, Indian tribes, and the public are invited to provide scoping comments to identify issues, alternatives, and potentially significant effects to be considered in the analysis.

**DATES:** Scoping comments may be submitted until October 30, 2015.

**ADDRESSES:** The public is invited to submit NEPA scoping comments at the meeting and/or submit comments to David Schulte, USACE, via email/mail/telephone at *David.M.Schulte@usace.army.mil*/ATTN: David Schulte, Department of the Army, U.S. Army Corps of Engineers, Norfolk District, Fort Norfolk, 803 Front St., Norfolk, VA 23510/(757)201–7007. The project title and the commenter's contact information should be included with submitted comments.

**FOR FURTHER INFORMATION CONTACT:** David Schulte, (757) 201–7007.

**SUPPLEMENTARY INFORMATION:** The USACE is the lead federal agency for this study and the Commonwealth of Virginia acting through its Agent, the Virginia Port Authority, will act as the non-federal sponsor for the study. The Elizabeth River and Southern Branch Channels are federally-improved channels extending from the Norfolk Harbor Channels extent near Lambert's Point to the Southern Branch of the Elizabeth River. The Elizabeth River is a tributary of the James River, and is located near the confluence of the James River along its southern bank and the Chesapeake Bay mainstem. The land area surrounding the Elizabeth River and Southern Branch Channels includes the cities of Chesapeake, Norfolk, and Portsmouth.

The study is anticipated to include an evaluation of a range of dimensions for the Elizabeth River and Southern Branch Navigation Channels. Specific planning objectives for the Elizabeth River and Southern Branch Navigation Improvements General Reevaluation Study include:

• Determine if commercial navigation benefits exist to justify additional deepening and potentially widening of the Elizabeth River and Southern Branch Channels;

• Examine the impact of increased channel system dimensions on the capacity of existing dredged material placement sites;

• Evaluate the impact of increased channel system dimensions on shoaling rates for existing and advance harbor maintenance needs;

• Examine the hydrodynamic and environmental effects of increased dimensions of the channel system and effects on adjacent shorelines;

• Identify environmental and cultural resources in the study area and potential impacts from increased channel system dimensions to those resources; and

• Identify the National Economic Development plan which most efficiently and safely accommodates existing and larger commercial ship and barge traffic while avoiding or minimizing impacts to environmental resources.

*Scoping/Public Involvement.* A public NEPA scoping meeting will be held on September 24, 2015 from 6:00 p.m.—8:00 p.m. The NEPA scoping meeting will be held at the Half Moone Cruise and Celebration Center, Virginia Room, 1 Waterside Drive, Norfolk, VA 23510.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2015–24092 Filed 9–21–15; 8:45 am]

**BILLING CODE 3720–58–P**

## DEPARTMENT OF EDUCATION

**[Docket No.: ED_2015–ICCD–0112]**

### Agency Information Collection Activities; Comment Request; Data Challenges and Appeals Solution (DCAS)

**AGENCY:** Federal Student Aid (FSA), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3507(j)), ED is requesting the Office of Management and Budget (OMB) to conduct an emergency review of a new information collection.

**DATES:** Approval by the OMB has been requested by October 15, 2015. A regular clearance process is also hereby being initiated. Interested persons are invited to submit comments on or before November 23, 2015.

**ADDRESSES:** Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED_2015–ICCD–0112 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Beth Grebeldinger, (202)377–4018.

**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:* Data Challenges and Appeals Solution (DCAS).

*OMB Control Number:* 1845–NEW.

*Type of Review:* A new information collection.

*Respondents/Affected Public:* Private Sector; State, Local or Tribal Governments.

*Total Estimated Number of Annual Responses:* 1,029,889.

*Total Estimated Number of Annual Burden Hours:* 175,081.

*Abstract:* This is a request for an emergency clearance approval for the Data Challenges and Appeals Solution (DCAS), a new system that will allow institutions to challenge their self-reported data as well as Department calculated metrics. The system will ultimately provide for the receipt, processing, data storage and archiving of data challenges received from institutions for challenges of Gainful Employment (GE) metrics, Cohort Default Rates (institutional and programmatic), and Disclosure Rates and Metrics. This request is for a new collection for the first phase of DCAS, the institutional challenge to the GE completers list provided to institutions by the Department of Education. The other aspects of DCAS will be made functional and available to institutions in stages, to allow for full development and testing, through subsequent system releases.

*Additional Information:* An emergency clearance approval for the use of the system is described below due to the following conditions:

- The Department's contracting process experienced a seven month setback when a contractor solicitation had to be cancelled and re-issued. In order to allow the challenge and appeal process to be implemented on time, the system must be able to accept challenges to the completer lists by November 9, 2015.
- The Department believes that students will be harmed if there is a delay in implementing the challenge process which will ultimately delay the issuance of final rates. The schedule is to have the final rates published and available to disclose to students by January 2017.
- Trends in graduates' earnings, student loan debt, defaults, and repayment underscore the need for the Department to act swiftly. The Gainful Employment accountability framework takes into consideration the relationship between total student loan debt and earnings after completion of a post-secondary program.
- The Gainful Employment regulation was issued after both negotiated rulemaking and notice-and-comment procedures. The full challenge and appeals process is already detailed at 34 CFR 668.405 and 668.406. Burden calculations were likewise already promulgated. Stakeholders and other interested parties have already had significant opportunities to give input on the process.

Dated: September 17, 2015.

**Kate Mullan,**

*Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.*

[FR Doc. 2015–23976 Filed 9–21–15; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

### Orders Granting Authority To Import and Export Natural Gas, To Import and Export Liquefied Natural Gas, To Vacate Prior Authorization and Errata During July 2015

| | |
|---|---|
| WORLD FUEL SERVICES, INC | 15–84–NG |
| ELEMENT MARKETS RENEWABLE ENERGY, LLC | 15–88–NG |
| ALTAGAS MARKETING (U.S.) INC. | 15–92–NG |
| CONOCOPHILLIPS COMPANY | 15–94–NG |
| CRYOPEAK LNG SOLUTIONS CORPORATION | 14–126–LNG |
| BP WEST COAST PRODUCTS LLC | 15–98–NG |
| SEMPRA LNG INTERNATIONAL, LLC | 15–99–NG |
| DOMINION COVE POINT LNG, LP | 11–128–LNG |
| CAMERON LNG, LLC | 15–36–LNG |
| CARIB ENERGY (USA) LLC | 11–141–LNG |
| CHENIERE MARKETING, LLC AND CORPUS CHRISTI LIQUEFACTION, LLC | 12–97–LNG |
| BEAR HEAD LNG CORPORATION AND BEAR HEAD LNG (USA), LLC | 15–33–LNG |
| G2 LNG LLC | 15–44–LNG |
| BEAR HEAD LNG CORPORATION AND BEAR HEAD LNG (USA), LLC | 15–33–LNG |
| UNITED ENERGY TRADING, LLC | 15–100–NG |
| TIDAL ENERGY MARKETING (U.S.) L.L.C. | 15–101–NG |
| CONOCOPHILLIPS COMPANY | 15–102–LNG |
| CAMBRIDGE ENERGY | 15–104–LNG |
| GIGO TRANSPORT, INC. | 15–105–NG |
| SAN DIEGO GAS & ELECTRIC COMPANY | 15–106–NG |
| WORLD FUEL SERVICES MEXICO, S. DE. R.L. DE C.V. | 15–107–NG |
| SPARK ENERGY CANADA CORP. | 15–27–NG |
| FLORIDIAN NATURAL GAS STORAGE COMPANY, LLC | 15–38–LNG |

**AGENCY:** Office of Fossil Energy, Department of Energy.

**ACTION:** Notice of orders.

**SUMMARY:** The Office of Fossil Energy (FE) of the Department of Energy gives notice that during July 2015, it issued orders granting authority to import and export natural gas, to import and export liquefied natural gas, to vacate prior authority, and errata. These orders are summarized in the attached appendix and may be found on the FE Web site at *http://energy.gov/fe/downloads/listing-doefe-authorizationsorders-issued-2015*. They are also available for inspection and copying in the Office of Fossil Energy, Office of Oil and Gas Global Security and Supply, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on September 16, 2015.

**John A. Anderson,**

*Director, Office of Oil and Gas Global Security and Supply, Office of Oil and Natural Gas.*

## Appendix

DOE/FE Orders Granting Import/Export Authorizations

| | | | | |
|---|---|---|---|---|
| 3673 | 07/01/15 | 15–84–NG | World Fuel Services, Inc | Order granting blanket authority to import/export natural gas from/to Canada/Mexico. |
| 3674 | 07/01/15 | 15–88–NG | Elements Markets Renewable Energy, LLC. | Order granting blanket authority to import natural gas from Canada/Mexico. |
| 3675 | 07/01/15 | 15–92–NG | AltaGas Marketing (U.S.) Inc. | Order granting blanket authority to import/export natural gas from/to Canada. |
| 3676 | 07/01/15 | 15–94–NG | ConocoPhillips Company | Order granting blanket authority to import/export natural gas from/to Canada/Mexico. |
| 3677 | 07/01/15 | 14–126–LNG | Cryopeak LNG Solutions Corporation. | Order granting blanket authority to import LNG from Canada/Mexico by truck, and to export LNG to Canada/Mexico by vessel. |
| 3678 | 07/09/15 | 15–98–NG | BP West Coast Products LLC. | Order granting blanket authority to import/export natural gas from/to Canada. |
| 3679 | 07/09/15 | 15–99–NG | Sempra LNG International, LLC. | Order granting blanket authority to import/export natural gas from/to Mexico. |
| Unnumbered | 07/09/15 | 11–128–LNG | Dominion Cove Point LNG, LP. | Order granting Rehearing for Further Consideration. |
| 3680 | 07/10/15 | 15–36–LNG | Cameron LNG, LLC | Order granting long-term multi-contract authority to export LNG by vessel from the Cameron LNG Terminal in Cameron and Calcasieu Parishes, Louisiana, to Non-Free Trade Agreement Nations. |
| Errata | 07/10/15 | 11–141–LNG | Carib Energy (USA) LLC | Errata notice to DOE/FE Order No. 3487 issued 9/10/14. |
| Unnumbered Order | 07/10/15 | 12–97–LNG | Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC. | Order granting Rehearing for Further Consideration. |
| 3681 | 07/17/15 | 15–33–LNG | Bear Head LNG Corporation and Bear Head (USA), LLC. | Order granting long-term multi-contract authority to export natural gas to Canada and to other Free Trade Agreement Nations. |
| 3682 | 07/17/15 | 15–44–LNG | G2 LNG LLC | Order granting long-term multi-contract authority to export LNG by vessel from the proposed G2 LNG Terminal in Cameron Parish, Louisiana to Free Trade Agreement Nations. |
| Errata | 07/21/15 | 15–33–LNG | Bear Head LNG Corporation and Bear Head (USA), LLC. | Errata notice to DOE/FE Order No. 3681 issued 7/17/15. |
| 3683 | 07/23/15 | 15–100–NG | United Energy Trading, LLC. | Order granting blanket authority to import/export natural gas from/to Canada and vacating prior authority. |
| 3684 | 07/23/15 | 15–101–NG | Tidal Energy Marketing (U.S.), L.L.C. | Order granting blanket authority to import/export natural gas from/to Canada. |
| 3685 | 07/23/15 | 15–102–LNG | ConocoPhillips Company | Order granting blanket authority to import LNG from various international sources by vessel and to export LNG to Canada/Mexico by vessel. |
| 3686 | 07/23/15 | 15–104–LNG | Cambridge Energy | Order granting blanket authority to import LNG from various international sources by vessel and to export LNG to Canada/Mexico by vessel. |
| 3687 | 07/23/15 | 15–105–NG | Gigo Transport, Inc | Order granting blanket authority to import/export natural gas from/to Mexico. |
| 3688 | 07/23/15 | 15–106–NG | San Diego Gas & Electric Company. | Order granting blanket authority to import/export natural gas from/to Mexico. |
| 3689 | 07/23/15 | 15–107–NG | World Fuel Services Mexico, S. de R.L. de C.V. | Order granting blanket authority to import/export natural gas from/to Mexico. |
| 3611–A | 07/23/15 | 15–27–NG | Sparks Energy Canada Corp. | Order vacating authority to import/export natural gas from/to Canada. |
| 3691 | 07/31/15 | 15–38–LNG | Floridian Natural Gas Storage Company, LLC. | Order granting long-term, multi-contract authority to export LNG in ISO containers loaded at the proposed Floridian Facility in Marin County, Florida, and exported by vessel to Free Trade Agreement nations. |

[FR Doc. 2015–24084 Filed 9–21–15; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER15–1875–001.
*Applicants:* California Independent System Operator Corporation.
*Description:* Compliance filing: 2015–09–15 Limited Tariff Waiver Petition to Modify CCE2 Effective Date to be effective N/A.
*Filed Date:* 9/15/15.
*Accession Number:* 20150915–5182.
*Comments Due:* 5 p.m. ET 10/6/15.
*Docket Numbers:* ER15–2204–001.
*Applicants:* California Independent System Operator Corporation.
*Description:* Compliance filing: 2015–09–15 Limited Tariff Waiver Petition to Modify ETC–TOR Effective Date to be effective N/A.
*Filed Date:* 9/15/15.
*Accession Number:* 20150915–5166.
*Comments Due:* 5 p.m. ET 10/6/15.
*Docket Numbers:* ER15–2654–000.
*Applicants:* Midcontinent Independent System Operator, Inc.
*Description:* § 205(d) Rate Filing: 2015–09–15_SA 2753 NSP-Red Pine Wind 2nd Rev GIA (H081) to be effective 9/16/2015.
*Filed Date:* 9/15/15.
*Accession Number:* 20150915–5071.
*Comments Due:* 5 p.m. ET 10/6/15.
*Docket Numbers:* ER15–2655–000.
*Applicants:* Midcontinent Independent System Operator, Inc.
*Description:* § 205(d) Rate Filing: 2015–09–15_SA 2830 Certificate of Concurrence ITCM, METC, and ATSI TIA to be effective 12/7/2015.
*Filed Date:* 9/15/15.
*Accession Number:* 20150915–5078.
*Comments Due:* 5 p.m. ET 10/6/15.
*Docket Numbers:* ER15–2656–000.
*Applicants:* Midcontinent Independent System Operator, Inc.
*Description:* Annual Calculation of the Cost of New Entry value (''CONE'') for each Local Resource Zone (''LRZ'') in the MISO Region of Midcontinent Independent System Operator, Inc.
*Filed Date:* 9/15/15.
*Accession Number:* 20150915–5196.
*Comments Due:* 5 p.m. ET 10/6/15.

Take notice that the Commission received the following electric reliability filings:

*Docket Numbers:* RR15–19–000.
*Applicants:* North American Electric Reliability Corporation.
*Description:* Petition of the North American Electric Reliability Corporation for Approval of Amendments to Exhibit B to the Delegation Agreement with Southwest Power Pool, Inc. ? Amendments to Southwest Power Pool, Inc.'s Bylaws.
*Filed Date:* 9/16/15.
*Accession Number:* 20150916–5031.
*Comments Due:* 5 p.m. ET 10/7/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 16, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015–23984 Filed 9–21–15; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER13–2022–002.
*Applicants:* Pacific Gas and Electric Company.
*Description:* Report Filing: TO15 Compliance Electric Refund Report to be effective N/A.
*Filed Date:* 9/16/15.
*Accession Number:* 20150916–5052.
*Comments Due:* 5 p.m. ET 10/7/15.
*Docket Numbers:* ER15–2529–000.
*Applicants:* Censtar Energy Corp.
*Description:* Supplement to August 26, 2015 Censtar Energy Corp. tariff filing.
*Filed Date:* 9/16/15.
*Accession Number:* 20150916–5059.
*Comments Due:* 5 p.m. ET 9/28/15.
*Docket Numbers:* ER15–2530–000.
*Applicants:* Censtar Operating Company, LLC.
*Description:* Supplement to August 26, 2015 Censtar Operating Company, LLC tariff filing.
*Filed Date:* 9/16/15.
*Accession Number:* 20150916–5058.
*Comments Due:* 5 p.m. ET 9/28/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 16, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015–23985 Filed 9–21–15; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG15–124–000.
*Applicants:* Odell Wind Farm, LLC.
*Description:* Self-Certification of Exempt Wholesale Generator Status of Odell Wind Farm, LLC.
*Filed Date:* 9/9/15.
*Accession Number:* 20150909–5171.
*Comments Due:* 5 p.m. ET 9/30/15.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers: EL15–22–000;* ER13–521–002; ER13–520–002; ER13–1442–002; ER13–1441–002; ER13–1273–002; ER13–1272–002; ER13–1271–002; ER13–1270–002; ER13–1269–002; ER13–1268–002; ER13–1267–002; ER13–1266–003; ER12–21–013; ER12–1626–003; ER10–3246–003; ER10–2605–006; ER10–2475–006; ER10–2474–006.
*Applicants:* Nevada Power Company, Sierra Pacific Power Company, PacifiCorp, Agua Caliente Solar, LLC,

Pinyon Pines Wind I, LLC, Pinyon Pines Wind II, LLC, Solar Star California XIX, LLC, Solar Star California XX, LLC, Topaz Solar Farms LLC, CalEnergy, LLC, CE Leathers Company, Del Ranch Company, Elmore Company, Fish Lake Power LLC, Salton Sea Power Generation Company, Salton Sea Power L.L.C., Vulcan/BN Geothermal Power Company, Yuma Cogeneration Associates, MidAmerican Energy Company, Bishop Hill Energy II LLC, Cordova Energy Company LLC, Power Resources, Ltd., Saranac Power Partners, L.P.

*Description:* Response to Commission Staff Deficiency Letter and Request for Additional Information of BHE MBR Sellers.

*Filed Date:* 9/4/15.

*Accession Number:* 20150904–5286.

*Comments Due:* 5 p.m. ET 9/29/15.

*Docket Numbers:* ER15–2527–000.

*Applicants:* Oasis Power, LLC.

*Description:* Supplement to August 26, 2015 Oasis Power, LLC tariff filing.

*Filed Date:* 9/8/15.

*Accession Number:* 20150908–5301.

*Comments Due:* 5 p.m. ET 9/16/15.

*Docket Numbers:* ER15–2634–000.

*Applicants:* Robison Energy (Commercial) LLC.

*Description:* Baseline eTariff Filing: Robison Energy (Commercial) LLC Market Based Rate Tariff to be effective 10/15/2015.

*Filed Date:* 9/10/15.

*Accession Number:* 20150910–5000.

*Comments Due:* 5 p.m. ET 10/1/15.

*Docket Numbers:* ER15–2635–000.

*Applicants:* Southern California Edison Company.

*Description:* § 205(d) Rate Filing: Certificates of Concuurence ANPP Participation Agmt & Interconnection Agmts to be effective 4/29/2011.

*Filed Date:* 9/10/15.

*Accession Number:* 20150910–5002.

*Comments Due:* 5 p.m. ET 10/1/15.

*Docket Numbers:* ER15–2636–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: Attachment X, Article 3 Credit Policy Revisions to be effective 11/9/2015.

*Filed Date:* 9/10/15.

*Accession Number:* 20150910–5046.

*Comments Due:* 5 p.m. ET 10/1/15.

*Docket Numbers:* ER15–2637–000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2015–09–10_SA 2837 NSP-North Star Solar PV LLC E&P (J385) to be effective 9/11/2015.

*Filed Date:* 9/10/15.

*Accession Number:* 20150910–5049.

*Comments Due:* 5 p.m. ET 10/1/15.

Take notice that the Commission received the following electric securities filings:

*Docket Numbers:* ES15–69–000.

*Applicants:* Southern Power Company.

*Description:* Application of Southern Power Company for authorization to issue securities under Section 204 of the Federal Power Act.

*Filed Date:* 9/10/15.

*Accession Number:* 20150910–5068.

*Comments Due:* 5 p.m. ET 10/1/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 10, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015–23981 Filed 9–21–15; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## Combined Notice of Filings

September 15, 2015.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

### Filings Instituting Proceedings

*Docket Numbers:* RP15–1269–000.

*Applicants:* Gulf Shore Energy Partners, LP.

*Description:* § 4(d) Rate Filing: Gulf Shore Energy—Change of Ownership Filing to be effective 10/1/2015.

*Filed Date:* 9/14/15.

*Accession Number:* 20150914–5124.

*Comments Due:* 5 p.m. ET 9/28/15.

*Docket Numbers:* RP15–1270–000.

*Applicants:* Gulf South Pipeline Company, LP.

*Description:* § 4(d) Rate Filing: Reclassify NC Amgt as NC Neg Rate Agmt (Atmos 9399) to be effective 1/1/2015.

*Filed Date:* 9/15/15.

*Accession Number:* 20150915–5017.

*Comments Due:* 5 p.m. ET 9/28/15.

*Docket Numbers:* RP15–1271–000.

*Applicants:* Dominion Cove Point LNG, LP.

*Description:* Compliance filing DCP—2015 Revenue Crediting Report.

*Filed Date:* 9/15/15.

*Accession Number:* 20150915–5028.

*Comments Due:* 5 p.m. ET 9/28/15.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

### Filings in Existing Proceedings

*Docket Numbers:* RP15–1188–001.

*Applicants:* National Fuel Gas Supply Corporation.

*Description:* Tariff Amendment: Scheduling & Curtailment (RP15–1188 Amendment) to be effective 10/1/2015.

*Filed Date:* 9/14/15.

*Accession Number:* 20150914–5195.

*Comments Due:* 5 p.m. ET 9/28/15.

*Docket Numbers:* RP15–1189–001.

*Applicants:* Empire Pipeline, Inc.

*Description:* Tariff Amendment: Scheduling & Curtailment (RP15–1189 Amendment) Empire to be effective 10/1/2015.

*Filed Date:* 9/14/15.

*Accession Number:* 20150914–5189.

*Comments Due:* 5 p.m. ET 9/28/15.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 15, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015–23986 Filed 9–21–15; 8:45 am]

**BILLING CODE 6717–01P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER13–521–002; ER13–520–002; ER13–1442–002; ER13–1441–002; ER13–1273–002; ER13–1272–002; ER13–1271–002; ER13–1270–002; ER13–1269–002; ER13–1268–002; ER13–1267–002; ER13–1266–003; ER12–21–013; ER12–1626–003; ER10–3246–003; ER10–2605–006; ER10–2475–006; ER10–2474–006; EL15–22–000.

*Applicants:* Nevada Power Company, Sierra Pacific Power Company, PacifiCorp, Agua Caliente Solar, LLC, Pinyon Pines Wind I, LLC, Pinyon Pines Wind II, LLC, Solar Star California XIX, LLC, Solar Star California XX, LLC, Topaz Solar Farms LLC, CalEnergy, LLC, CE Leathers Company, Del Ranch Company, Elmore Company, Fish Lake Power LLC, Salton Sea Power Generation Company, Salton Sea Power L.L.C., Vulcan/BN Geothermal Power Company, Yuma Cogeneration Associates, MidAmerican Energy Company, Bishop Hill Energy II LLC, Cordova Energy Company LLC, Power Resources, Ltd., Saranac Power Partners, L.P.

*Description:* Supplemental Filing of WorkPapers of the BHE MBR Sellers.

*Filed Date:* 9/8/15.

*Accession Number:* 20150909–0026.

*Comments Due:* 5 p.m. ET 9/29/15.

*Docket Numbers:* ER15–2338–001.

*Applicants:* Midcontinent Independent System Operator, Inc., Ameren Transmission Company of Illinois.

*Description:* Tariff Amendment: 2015–09–10_ATXI Supplemental Depreciation Rate Filing to be effective 10/1/2015.

*Filed Date:* 9/10/15.

*Accession Number:* 20150910–5110.

*Comments Due:* 5 p.m. ET 9/17/15.

*Docket Numbers:* ER15–2638–000.

*Applicants:* Louisville Gas and Electric Company.

*Description:* § 205(d) Rate Filing: Modifications to Attachment C to be effective 11/10/2015.

*Filed Date:* 9/10/15.

*Accession Number:* 20150910–5112.

*Comments Due:* 5 p.m. ET 10/1/15

*Docket Numbers:* ER15–2639–000.

*Applicants:* CenterPoint Energy Houston Electric, LLC.

*Description:* § 205(d) Rate Filing: TFO Tariff Interim Rate Revision to Conform with PUCT-Approved ERCOT Rate to be effective 8/17/2015.

*Filed Date:* 9/10/15.

*Accession Number:* 20150910–5137.

*Comments Due:* 5 p.m. ET 10/1/15.

*Docket Numbers:* ER15–2640–000.

*Applicants:* New York Independent System Operator, In.

*Description:* § 205(d) Rate Filing: NYISO 205 filing of tariff revision to implement external CTS with ISO–NE to be effective 12/31/9998.

*Filed Date:* 9/10/15.

*Accession Number:* 20150910–5138.

*Comments Due:* 5 p.m. ET 10/1/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 10, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015–23982 Filed 9–21–15; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2015–0614; FRL–9933–75]**

### Pesticides; Revised Fee Schedule for Registration Applications

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA is publishing a revised list of pesticide registration service fees applicable to specified pesticide applications and tolerance actions. Under the Pesticide Registration Improvement Extension Act, the registration service fees for covered pesticide registration applications received on or after October 1, 2015, increase by 5% rounding up to the nearest dollar from the fees published for fiscal year 2015. The new fees for FY'2016 become effective on October 1, 2015.

**FOR FURTHER INFORMATION CONTACT:** Peter Caulkins (7501P), Immediate Office, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–6550; fax number: (703) 308–4776; email address: *caulkins.peter@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

#### I. General Information

*A. Does this action apply to me?*

You may be potentially affected by this action if you register pesticide products under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Potentially affected entities may include, but are not limited to:

- Agricultural pesticide manufacturers (NAICS code 32532).
- Antimicrobial pesticide manufacturers (NAICS code 32561).
- Antifoulant pesticide manufacturers (NAICS code 32551).
- Wood preservative manufacturers (NAICS code 32519).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in the notice and in FIFRA section 33. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How can I get copies of this document and other related information?*

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2015–0614, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional

information about the docket available at *http://www.epa.gov/dockets.*

## II. Background

*A. What action is the agency taking?*

The Pesticide Registration Improvement Act of 2003 established a new section 33 of FIFRA creating a registration service fee system for certain types of pesticide applications, establishment of tolerances, and certain other regulatory decisions under FIFRA and the Federal Food, Drug, and Cosmetic Act (FFDCA). Section 33 also created a schedule of decision review times for applications covered by the service fee system. The Agency began administering the registration service fee system for covered applications received on or after March 23, 2004.

On September 28, 2012, the Pesticide Registration Improvement Extension Act was signed by the President, revising, among other things, FIFRA section 33. The new law reauthorized the service fee system through fiscal year 2017 and established fees and review times for applications received during fiscal years 2013 through 2017. As required by section 33(b)(6)(A) of FIFRA, the registration service fees for covered pesticide registration applications received on or after October 1, 2015, increase by 5% rounding up to the nearest dollar from the fees published in the September 26, 2013, ''Pesticides: Fee Schedule for Registration Applications,'' FRN Vol. 78. No. 187 pp. 59347–59359.

*B. What is the agency's authority for taking this action?*

The publication of this fee schedule is required by section 33(b)(6)(C) of FIFRA as amended.

## III. Elements of the Fee Schedule

This unit explains how to read the fee schedule tables, and includes a key to terminology published with the table.

*A. The Pesticide Registration Improvement Extension Act Fee Schedule*

The fee schedule published in the Pesticide Registration Improvement Extension Act of September 28, 2012, identifies the registration service fees and decision times and is organized according to the organizational units of the Office of Pesticide Programs (OPP) within EPA. Thereafter, the categories within the organizational unit sections of the table are further categorized according to the type of application being submitted, the use patterns involved, or, in some cases, upon the type of pesticide that is the subject of the application. The fee categories differ by Division. Not all application types are covered by, or subject to, the fee system.

*B. Fee Schedule and Decision Review Times*

In today's notice, EPA has retained the format of the tables included in the Pesticide Registration Improvement Extension Act of September 28, 2012. The schedules are presented as 19 tables, organized by OPP Division and by type of application or pesticide subject to the fee. Unit IV presents fee tables for the Registration Division (RD) (6 tables), the Antimicrobials Division (AD) (4 tables), the Biopesticides and Pollution Prevention Division (BPPD) (7 tables), Inert Ingredients (1 table), Miscellaneous (1 table).

*C. How To Read the Tables*

1. *Each table consists of the following columns:*

- The column titled ''EPA No.'' assigns an EPA identifier to each fee category. There are 189 categories spread across the 3 Divisions. There are 63 RD categories, 39 AD categories, 69 BPPD categories, 10 inert categories, and 8 miscellaneous categories. For tracking purposes, OPP has assigned a 3-digit identifier to each category, beginning with RD categories, followed by AD, BPPD, inert and miscellaneous categories. The categories are prefaced with a letter designation indicating which Division of OPP is responsible for applications in that category (R=Registration Division, A=Antimicrobials Division, B=Biopesticides and Pollution Prevention Division, I=inert ingredients, M=miscellaneous).
- The column titled ''CR No.'' cross-references the current Congressional Record category number for convenience. However, EPA will be using the categories as numbered in the ''EPA No.'' column in its tracking systems.
- The column titled ''Action'' ' describes what registration actions are covered by each category.
- The column titled ''Decision Time'' lists the decision times in months for each type of action.
- The column titled ''FY' 2016/17 Registration Service Fee ($)'' lists the registration service fee for the action for fiscal year 2016 (October 1, 2015 through September 30, 2016) and fiscal year 2017 (October 1, 2016 through September 30, 2017).
- Footnote text has been removed to save on **Federal Register** costs but remains unchanged from what was published in FY' 2013. The tables and footnote text will be available in full after October 1, 2015 at *http://www.epa.gov/pesticides/regulating/fees/tool/category-table.html.*

2. *The following acronyms are used in some of the tables:*

- DART—Dose Adequacy Response Team.
- DNT—Developmental Neurotoxicity.
- HSRB—Human Studies Review Board.
- GW/SW—Ground Water/Surface Water.
- PHI-Pre—Harvest Interval.
- PPE—Personal Protective Equipment.
- REI—Restricted Entry Interval.
- SAP—FIFRA Scientific Advisory Panel.

## IV. PRIA Fee Schedule Tables—Effective October 1, 2015

*A. Registration Division (RD)*

The Registration Division of OPP is responsible for the processing of pesticide applications and associated tolerance petitions for pesticides that are termed ''conventional chemicals,'' excluding pesticides intended for antimicrobial uses. The term ''conventional chemical'' is a term of art that is intended to distinguish synthetic chemicals from those that are of naturally occurring or non-synthetic origin, synthetic chemicals that are identical to naturally occurring chemicals and microbial pesticides. Tables 1 through 6 cover RD actions.

TABLE 1—REGISTRATION DIVISION—NEW ACTIVE INGREDIENTS

| EPA No. | New CR No. | Action | Decision review time (months) | FY '16/17 registration service fee ($) |
|---|---|---|---|---|
| R010 | 1 | New Active Ingredient, Food use | 24 | 627,568 |
| R020 | 2 | New Active Ingredient, Food use; reduced risk | 18 | 627,568 |

TABLE 1—REGISTRATION DIVISION—NEW ACTIVE INGREDIENTS—Continued

| EPA No. | New CR No. | Action | Decision review time (months) | FY '16/17 registration service fee ($) |
|---|---|---|---|---|
| R040 | 3 | New Active Ingredient, Food use; Experimental Use Permit application; establish temporary tolerance; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows. | 18 | 462,502 |
| R060 | 4 | New Active Ingredient, Non-food use; outdoor | 21 | 436,004 |
| R070 | 5 | New Active Ingredient, Non-food use; outdoor; reduced risk | 16 | 436,004 |
| R090 | 6 | New Active Ingredient, Non-food use; outdoor; Experimental Use Permit application; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows. | 16 | 323,690 |
| R110 | 7 | New Active Ingredient, Non-food use; indoor | 20 | 242,495 |
| R120 | 8 | New Active Ingredient, Non-food use; indoor; reduced risk | 14 | 242,495 |
| R121 | 9 | New Active Ingredient, Non-food use; indoor; Experimental Use Permit application; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows. | 18 | 182,327 |
| R122 | 10 | Enriched isomer(s) of registered mixed-isomer active ingredient | 18 | 317,128 |
| R123 | 11 | New Active Ingredient, Seed treatment only; includes agricultural and non-agricultural seeds; residues not expected in raw agricultural commodities. | 18 | 471,861 |
| R125 | 12 | New Active Ingredient, Seed treatment; Experimental Use Permit application; submitted before application for registration; credit 45% of fee toward new active ingredient application that follows. | 16 | 323,690 |

TABLE 2—REGISTRATION DIVISION—NEW USES

| EPA No. | New CR No. | Action | Decision review time (months) | FY '16/17 registration service fee ($) |
|---|---|---|---|---|
| R130 | 13 | First food use; indoor; food/food handling | 21 | 191,444 |
| R140 | 14 | Additional food use; Indoor; food/food handling | 15 | 44,672 |
| R150 | 15 | First food use | 21 | 264,253 |
| R160 | 16 | First food use; reduced risk | 16 | 264,253 |
| R170 | 17 | Additional food use | 15 | 66,124 |
| R175 | 18 | Additional food uses covered within a crop group resulting from the conversion of existing approved crop group(s) to one or more revised crop groups.. | 10 | 66,124 |
| R180 | 19 | Additional food use; reduced risk | 10 | 66,124 |
| R190 | 20 | Additional food uses; 6 or more submitted in one application | 15 | 396,742 |
| R200 | 21 | Additional food use; 6 or more submitted in one application; reduced risk | 10 | 396,742 |
| R210 | 22 | Additional food use; Experimental Use Permit application; establish temporary tolerance; no credit toward new use registration. | 12 | 48,986 |
| R220 | 23 | Additional food use; Experimental Use Permit application; crop destruct basis; no credit toward new use registration. | 6 | 19,838 |
| R230 | 24 | Additional use; non-food; outdoor | 15 | 26,427 |
| R240 | 25 | Additional use; non-food; outdoor; reduced risk | 10 | 26,427 |
| R250 | 26 | Additional use; non-food; outdoor; Experimental Use Permit application; no credit toward new use registration. | 6 | 19,838 |
| R251 | 27 | Experimental Use Permit application which requires no changes to the tolerance(s); non-crop destruct basis. | 8 | 19,838 |
| R260 | 28 | New use; non-food; indoor | 12 | 12,764 |
| R270 | 29 | New use; non-food; indoor; reduced risk | 9 | 12,764 |
| R271 | 30 | New use; non-food; indoor; Experimental Use Permit application; no credit toward new use registration. | 6 | 9,725 |
| R273 | 31 | Additional use; seed treatment; limited uptake into raw agricultural commodities; includes crops with established tolerances (e.g., for soil or foliar application); includes food and/or non-food uses. | 12 | 50,445 |
| R274 | 32 | Additional uses; seed treatment only; 6 or more submitted in one application; limited uptake into raw agricultural commodities; includes crops with established tolerances (e.g., for soil or foliar application); includes food and/or non-food uses. | 12 | 302,663 |

TABLE 3—REGISTRATION DIVISION—IMPORT AND OTHER TOLERANCES

| EPA No. | New CR No. | Action | Decision review time (months) | FY '16/17—registration service fee ($) |
|---|---|---|---|---|
| R280 | 33 | Establish import tolerance; new active ingredient or first food use | 21 | 319,072 |

TABLE 3—REGISTRATION DIVISION—IMPORT AND OTHER TOLERANCES—Continued

| EPA No. | New CR No. | Action | Decision review time (months) | FY '16/17—registration service fee ($) |
|---|---|---|---|---|
| R290 | 34 | Establish Import tolerance; Additional new food use | 15 | 63,816 |
| R291 | 35 | Establish import tolerances; additional food uses; 6 or more crops submitted in one petition. | 15 | 382,886 |
| R292 | 36 | Amend an established tolerance (*e.g.,* decrease or increase); domestic or import; applicant-initiated. | 11 | 45,341 |
| R293 | 37 | Establish tolerance(s) for inadvertent residues in one crop; applicant-initiated. | 12 | 53,483 |
| R294 | 38 | Establish tolerances for inadvertent residues; 6 or more crops submitted in one application; applicant-initiated. | 12 | 320,894 |
| R295 | 39 | Establish tolerance(s) for residues in one rotational crop in response to a specific rotational crop application; applicant-initiated. | 15 | 66,124 |
| R296 | 40 | Establish tolerances for residues in rotational crops in response to a specific rotational crop petition; 6 or more crops submitted in one application; applicant-initiated. | 15 | 396,742 |
| R297 | 41 | Amend 6 or more established tolerances (*e.g.,* decrease or increase) in one petition; domestic or import; applicant-initiated. | 11 | 272,037 |
| R298 | 42 | Amend an established tolerance (*e.g.,* decrease or increase); domestic or import; submission of amended labels (requiring science review) in addition to those associated with the amended tolerance; applicant-initiated). | 13 | 58,565 |
| R299 | 43 | Amend 6 or more established tolerances (*e.g.,* decrease or increase); domestic or import; submission of amended labels (requiring science review) in addition to those associated with the amended tolerance; applicant-initiated). | 13 | 285,261 |

TABLE 4—REGISTRATION DIVISION—NEW PRODUCTS

| EPA No. | New CR No. | Action | Decision review time (months) | FY'16/17 registration service fee ($) |
|---|---|---|---|---|
| R300 | 44 | New product; or similar combination product (already registered) to an identical or substantially similar in composition and use to a registered product; registered source of active ingredient; no data review on acute toxicity, efficacy or CRP—only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data, or applicant submits specific authorization letter from data owner Category also includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission nor data matrix. | 4 | 1,582 |
| R301 | 45 | New product; or similar combination product (already registered) to an identical or substantially similar in composition and use to a registered product; registered source of active ingredient; selective data citation only for data on product chemistry and/or acute toxicity and/or public health pest efficacy, where applicant does not own all required data and does not have a specific authorization letter from data owner. | 4 | 1,897 |
| R310 | 46 | New end-use or manufacturing-use product with registered source(s) of active ingredient(s); includes products containing two or more registered active ingredients previously combined in other registered products; requires review of data package within RD only; includes data and/or waivers of data for only: Product chemistry and/or acute toxicity and/or public health pest efficacy and/or child resistant packaging. | 7 | 5,301 |
| R314 | 47 | New end use product containing two or more registered active ingredients never before registered as this combination in a formulated product; new product label is identical or substantially similar to the labels of currently registered products which separately contain the respective component active ingredients; requires review of data package within RD only; includes data and/or waivers of data for only: Product chemistry and/or acute toxicity and/or public health pest efficacy and/or child resistant packaging. | 8 | 6,626 |
| R315 | 48 | New end-use non-food animal product with submission of two or more target animal safety studies; includes data and/or waivers of data for only: Product chemistry and/or acute toxicity and/or public health pest efficacy and/or animal safety studies and/or child resistant packaging. | 9 | 8,820 |
| R320 | 49 | New product; new physical form; requires data review in science divisions | 12 | 13,226 |
| R331 | 50 | New product; repack of identical registered end-use product as a manufacturing-use product; same registered uses only. | 3 | 2,530 |

TABLE 4—REGISTRATION DIVISION—NEW PRODUCTS—Continued

| EPA No. | New CR No. | Action | Decision review time (months) | FY'16/17 registration service fee ($) |
|---|---|---|---|---|
| R332 | 51 | New manufacturing-use product; registered active ingredient; unregistered source of active ingredient; submission of completely new generic data package; registered uses only; requires review in RD and science divisions. | 24 | 283,215 |
| R333 | 52 | New product; MUP or End use product with unregistered source of active ingredient; requires science data review; new physical form; etc Cite-all or selective data citation where applicant owns all required data. | 10 | 19,838 |
| R334 | 53 | New product; MUP or End use product with unregistered source of the active ingredient; requires science data review; new physical form; etc Selective data citation. | 11 | 19,838 |

TABLE 5—REGISTRATION DIVISION—AMENDMENTS TO REGISTRATION

| EPA No. | New CR No. | Action | Decision review time (months) | FY'16/17 registration service fee ($) |
|---|---|---|---|---|
| R340 | 54 | Amendment requiring data review within RD (*e.g.,* changes to precautionary label statements). | 4 | 3,988 |
| R345 | 55 | Amending non-food animal product that includes submission of target animal safety data; previously registered. | 7 | 8,820 |
| R350 | 56 | Amendment requiring data review in science divisions (*e.g.,* changes to REI, or PPE, or PHI, or use rate, or number of applications; or add aerial application; or modify GW/SW advisory statement). | 9 | 13,226 |
| R351 | 57 | Amendment adding a new unregistered source of active ingredient | 8 | 13,226 |
| R352 | 58 | Amendment adding already approved uses; selective method of support; does not apply if the applicant owns all cited data. | 8 | 13,226 |
| R371 | 59 | Amendment to Experimental Use Permit; (does not include extending a permit's time period). | 6 | 10,090 |

TABLE 6—REGISTRATION DIVISION—OTHER ACTIONS

| EPA No. | New CR No. | Action | Decision review time (Months) | FY'16/17 registration service fee ($) |
|---|---|---|---|---|
| R124 | 60 | Conditional Ruling on Preapplication Study Waivers; applicant-initiated | 6 | 2,530 |
| R272 | 61 | Review of Study Protocol applicant-initiated; excludes DART, pre-registration conference, Rapid Response review, DNT protocol review, protocol needing HSRB review. | 3 | 2,530 |
| R275 | 62 | Rebuttal of agency reviewed protocol, applicant initiated | 3 | 2,530 |
| R370 | 63 | Cancer reassessment; applicant-initiated | 18 | 198,250 |

*B. Antimicrobials Division (AD)*

The Antimicrobials Division of OPP is responsible for the processing of pesticide applications and associated tolerances for conventional chemicals intended for antimicrobial uses, that is, uses that are defined under FIFRA section 2 (mm)(1)(A), including products for use against bacteria, protozoa, non-agricultural fungi, and viruses. AD is also responsible for a selected set of conventional chemicals intended for other uses, including most wood preservatives and antifoulants. Tables 7 through 10 cover AD actions.

TABLE 7—ANTIMICROBIALS DIVISION—NEW ACTIVE INGREDIENTS

| EPA No. | New CR No. | Action | Decision review time (Months) | FY'16/17 registration service fee ($) |
|---|---|---|---|---|
| A380 | 64 | New Active Ingredient Food use, establish tolerance exemption | 24 | 114,867 |
| A390 | 65 | New Active Ingredient Food use, establish tolerance | 24 | 191,444 |
| A400 | 66 | New Active Ingredient, Non-food use, outdoor, FIFRA § 2 (mm) uses | 18 | 95,724 |
| A410 | 67 | New Active Ingredient Non-food use, outdoor, uses other than FIFRA § 2(mm). | 21 | 191,444 |
| A420 | 68 | New Active Ingredient Non-food use, indoor, FIFRA § 2(mm) uses | 18 | 63,816 |

TABLE 7—ANTIMICROBIALS DIVISION—NEW ACTIVE INGREDIENTS—Continued

| EPA No. | New CR No. | Action | Decision review time (Months) | FY'16/17 registration service fee ($) |
|---|---|---|---|---|
| A430 | 69 | New Active Ingredient, Non-Food Use Indoor, uses other than FIFRA §2(mm) uses. | 20 | 95,724 |
| A431 | 70 | New Active Ingredient, Non-food use; indoor; low-risk; low-toxicity food grade active ingredient(s); efficacy testing for public health claims required under GLP and following DIS/TSS or AD-approved study protocol. | 12 | 66,854 |

TABLE 8—ANTIMICROBIALS DIVISION—NEW USES

| EPA No. | New CR No. | Action | Decision review time (Months) | FY'16/17 registration service fee ($) |
|---|---|---|---|---|
| A440 | 71 | New Use, First Food Use, establish tolerance exemption | 21 | 31,910 |
| A450 | 72 | New use, First food use, establish tolerance | 21 | 95,724 |
| A460 | 73 | New use, additional food use; establish tolerance exemption | 15 | 12,764 |
| A470 | 74 | New use, additional food use, establish tolerance | 15 | 31,910 |
| A471 | 75 | Additional food uses; establish tolerances; 6 or more submitted in one application. | 15 | 191,452 |
| A480 | 76 | New use, Additional use, non-food, outdoor; FIFRA §2(mm) uses | 9 | 19,146 |
| A481 | 77 | Additional non-food outdoor uses; FIFRA §2(mm) uses; 6 or more submitted in one application. | 9 | 114,870 |
| A490 | 78 | New use, additional use, non-food, outdoor, uses other than FIFRA §2(mm). | 15 | 31,910 |
| A491 | 79 | Additional non-food; outdoor; uses other than FIFRA §2(mm); 6 or more submitted in one application. | 15 | 191,452 |
| A500 | 80 | New use, additional use, non-food, indoor FIFRA §2(mm) uses | 9 | 12,764 |
| A501 | 81 | Additional non-food; indoor; FIFRA §2(mm) uses; 6 or more submitted in one application. | 9 | 76,583 |
| A510 | 82 | New use, additional use, non-food, indoor, other than FIFRA §2(mm) | 12 | 12,764 |
| A511 | 83 | Additional non-food; indoor; uses other than FIFRA §2(mm); 6 or more submitted in one application. | 12 | 76,583 |

TABLE 9—ANTIMICROBIALS DIVISION–NEW PRODUCTS AND AMENDMENTS

| EPA No. | New CR No. | Action | Decision review time (Months) | FY'16/17 registration service fee ($) |
|---|---|---|---|---|
| A530 | 84 | New product, identical or substantially similar in composition and use to a registered product; no data review or only product chemistry data; cite all data citation or selective data citation where applicant owns all required data; or applicant submits specific authorization letter from data owner. Category also includes 100% re-package of registered end-use or manufacturing use product that requires no data submission nor data matrix. | 4 | 1,278 |
| A531 | 85 | New product; identical or substantially similar in composition and use to a registered product; registered source of active ingredient: Selective data citation only for data on product chemistry and/or acute toxicity and/or public health pest efficacy, where applicant does not own all required data and does not have a specific authorization letter from data owner. | 4 | 1,824 |
| A532 | 86 | New product; identical or substantially similar in composition and use to a registered product; registered active ingredient; unregistered source of active ingredient; cite-all data citation except for product chemistry; product chemistry data submitted. | 5 | 5,107 |
| A540 | 87 | New end use product; FIFRA §2(mm) uses only (2) (3) | 5 | 5,107 |
| A550 | 88 | New end-use product; uses other than FIFRA §2(mm); non-FQPA product | 7 | 5,107 |
| A560 | 89 | New manufacturing use product; registered active ingredient; selective data citation. | 12 | 19,146 |
| A570 | 90 | Label amendment requiring data review | 4 | 3,831 |
| A572 | 91 | New Product or amendment requiring data review for risk assessment by Science Branch (e.g., changes to REI, or PPE, or use rate). | 9 | 13,226 |

TABLE 10—ANTIMICROBIALS DIVISION—EXPERIMENTAL USE PERMITS AND OTHER TYPE OF ACTIONS

| EPA No. | New CR No. | Action | Decision review time (Months) | FY'16/17 registration service fee ($) |
|---|---|---|---|---|
| A520 | 92 | Experimental Use Permit application, non-food use | 9 | 6,383 |
| A521 | 93 | Review of public health efficacy study protocol within AD, per AD Internal Guidance for the Efficacy Protocol Review Process; Code will also include review of public health efficacy study protocol and data review for devices making pesticidal claims; applicant-initiated; Tier 1. | 3 | 2,482 |
| A522 | 94 | Review of public health efficacy study protocol outside AD by members of AD Efficacy Protocol Review Expert Panel; Code will also include review of public health efficacy study protocol and data review for devices making pesticidal claims; applicant-initiated; Tier 2.. | 12 | 12,156 |
| A523 | 101 | Review of protocol other than a public health efficacy study (i.e., Toxicology or Exposure Protocols). | 9 | 12,156 |
| A524 | 95 | New Active Ingredient, Experimental Use Permit application; Food Use Requires Tolerance. Credit 45% of fee toward new active ingredient application that follows. | 18 | 153,156 |
| A525 | 96 | New Active Ingredient, Experimental Use Permit application; Food Use Requires Tolerance Exemption. Credit 45% of fee toward new active ingredient application that follows. | 18 | 92,163 |
| A526 | 97 | New Active Ingredient, Experimental Use Permit application; Non-Food, Outdoor Use. Credit 45% of fee toward new active ingredient application that follows. | 15 | 95,724 |
| A527 | 98 | New Active Ingredient, Experimental Use Permit application; Non-Food, Indoor Use. Credit 45% of fee toward new active ingredient application that follows. | 15 | 63,945 |
| A528 | 99 | Experimental Use Permit application, Food Use; Requires Tolerance or Tolerance Exemption. | 15 | 22,337 |
| A529 | 100 | Amendment to Experimental Use Permit; requires data review or risk assessment. | 9 | 11,429 |
| A571 | 102 | Science reassessment: Cancer risk, refined ecological risk, and/or endangered species; applicant-initiated. | 18 | 95,724 |

*C. Biopesticides and Pollution Prevention Division (BPPD)*

The Biopesticides and Pollution Prevention Division of OPP is responsible for the processing of pesticide applications for biochemical pesticides, microbial pesticides, and plant-incorporated protectants (PIPs).

The fee tables for BPPD actions are presented by type of pesticide rather than by type of action: Microbial and biochemical pesticides, straight chain lepidopteran pheromones (SCLPs), and PIPs. Within each table, the types of application are the same as those in other divisions. Tables 11 through 17 cover BPPD actions.

TABLE 11—BIOPESTICIDES AND POLLUTION PREVENTION DIVISION—MICROBIAL AND BIOCHEMICAL PESTICIDES; NEW ACTIVE INGREDIENTS

| EPA No. | New CR No. | Action | Decision review time (months) | FY'16/17 registration service fee ($) |
|---|---|---|---|---|
| B580 | 103 | New active ingredient; food use; petition to establish a tolerance | 19 | 51,053 |
| B590 | 104 | New active ingredient; food use; petition to establish a tolerance exemption | 17 | 31,910 |
| B600 | 105 | New active ingredient; non-food use | 13 | 19,146 |
| B610 | 106 | New active ingredient; Experimental Use Permit application; petition to establish a temporary tolerance or temporary tolerance exemption. | 10 | 12,764 |
| B611 | 107 | New active ingredient; Experimental Use Permit application; petition to establish permanent tolerance exemption. | 12 | 12,764 |
| B612 | 108 | New active ingredient; no change to a permanent tolerance exemption | 10 | 17,550 |
| B613 | 109 | New active ingredient; petition to convert a temporary tolerance or a temporary tolerance exemption to a permanent tolerance or tolerance exemption. | 11 | 17,550 |
| B620 | 110 | New active ingredient; Experimental Use Permit application; non-food use including crop destruct. | 7 | 6,383 |

TABLE 12—BIOPESTICIDES AND POLLUTION PREVENTION DIVISION—MICROBIAL AND BIOCHEMICAL PESTICIDES; NEW USES

| EPA No. | New CR No. | Action | Decision review time (months) | FY '16/17 registration service fee ($) |
|---|---|---|---|---|
| B630 | 111 | First food use; petition to establish a tolerance exemption | 13 | 12,764 |
| B631 | 112 | New food use; petition to amend an established tolerance | 12 | 12,764 |
| B640 | 113 | New food use; petition to amend an established tolerance | 19 | 19,146 |
| B642 | 115 | First food use; indoor; food/food handling | 12 | 31,910 |
| B643 | 114 | New Food use; petition to amend tolerance exemption | 10 | 12,764 |
| B644 | 116 | New use, no change to an established tolerance or tolerance exemption | 8 | 12,764 |
| B650 | 117 | New use; non-food | 7 | 6,383 |

TABLE 13—BIOPESTICIDES AND POLLUTION PREVENTION DIVISION—MICROBIAL AND BIOCHEMICAL PESTICIDES; NEW PRODUCTS

| EPA No. | New CR No. | Action | Decision review time (months) | FY '16/17 registration service fee ($) |
|---|---|---|---|---|
| B652 | 118 | New product; registered source of active ingredient; requires petition to amend established tolerance or tolerance exemption; requires (1) submission of product specific data; or (2) citation of previously reviewed and accepted data; or (3) submission or citation of data generated at government expense; or (4) submission or citation of scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or (5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. | 13 | 12,764 |
| B660 | 119 | New product; registered source of active ingredient(s); identical or substantially similar in composition and use to a registered product; no change in an established tolerance or tolerance exemption No data review, or only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data or authorization from data owner is demonstrated Category includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission or data matrix For microbial pesticides, the active ingredient(s) must not be re-isolated. | 4 | 1,278 |
| B670 | 120 | New product; registered source of active ingredient(s); no change in an established tolerance or tolerance exemption; requires: (1) Submission of product specific data; or (2) citation of previously reviewed and accepted data; or (3) submission or citation of data generated at government expense; or (4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or (5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. | 7 | 5,107 |
| B671 | 121 | New product; unregistered source of active ingredient(s); requires a petition to amend an established tolerance or tolerance exemption; requires: (1) Submission of product specific data; or (2) citation of previously reviewed and accepted data; or (3) submission or citation of data generated at government expense; or (4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or (5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. | 17 | 12,764 |
| B672 | 122 | New product; unregistered source of active ingredient(s); non-food use or food use with a tolerance or tolerance exemption previously established for the active ingredient(s); requires: (1) Submission of product specific data; or (2) citation of previously reviewed and accepted data; or (3) submission or citation of data generated at government expense; or (4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or (5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. | 13 | 9,118 |
| B673 | 123 | New product MUP/EP; unregistered source of active ingredient(s); citation of Technical Grade Active Ingredient (TGAI) data previously reviewed and accepted by the Agency Requires an Agency determination that the cited data supports the new product. | 10 | 5,107 |
| B674 | 124 | New product MUP; Repack of identical registered end-use product as a manufacturing-use product; same registered uses only. | 4 | 1,278 |

TABLE 13—BIOPESTICIDES AND POLLUTION PREVENTION DIVISION—MICROBIAL AND BIOCHEMICAL PESTICIDES; NEW PRODUCTS—Continued

| EPA No. | New CR No. | Action | Decision review time (months) | FY '16/17 registration service fee ($) |
|---|---|---|---|---|
| B675 | 125 | New Product MUP; registered source of active ingredient; submission of completely new generic data package; registered uses only. | 10 | 9,118 |
| B676 | 126 | New product; more than one active ingredient where one active ingredient is an unregistered source; product chemistry data must be submitted; requires: (1) Submission of product specific data, and (2) citation of previously reviewed and accepted data; or (3) submission or citation of data generated at government expense; or (4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or (5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. | 13 | 9,118 |
| B677 | 127 | New end-use non-food animal product with submission of two or more target animal safety studies; includes data and/or waivers of data. | 10 | 8,820 |

TABLE 14—BIOPESTICIDES AND POLLUTION PREVENTION DIVISION—MICROBIAL AND BIOCHEMICAL PESTICIDES; AMENDMENTS

| EPA No. | New CR No. | Action | Decision review time (months) | FY '16/17 registration service fee ($) |
|---|---|---|---|---|
| B621 | 128 | Amendment; Experimental Use Permit; no change to an established temporary tolerance or tolerance exemption. | 7 | 5,107 |
| B622 | 129 | Amendment; Experimental Use Permit; petition to amend an established or temporary tolerance or tolerance exemption. | 11 | 12,764 |
| B641 | 130 | Amendment of an established tolerance or tolerance exemption | 13 | 12,764 |
| B680 | 131 | Amendment; registered source of active ingredient(s); no new use(s); no changes to an established tolerance or tolerance exemption Requires data submission. | 5 | 5,107 |
| B681 | 132 | Amendment; unregistered source of active ingredient(s) Requires data submission. | 7 | 6,079 |
| B683 | 133 | Label amendment; requires review/update of previous risk assessment(s) without data submission (*eg.,* labeling changes to REI, PPE, PHI). | 6 | 5,107 |
| B684 | 134 | Amending non-food animal product that includes submission of target animal safety data; previously registered. | 8 | 8,820 |

TABLE 15—BIOPESTICIDES AND POLLUTION PREVENTION DIVISION—STRAIGHT CHAIN LEPIDOPTERAN PHEROMONES (SCLPS)

| EPA No. | New CR No. | Action | Decision review time (months) | FY '16/17 registration service fee ($) |
|---|---|---|---|---|
| B690 | 135 | New active ingredient; food or non-food use | 7 | 2,554 |
| B700 | 136 | Experimental Use Permit application; new active ingredient or new use | 7 | 1,278 |
| B701 | 137 | Extend or amend Experimental Use Permit | 4 | 1,278 |
| B710 | 138 | New product; registered source of active ingredient(s); identical or substantially similar in composition and use to a registered product; no change in an established tolerance or tolerance exemption No data review, or only product chemistry data; cite-all data citation, or selective data citation where applicant owns all required data or authorization from data owner is demonstrated Category includes 100% re-package of registered end-use or manufacturing-use product that requires no data submission or data matrix. | 4 | 1,278 |
| B720 | 139 | New product; registered source of active ingredient(s); requires: (1) Submission of product specific data; or (2) citation of previously reviewed and accepted data; or (3) submission or citation of data generated at government expense; or (4) submission or citation of a scientifically-sound rationale based on publicly available literature or other relevant information that addresses the data requirement; or (5) submission of a request for a data requirement to be waived supported by a scientifically-sound rationale explaining why the data requirement does not apply. | 5 | 1,278 |
| B721 | 140 | New product; unregistered source of active ingredient | 7 | 2,676 |

TABLE 15—BIOPESTICIDES AND POLLUTION PREVENTION DIVISION—STRAIGHT CHAIN LEPIDOPTERAN PHEROMONES (SCLPS)—Continued

| EPA No. | New CR No. | Action | Decision review time (months) | FY '16/17 registration service fee ($) |
|---|---|---|---|---|
| B722 | 141 | New use and/or amendment; petition to establish a tolerance or tolerance exemption. | 7 | 2,477 |
| B730 | 142 | Label amendment requiring data submission | 5 | 1,278 |

TABLE 16—BIOPESTICIDES AND POLLUTION PREVENTION DIVISION—OTHER ACTIONS

| EPA No. | New CR No. | Action | Decision review time (months) | FY '16/17 registration service fee ($) |
|---|---|---|---|---|
| B614 | 143 | Conditional Ruling on Preapplication Study Waivers; applicant-initiated | 3 | 2,530 |
| B615 | 144 | Rebuttal of agency reviewed protocol, applicant initiated | 3 | 2,530 |
| B682 | 145 | Protocol review; applicant initiated; excludes time for HSRB review | 3 | 2,432 |

TABLE 17—BIOPESTICIDES AND POLLUTION PREVENTION DIVISION—PLANT INCORPORATED PROTECTANTS (PIPS)

| EPA No. | New CR No. | Action | Decision review time (months) | FY '16/17 registration service fee ($) |
|---|---|---|---|---|
| B740 | 146 | Experimental Use Permit application; no petition for tolerance/tolerance exemption. Includes: Non-food/feed use(s) for a new or registered PIP; food/feed use(s) for a new or registered PIP with crop destruct; food/feed use(s) for a new or registered PIP in which an established tolerance/tolerance exemption exists for the intended use(s). | 6 | 95,724 |
| B750 | 147 | Experimental Use Permit application; with a petition to establish a temporary or permanent tolerance/tolerance exemption for the active ingredient. Includes new food/feed use for a registered PIP. | 9 | 127,630 |
| B770 | 148 | Experimental Use Permit application; new PIP; with petition to establish a temporary tolerance/tolerance exemption for the active ingredient; credit 75% of B771 fee toward registration application for a new active ingredient that follows; SAP review. | 15 | 191,444 |
| B771 | 149 | Experimental Use Permit application; new PIP; with petition to establish a temporary tolerance/tolerance exemption for the active ingredient; credit 75% of B771 fee toward registration application for a new active ingredient that follows. | 10 | 127,630 |
| B772 | 150 | Application to amend or extend an Experimental Use Permit; no petition since the established tolerance/tolerance exemption for the active ingredient is unaffected. | 3 | 12,764 |
| B773 | 151 | Application to amend or extend an Experimental Use Permit; with petition to extend a temporary tolerance/tolerance exemption for the active ingredient. | 5 | 31,910 |
| B780 | 152 | Registration application; new PIP; non-food/feed | 12 | 159,537 |
| B790 | 153 | Registration application; new PIP; non-food/feed; SAP review | 18 | 223,351 |
| B800 | 154 | Registration application; new PIP; with petition to establish permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption. | 12 | 255,324 |
| B810 | 155 | Registration application; new PIP; with petition to establish permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption. SAP review. | 18 | 319,072 |
| B820 | 156 | Registration application; new PIP; with petition to establish or amend a permanent tolerance/tolerance exemption of an active ingredient. | 15 | 319,072 |
| B840 | 157 | Registration application; new PIP; with petition to establish or amend a permanent tolerance/tolerance exemption of an active ingredient. SAP review. | 21 | 382,886 |
| B851 | 158 | Registration application; new event of a previously registered PIP active ingredient(s); no petition since permanent tolerance/tolerance exemption is already established for the active ingredient(s). | 9 | 127,630 |
| B870 | 159 | Registration application; registered PIP; new product; new use; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). | 9 | 38,290 |

TABLE 17—BIOPESTICIDES AND POLLUTION PREVENTION DIVISION—PLANT INCORPORATED PROTECTANTS (PIPS)—Continued

| EPA No. | New CR No. | Action | Decision review time (months) | FY '16/17 registration service fee ($) |
|---|---|---|---|---|
| B880 | 160 | Registration application; registered PIP; new product or new terms of registration; additional data submitted; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). | 9 | 31,910 |
| B881 | 161 | Registration application; registered PIP; new product or new terms of registration; additional data submitted; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). SAP review. | 15 | 95,724 |
| B883 | 162 | Registration application; new PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient based on an existing temporary tolerance/tolerance exemption. | 9 | 127,630 |
| B884 | 163 | Registration application; new PIP, seed increase with negotiated acreage cap and time-limited registration; with petition to establish a permanent tolerance/tolerance exemption for the active ingredient. | 12 | 159,537 |
| B885 | 164 | Registration application; registered PIP, seed increase; breeding stack of previously approved PIPs, same crop; no petition since a permanent tolerance/tolerance exemption is already established for the active ingredient(s). | 9 | 95,724 |
| B890 | 165 | Application to amend a seed increase registration; converts registration to commercial registration; no petition since permanent tolerance/tolerance exemption is already established for the active ingredient(s). | 9 | 63,816 |
| B891 | 166 | Application to amend a seed increase registration; converts registration to a commercial registration; no petition since a permanent tolerance/tolerance exemption already established for the active ingredient(s); SAP review. | 15 | 127,630 |
| B900 | 167 | Application to amend a registration, including actions such as extending an expiration date, modifying an IRM plan, or adding an insect to be controlled. | 6 | 12,764 |
| B901 | 168 | Application to amend a registration, including actions such as extending an expiration date, modifying an IRM plan, or adding an insect to be controlled. SAP review. | 12 | 76,578 |
| B902 | 169 | PIP Protocol review | 3 | 6,383 |
| B903 | 170 | Inert ingredient tolerance exemption; e.g., a marker such as NPT II; reviewed in BPPD. | 6 | 63,816 |
| B904 | 171 | Import tolerance or tolerance exemption; processed commodities/food only (inert or active ingredient). | 9 | 127,630 |

TABLE 18—INERT INGREDIENTS

| EPA No. | New CR No. | Action | Decision review time (months) | FY '16/17 registration service fee ($) |
|---|---|---|---|---|
| I001 | 172 | Approval of new food use inert ingredient | 12 | 19,845 |
| I002 | 173 | Amend currently approved inert ingredient tolerance or exemption from tolerance; new data. | 10 | 5,513 |
| I003 | 174 | Amend currently approved inert ingredient tolerance or exemption from tolerance; no new data. | 8 | 3,308 |
| I004 | 175 | Approval of new non-food use inert ingredient | 8 | 11,025 |
| I005 | 176 | Amend currently approved non-food use inert ingredient with new use pattern; new data. | 8 | 5,513 |
| I006 | 177 | Amend currently approved non-food use inert ingredient with new use pattern; no new data. | 6 | 3,308 |
| I007 | 178 | Approval of substantially similar non-food use inert ingredients when original inert is compositionally similar with similar use pattern. | 4 | 1,654 |
| I008 | 179 | Approval of new polymer inert ingredient, food use | 5 | 3,749 |
| I009 | 180 | Approval of new polymer inert ingredient, non food use | 4 | 3,087 |
| I010 | 181 | Petition to amend a tolerance exemption descriptor to add one or more CASRNs; no new data. | 6 | 1,654 |

TABLE 19—MISCELLANEOUS ACTIONS

| EPA No. | New CR No. | Action | Decision review time (months) | FY '16/17 registration service fee ($) |
|---|---|---|---|---|
| M001 | 182 | Study protocol requiring Human Studies Review Board review as defined in 40 CFR Part 26 in support of an active ingredient. | 9 | 7,938 |
| M002 | 183 | Completed study requiring Human Studies Review Board review as defined in 40 CFR Part 26 in support of an active ingredient. | 9 | 7,938 |
| M003 | 184 | External technical peer review of new active ingredient, product, or amendment (*e.g.*, consultation with FIFRA Scientific Advisory Panel) for an action with a decision timeframe of less than 12 months. Applicant initiated request based on a requirement of the Administrator, as defined by FIFRA § 25(d), in support of a novel active ingredient, or unique use pattern or application technology. Excludes PIP active ingredients. | 12 | 63,945 |
| M004 | 185 | External technical peer review of new active ingredient, product, or amendment (*e.g.*, consultation with FIFRA Scientific Advisory Panel) for an action with a decision timeframe of greater than 12 months. Applicant initiated request based on a requirement of the Administrator, as defined by FIFRA § 25(d), in support of a novel active ingredient, or unique use pattern or application technology. Excludes PIP active ingredients. | 18 | 63,945 |
| M005 | 186 | New Product: Combination, Contains a combination of active ingredients from a registered and/or unregistered source; conventional, antimicrobial and/or biopesticide. Requires coordination with other regulatory divisions to conduct review of data, label and/or verify the validity of existing data as cited. Only existing uses for each active ingredient in the combination product. | 9 | 22,050 |
| M006 | 187 | Request for up to 5 letters of certification (Gold Seal) for one actively registered product. | 1 | 277 |
| M007 | 188 | Request to extend Exclusive Use of data as provided by FIFRA Section 3(c)(1)(F)(ii). | 12 | 5,513 |
| M008 | 189 | Request to grant Exclusive Use of data as provided by FIFRA Section 3(c)(1)(F)(vi) for a minor use, when a FIFRA Section 2(ll)(2) determination is required. | 10 | 1,654 |

## V. How To Pay Fees

Applicants must submit fee payments at the time of application, and EPA will reject any application that does not contain evidence that the fee has been paid. EPA has developed a Web site at *http://www.epa.gov/pesticides/fees/tool/index.htm* to help applicants identify the fee category and the fee. All fees should be rounded up to the whole dollar. Due to changes mandated by the U.S. Department of the Treasury, checks, bank drafts and money orders are no longer acceptable as of September 30, 2015. Credit card payments are only acceptable for amounts less than or equal to $25,000. All payments above $25,000 can be made by electronic funds transfer via *www.pay.gov.*

*A. Online*

You may pay electronically through the government payment Web site *www.pay.gov.*

1. From the pay.gov home page, under ''Find Public Forms.''
2. Select ''search by Agency name.''
3. On the A–Z Index of Forms page, select ''E.''
4. Select ''Environmental Protection Agency.''
5. From the list of forms, select ''Prepayment of Pesticide Registration Improvement Act Fee.''
6. Complete the form entering the PRIA fee category and fee.
7. Keep a copy of the pay.gov acknowledgement of payment. A copy of the acknowledgement must be printed and attached to the front of the application to assure that EPA can match the application with the payment.

## VI. How To Submit Applications

Submissions to the Agency should be made at the address given in Unit VII. The applicant should attach documentation that the fee has been paid which in most cases will be pay.gov payment acknowledgement. If the applicant is applying for a fee waiver, the applicant should provide sufficient documentation as described in FIFRA section 33(b)(7) and *http://www.epa.gov/pesticides/fees/questions/waivers.htm.* The fee waiver request should be easy to identify and separate from the rest of the application and submitted with documentation that at least 25% of the fee has been paid.

If evidence of fee payment (electronic acknowledgement) is not submitted with the application, EPA will reject the application and will not process it further.

After EPA receives an application and payment, EPA performs a screen on the application to determine that the category is correct and that the proper fee amount has been paid. If either is incorrect, EPA will notify the applicant and require payment of any additional amount due. A refund will be provided in case of an overpayment. EPA will not process the application further until the proper fee has been paid for the category of application or a request for a fee waiver accompanies the application and the appropriate portion of the fee has been paid.

EPA will assign a unique identification number to each covered application for which payment has been made. EPA notifies the applicant of the unique identification number. This information is sent by email if EPA has either an email address on file or an email address is provided on the application.

## VII. Addresses for Applications

New covered applications should be identified in the title line with the mail code REGFEE.

- By U.S. Postal Service mail. Document Processing Desk (REGFEE), Office of Pesticide Programs (7504P), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460–0001.

• By courier. Document Processing Desk (REGFEE), Office of Pesticide Programs, U.S. Environmental Protection Agency, Room S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Drive, Arlington, VA 22202–4501.

Couriers and delivery personnel must present a valid picture identification card to gain access to the building. Hours of operation for the Document Processing Desk are 8 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

**List of Subjects**

Environmental protection, Administrative practice and procedure, Pesticides.

Dated: September 15, 2015.

**Marty Monell,**

*Acting Director, Office of Pesticide Programs.*

[FR Doc. 2015–24064 Filed 9–21–15; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OGC–2015–0636; FRL–9934–48–OGC]**

## Proposed Consent Decree, Clean Air Act Citizen Suit

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed consent decree; request for public comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended (''CAA'' or the ''Act''), notice is hereby given of a proposed consent decree to address a lawsuit filed by WildEarth Guardians, HEAL Utah, National Parks Conservation Association, and Sierra Club (collectively, ''Plaintiffs''): *Wildearth Guardians, et al.* v. *EPA,* No. 1:15–cv–00630 (D. CO). In 2012, EPA issued a rule partially disapproving a revision to a state implementation plan (SIP) submitted by Utah to address the State's ''best available retrofit technology'' (''BART'') determination for Units 1 and 2 of the Hunter power plant and Units 1 and 2 of the Huntingdon power plant. In its lawsuit, Plaintiffs alleged that EPA has failed to meet the requirement of the Clean Air Act that the Agency promulgate a federal implementation plan (FIP) within two years of partially disapproving a SIP, in whole or in part. The proposed consent decree establishes proposed and final deadlines for EPA to take action to meet its obligations with respect to Utah.

**DATES:** Written comments on the proposed consent decree must be received by October 22, 2015.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA–HQ–OGC–2015–0636, online at *www.regulations.gov* (EPA's preferred method); by email to *oei.docket@epa.gov;* by mail to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD–ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

**FOR FURTHER INFORMATION CONTACT:** M. Lea Anderson, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: (202) 564–5571; fax number (202) 564–5603; email address: *anderson.lea@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Additional Information About the Proposed Consent Decree

On October 30, 2012, EPA partially disapproved a revision to the Utah SIP intended to address the regional haze requirements of the Clean Air Act. 77 FR 74355 (Dec. 14, 2012). When EPA disapproves a SIP submission in whole or in part, section 110(c) of the Act requires EPA to promulgate a FIP within two years unless the State corrects the deficiency and EPA approves the plan revision. On July 22, 2015, Plaintiffs filed an amended consolidated complaint in the United States District Court for the Northern District of Colorado alleging that EPA had failed to promulgate a FIP for Utah as required by the Clean Air Act.

The proposed consent decree would resolve the lawsuit filed by Plaintiffs by establishing that EPA must take proposed action by November 19, 2015 and final action by March 31, 2016, to address the deficiencies in Utah's SIP revision regarding the State's BART determination for Units 1 and 2 of the Hunter power plant and Units 1 and 2 of the Huntingdon power plant. See the proposed consent decree for the specific details.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed consent decree from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines that consent to this consent decree should be withdrawn, the terms of the decree will be affirmed.

### II. Additional Information About Commenting on the Proposed Consent Decree

*A. How can I get a copy of the consent decree?*

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2015–0636) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

An electronic version of the public docket is available through *www.regulations.gov.* You may use *www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select ''search''.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at *www.regulations.gov* without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public

docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

*B. How and to whom do I submit comments?*

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD–ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the *www.regulations.gov* Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an ''anonymous access'' system. If you send an email comment directly to the Docket without going through *www.regulations.gov,* your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: September 14, 2015.

**Lorie J. Schmidt,**

*Associate General Counsel.*

[FR Doc. 2015–24099 Filed 9–21–15; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2015–0296; FRL–9933–58]**

## Product Cancellation Order and/or Amendments To Terminate Uses for Certain Pesticide Registrations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's order for the cancellations and/or amendments to terminate uses, voluntarily requested by the registrants and accepted by the Agency, of the products listed in Table 1 and 2 of Unit II., pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This cancellation order follows a July 8, 2015 **Federal Register** Notice of Receipt of Requests from the registrants listed in Table 3 of Unit II to voluntarily cancel and/or amend these product registrations. In the July 8, 2015 notice, EPA indicated that it would issue an order implementing the cancellations and/or amendments to terminate uses, unless the Agency received substantive comments within the 30 day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency received comments on the notice but none merited its further review of the requests. Further, the registrants did not withdraw their requests. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations and/or amendments to terminate uses. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

**DATES:** The cancellations and/or amendments are effective September 22, 2015.

**FOR FURTHER INFORMATION CONTACT:** Khue Nguyen, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 347–0248; email address: *nguyen.khue@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. General Information

*A. Does this action apply to me?*

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

*B. How can I get copies of this document and other related information?*

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2015–0296, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

### II. What action is the Agency taking?

This notice announces the cancellation and/or amendments to terminate uses, as requested by registrants, of products registered under FIFRA section 3 (7 U.S.C. 136a). These registrations are listed in sequence by registration number in Table 1 and Table 2 of this unit.

TABLE 1—PRODUCT CANCELLATIONS

| EPA Registration No. | Product name | Chemical name |
|---|---|---|
| 100–1217 | Gramoxone Inteon | Paraquat dichloride. |
| 100–1316 | Cyclone Star | Carfentrazone-ethyl, paraquat dichloride. |
| 279–3183 | Matador Herbicide | Quizalofop-p-ethyl. |
| 352–522 [a] | DuPont Glean Fertilizer Compatible Herbicide | Chlorsulfuron. |
| 352–586 [a] | DuPont Canvas Herbicide | Metsulfuron, thifensulfuron-methyl, tribenuron-methyl. |
| 2724–819 | Pyrocide Pressurized Ant & Roach Spray | Propoxur, pyrethrins, piperonyl butoxide, MGK 264. |

TABLE 1—PRODUCT CANCELLATIONS—Continued

| EPA Registration No. | Product name | Chemical name |
|---|---|---|
| 9468–33 | Kull 41 S | Glyphosate. |
| 9468–34 | Kull 62 MUP | Glyphosate. |
| 9468–35 | Kull TGAI Glyphosate | Glyphosate. |
| 59639–109[a] | Flufenpyr-ethyl Technical | Flufenpyr-ethyl. |
| 59639–110[a] | S–3153 WDG Herbicide | Flufenpyr-ethyl. |
| 70596–6 | Dichlorprop-p Technical | Dichlorprop-p. |
| 70596–13 | Dichlorprop-p (Technical Grade) | Dichlorprop-p. |
| NV020006 | Moncut 70–DF | Flutolanil. |

[a] There are no existing stocks of these product registrations and no requests for existing stocks provisions. Therefore no existing stocks provision is provided for these product registrations.

TABLE 2—PRODUCT REGISTRATION AMENDMENTS TO TERMINATE ONE OR MORE USES

| EPA Registration No. | Product name | Chemical name | Uses terminated |
|---|---|---|---|
| 2724–818 | Pyrocide Intermediate 7045 | Propoxur, MGK 264, piperonyl butoxide, pyrethrins. | Indoor aerosol, spray, and liquid formulations; use in food handling establishments and indoor crack and crevice use. |
| 2724–820 | Propoxur Technical Insecticide | Propoxur | Indoor aerosol, spray, and liquid formulations; use in food handling establishments and indoor crack and crevice use. |
| 2724–821 | Propoxur 70% Concentrate | Propoxur | Indoor aerosol, spray, and liquid formulations; use in food handling establishments and indoor crack and crevice use. |
| 5905–250 | Fyfanon 8 lb. Emulsion | Malathion | Cull fruits and vegetable dumps. |
| 89867–2 | Airgas Sulfur Dioxide | Sulfur dioxide | Grapes. |

Table 3 of this unit includes the names and addresses of record for all registrants of the products in Table 1 and 2 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 and 2 of this unit.

TABLE 3—REGISTRANTS OF CANCELLED AND/OR AMENDED PRODUCTS

| EPA Company No. | Company name and address |
|---|---|
| 100 | Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. |
| 279 | FMC Corporation, 1735 Market Street, Philadelphia, PA 19103. |
| 352 | E. I. DuPont de Nemours and Company, 1007 Market St., Wilmington, DE 19898. |
| 2724 | Wellmark International, 1501 E. Woodfield Road, Suite 200, West Schaumburg, IL 60173. |
| 5905 | Helena Chemical Company, 7664 Smythe Farm Road, Memphis, TN 38120. |
| 9468 | Ritter Chemical, LLC, 9300 Baythorne Dr., Houston, TX 77041. |
| 59639 | Valent USA Corporation, 1600 Riviera Avenue, Suite 200, Walnut Creek, CA 94596. |
| 70596 | Nufarm Americas, Inc., 4020 Aerial Center Parkway, Suite 101, Morrisville, NC 27560. |
| 71711 | Nichino America, Inc., 4550 New Linden Hill Road, Suite 501, Wilmington, DE 19808. |
| 89867 | Airgas USA, LLC, 7217 Lancaster Pike, Suite A, P.O. Box 640, Hockessin, DE 19707. |

## III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received one comment from a private citizen who is opposed to the proposed cancellation of the indoor crack and crevice use of propoxur. The citizen disagrees with the Agency's methodology for assessing the risks from propoxur exposure via the incidental oral exposure pathway. The propoxur risk assessment was conducted in accordance with current EPA science policies for assessing indoor crack and crevice uses. That assessment identified exposure and risk estimates that are of concern for this exposure pathway for propoxur. As a result of these findings, Wellmark International has requested to voluntarily cancel these uses. The Agency does not believe that the comment submitted during the comment period merits further review or a denial of the request for the amendment to terminate uses.

## IV. Cancellation Order

Pursuant to FIFRA section 6(f) (7 U.S.C. 136d(f)), EPA hereby approves the requested cancellations and/or amendments to terminate uses of the registrations identified in Table 1 and 2 of Unit II. Accordingly, the Agency hereby orders that the product registrations identified in Table 1 and 2 of Unit II are canceled and/or amended to terminate the affected uses. The effective date of the cancellations that are the subject of this notice is September 22, 2015. Any distribution, sale, or use of existing stocks of the products identified in Table 1 and 2 of Unit II in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI will be a violation of FIFRA.

## V. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA

further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment in the **Federal Register** of July 8, 2015 (80 FR 39100) (FRL–9928–54). The comment period closed on August 7, 2015.

**VI. Provisions for Disposition of Existing Stocks**

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. The existing stocks provisions for the products subject to this order are as follows.

*A. For Products 352–522, 352–586, and 59639–109 Identified in Table 1 of Unit II*

The registrants reported to the Agency via written correspondence that there are no existing stocks of EPA registration numbers 352–522, 352–586, and 59639–109. Therefore, no existing stocks provision was requested by or is needed for these registrants. The registrants will be prohibited from selling or distributing these products upon cancellation of these products, which will be September 22, 2015, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks of the affected products until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled product.

*B. For All Other Products Identified in Table 1 of Unit II*

For the other voluntary product cancellations noted in Table 1 of Unit II, the registrants will be permitted to sell and distribute existing stocks of voluntarily canceled products for 1 year after the effective date of the cancellation, which will be September 22, 2016. Thereafter, registrants will be prohibited from selling or distributing the products identified in Table 1 of Unit II, except for export consistent with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

Persons other than the registrant may sell, distribute, or use existing stocks of the affected canceled products until supplies are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

*C. For All Products Identified in Table 2 of Unit II*

Once EPA has approved product labels reflecting the amendments to terminate uses for the products identified in Table 2 of Unit II, registrants will be permitted to sell or distribute products under the previously approved labeling for a period of 18 months after the date of **Federal Register** publication of this cancellation order, which will be March 22, 2017 unless other restrictions have been imposed. Thereafter, registrants will be prohibited from selling or distributing the products whose labels include the terminated uses identified in Table 2 of Unit II, except for export consistent with FIFRA section 17 or for proper disposal.

Persons other than the registrant may sell, distribute, or use existing stocks of the products whose labels include the terminated uses until supplies are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the products with the terminated uses.

**Authority:** 7 U.S.C. 136 *et seq.*

Dated: September 11, 2015.

**Richard P. Keigwin, Jr.,**

*Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.*

[FR Doc. 2015–24058 Filed 9–21–15; 8:45 am]

**BILLING CODE 6560–50–P**

## FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

### Notice of Issuance of Exposure Draft on Implementation Guidance for Internal Use Software

**AGENCY:** Federal Accounting Standards Advisory Board.

**ACTION:** Notice.

*Board Action:* Pursuant to 31 U.S.C. 3511(d), the Federal Advisory Committee Act (Pub. L. 92–463), as amended, and the FASAB Rules of Procedure, as amended in October, 2010, notice is hereby given that the Accounting and Auditing Policy Committee (AAPC) has issued a Federal Financial Accounting Technical Release Exposure Draft entitled *Implementation Guidance for Internal Use Software.*

The Exposure Draft is available on the FASAB Web site: *http://www.fasab.gov/board-activities/documents-for-comment/exposure-drafts-and-documents-for-comment/.*

Copies can be obtained by contacting FASAB at (202) 512–7350.

Respondents are encouraged to comment on any part of the exposure draft. Written comments are requested by October 28, 2015, and should be sent to: Wendy M. Payne, Executive Director, Federal Accounting Standards Advisory Board, 441 G Street NW., Suite 6814, Mail Stop 6H19, Washington, DC 20548.

**FOR FURTHER INFORMATION CONTACT:** Wendy Payne, Executive Director, at (202) 512–7350.

**Authority:** Federal Advisory Committee Act, Pub. L. 92–463.

Dated: September 17, 2015.

**Charles Jackson,**

*Federal Register Liaison Officer.*

[FR Doc. 2015–24071 Filed 9–21–15; 8:45 am]

**BILLING CODE 1610–02–P**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 7, 2015.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Lee H. Pell, Saint Peter, Minnesota, individually; and with Shari L. Brostrom, Kasota, Minnesota; W. Benjamin Pell, Saint Peter, Minnesota; James Brostrom, Kasota, Minnesota; Matthew Brostrom, Saint Peter, Minnesota; Pell, Inc., Saint Peter, Minnesota; Brittany A. Pell, Saint Peter, Minnesota; Joanna L. Pell; Saint Peter, Minnesota; Kristina L. Pell, Minneapolis, Minnesota; the Sandra S. Pell Irrevocable Trust, Saint Peter,*

*Minnesota, all as co-trustees, and Paul H. Tanis, Jr., Saint Peter, Minnesota; Linda M. Pell, Saint Peter, Minnesota; Lola Grace Pell, Saint Peter, Minnesota; Samantha T. Pell, Saint Peter, Minnesota; Sandra S. Pell, Saint Peter, Minnesota; and Thomas C. Pell,* Saint Peter, Minnesota, as trustees, as a group acting in concert, to retain voting shares of BanCommunity Service Corporation, and thereby indirectly retain voting shares of First National Bank Minnesota, both in Saint Peter, Minnesota.

B. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Testamentary Trust; Catharine Coble Armstrong Jorgensen, individually and as Trustee of the Catharine C. Whittenburg Testamentary Trust; Catharine C. Whittenburg Armstrong, as Trustee of the Catharine C. Whittenburg Testamentary Trust; and Stewart L. Armstrong, individually and as Trustee of The Alice Foultz 2015 Kleberg Bank Stock Trust, The Martin W. Clement II 2015 Kleberg Bank Stock Trust, The Leslie Clement Family Trust 2015 Kleberg Bank Stock Trust, The Henrietta P. C. Hildebrand Trust of 2007 2015 Kleberg Bank Stock Trust, The Ida Clement Steen 2015 Kleberg Bank Stock Trust, The Charles M. Armstrong III 2015 Kleberg Bank Stock Trust, The Stewart L. Armstrong, Jr. 2015 Kleberg Bank Stock Trust, and The Mia Armstrong Brous 2015 Kleberg Bank Stock Trust,* all as members of the Armstrong Family Group; to acquire voting shares of Kleberg & Company Bankers, Inc., and thereby indirectly acquire voting shares of Kleberg Bank, N.A., both in Kingsville, Texas.

Board of Governors of the Federal Reserve System, September 17, 2015.

**Michael J. Lewandowski,**

*Associate Secretary of the Board.*

[FR Doc. 2015–24036 Filed 9–21–15; 8:45 am]

**BILLING CODE 6210–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 80 FR 34643–34644, dated June 17, 2015) is amended to reflect the reorganization of the Office of the Director, Centers for Disease Control and Prevention.

Section C–B, Organization and Functions, is hereby amended as follows:

Delete in its entirety the function statements for the *Office of Director (CA)* and insert the following:

*Office of the Director (CA).* (l) Manages and directs the activities of the Centers for Disease Control and Prevention (CDC); (2) provides leadership for the implementation of CDC's responsibilities related to disease prevention and control; (3) advises the Assistant Secretary for Health and the Surgeon General on policy matters concerning CDC activities; (4) participates in the development of CDC goals and objectives; (5) provides overall direction and coordination to the epidemiologic activities of CDC; (6) coordinates CDC response to health emergencies; (7) provides liaison with other governmental agencies, international organizations including the World Health Organization and the U.S. Agency for International Development, learning institutions, and other outside groups; (8) coordinates, in collaboration with the Public Health Service (PHS) Office of International Health, international health activities relating to disease prevention and control; (9) in cooperation with PHS Regional Offices, provides or obtains technical assistance for State and local health departments and private and official agencies as needed; (10) provides overall direction to, and coordination of, the scientific/medical programs of CDC; (11) oversees and provides leadership for laboratory science, safety, and quality management; (12) plans, promotes, and coordinates an ongoing program to assure equal employment opportunities in CDC; (13) provides leadership, coordination, and assessment of administrative management activities; (14) coordinates with appropriate PHS staff offices on administrative and program matters; (15) coordinates the consumer affairs activities for CDC; and (16) provides leadership, policy guidance, coordination, technical expertise, and services to promote the development and implementation of the agency's Genomics Program.

After the title and mission statement for *CDC Washington Office (CAB),* insert the following:

*Office of the Associate Director for Laboratory Science and Safety (CAC).* In carrying out its mission, the Office of the Associate Director for Laboratory Science and Safety: (1) Provides scientific, technical, and managerial expertise and leadership in the development and enhancement of laboratory safety programs; and (2) oversees and monitors the development, implementation, and evaluation of the laboratory safety and quality management programs across CDC.

Delete in its entirety the function statements for the *Office of the Chief of Staff (CAT)* and insert the following:

*Office of the Chief of Staff (CAT).* The Office of the Chief of Staff (OCS) is accountable for providing strategic advice to the Director and ensuring proactive coordination of agency-wide priorities and policies in direct support of CDC's mission. In carrying out its mission, OCS: (1) Serves as the principal advisor to the Director on internal and external affairs of CDC; (2) convenes key leadership for assessment, management, mitigation options, and resolution of issues and initiatives affecting CDC's priorities and goals; (3) provides information to senior management, as necessary, to make timely strategic and operational decisions; (4) assists in assuring that CDC viewpoints are appropriately represented in the decision making process; (5) provides leadership in the resolution of issues that cross organizational lines; (6) assists in determining CDC objectives and priorities; (7) provides a conduit for background information and updates on controversial or sensitive issues that may be raised by CDC Foundation constituents; (8) serves as one of the Director's primary strategic liaisons with staff, partners and the community at large, strengthening and expanding priority business partnerships and strategic engagements; and (9) represents the Office of the Director (OD) on any council or CDC peer organizations on management and operational matters.

*Office of the Director (CAT1).* (1) Directs, manages, and coordinates the activities of the OCS; (2) provides executive support for the Immediate Office of the Director; (3) oversees functions of the Meeting and Advance Team Management Activity, and Budget and Operations Management Activity; and (4) develops goals and objectives, provides leadership, policy formation, oversight, and guidance in program planning and development.

*Meeting and Advance Team Management Activity (CAT12).* (1) Coordinates and manages the Director's schedule, travel, and oversees the development of briefing materials; (2) manages executive and senior level meetings, inclusive of preparing for and

conducting leadership meetings and identifying, triaging, supervising and tracking action items stemming from these leadership meetings; (3) oversees all activities related to the Advisory Committee to the Director and its subcommittees and workgroups; (4) coordinates CDC Foundation requests for the Director and senior leadership appearances at board meetings, special events, speaking engagements, and similar external events; and (5) manages OD-level special events and VIP visits.

*Budget and Operations Management Activity (CAT13).* (1) Interfaces on behalf of the OD with CDC budget and operations personnel on cross-cutting functions; (2) coordinates the development, implementation, tracking (including spending plan), and reporting of OD budget; (3) oversees administrative functions for OD, including strategic recruitment, personnel actions, training and employee development, space requests and allocation, procurement and distribution of equipment and supplies; (4) manages temporary senior staff within OD such as staff on details and Intergovernmental Personnel Actions; (5) reviews request for official reception and representation funds; and (6) organizes plans for safety, security, asset and information management for OD and OCS.

*Public Private Partnerships Team (CAT14).* (1) Coordinates and furthers strategic partnerships and private sector engagement activities with an emphasis on business sector; (2) serves as a primary point of contact with the CDC Foundation, specifically for coordination and decision support with other pre-established points of contact across CDC; (3) provides an avenue of outreach to the corporate and philanthropic sector about CDC's critical priorities and sponsors/convenes in support of OD; (4) coordinates approval of all draft proposals for new project partnerships involving CDC and the CDC Foundation; and (5) leads conflict of interest review of all gifts offered to the agency.

**Division of Issues Management, Analysis and Coordination (CATC)**

(1) Identifies and triages issues across OD in collaboration with agency leadership to ensure efficient responses to the Director's priority issues, and helps position CDC to take advantage of emerging opportunities; (2) supports key leadership in assessment, management, mitigation options, and resolution of issues and initiatives affecting CDC's priorities and goals and ensures controlled correspondence responses and reports reflect CDC/ATSDR's priorities and positions on critical public health issues; (3) establishes an environmental scanning system and network throughout CDC to identify urgent and high risk issues and opportunities related to the Director's priorities and coordinates the use of the official CDC/ATSDR controlled correspondence tracking system throughout CDC; (4) convenes teams to assess, analyze, manage and provide mitigation options and resolution of risks; (5) cultivates strong vertical and horizontal relationships to facilitate effective issues management within OD, with the Centers/Institute/Offices (CIOs) and with the Department of Health and Human Services (HHS); (6) communicates findings and status of current and ongoing issues, trends and opportunities to senior leadership, CIOs and HHS through formal advisories, alerts and briefings on key agency issues; (7) serves as the focal point for the analysis, technical review, and final clearance of controlled correspondence, non-scientific policy documents and memoranda of understanding/agreement that require approval from the Director and senior leadership, and for a wide variety of documents that require the approval of various officials within HHS; (8) works in collaboration with other OD offices to build issues management capacity throughout the agency through training and networking with CIO leadership and staff; (9) provides integrated policy analysis and strategic consultation to the Director and senior leadership on major issues affecting CDC; (10) liaises with HHS Office of the Secretary as appropriate on critical issues on behalf of the Chief of Staff and serves as the point of contact with HHS Immediate Office of the Secretary, Executive Secretariat, for status of Secretary's controlled correspondence and review clear of non-scientific documents; (11) provides a forum for OD offices for discussion and decision-making on policy related issues and Director priorities and manages controlled correspondence and clearance of non-scientific documents including the flow of decision documents and correspondence for action by the Director; (12) provides leadership in identifying regulatory priorities and supports development of regulations for the Department and coordinates inspector general and General Accountability Office audit and evaluation engagements related to CDC/ATSDR; (13) tracks and coordinates review of clearance of regulations under development and serves as CDC's point of contact for the Federal Document Management System and maintains all official records relating to the decisions and official actions of the Director; (14) develops and distributes leadership reports, including the White House/HHS Weekly Cabinet Report and weekly situation reports on emerging issues impacting HHS and the White House; (15) manages internal communication for OCS; (16) manages the electronic signature of the Director and other OD executives, ensures consistent application of CDC correspondence standards and styles and ensures agency training and communication updates on the controlled correspondence; and (17) coordinates the activities related to OD liaison officer function during a CDC Emergency Operations Center activation.

**James Seligman,**

*Acting Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2015–23636 Filed 9–21–15; 8:45 am]

**BILLING CODE 4160–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 80 FR 34643–34644, dated June 6, 2015) is amended to reflect the reorganization of the National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

Section C–B, Organization and Functions, is hereby amended as follows:

After the title and the function statement for the *Western States Division (CCQ)* insert the following:

*Pittsburgh Mining Research Division (CCR).* Provides leadership for the prevention of work-related illness, injury, and fatalities of mine workers through research and prevention activities of the Pittsburgh Mining Research Division (PMRD). Specifically PMRD: (1) Conducts field studies to identify emerging hazards, to understand the underlying causes of mine safety and health problems, and to evaluate the effectiveness of interventions; (2) develops engineering and behavioral-based interventions,

including training programs, to improve safety and health in the mines, trains mine safety and health instructors, and for evaluation purposes, conducts mine emergency, mine rescue and escape training for miners and mine rescue teams; (3) performs research, development, and testing of new technologies, equipment, and practices to enhance mine safety and health; (4) develops best practices guidance for interventions; (5) transfers mining research and prevention products into practice; and (6) coordinates, with the Spokane Mining Research Division, NIOSH research and prevention activities for the mining sector.

*Health Communications, Surveillance and Research Support Branch (CCRB).* (1) Collects and analyzes health and safety data related to mining occupations in order to report on the overall incidence, prevalence and significance of occupational safety and health problems in mining; (2) describes trends in incidence of mining-related fatalities, morbidity, and traumatic injury; (3) conducts surveillance on the use of new technology, the use of engineering controls, and the use of protective equipment in the mining sector; (4) coordinates surveillance activities with other NIOSH surveillance initiatives; (5) provides statistical support for surveillance and research activities of the division; (6) analyzes and assists in the development of research protocols for developing studies; (7) coordinates planning, analysis, and evaluation of the mining research program for achieving organizational goals; (8) collaborates with research staff to translate findings from laboratory research to produce compelling products that motivate the mining sector to engage in improved injury control and disease prevention activities; (9) coordinates with other health communication, health education, and information dissemination activities within NIOSH and CDC to ensure that mining research information is effectively integrated into the CDC dissemination and intervention strategies; and (10) supports mining research through the development and application of computational tools and techniques that advance the understanding and mitigation of mining health and safety problems.

*Ground Control Branch (CCRC).* (1) Conducts laboratory and field investigations of catastrophic events such as cataclysmic structural or ground failures to better understand cause and effect relationships that initiate such events; (2) designs, evaluates, and implements appropriate intervention strategies and engineering controls to prevent ground failures; (3) develops, tests, and promotes the use of rock safety engineering prediction and risk evaluation systems for control or reduction of risk; (4) conducts laboratory and field investigations of surface mining operations to ensure appropriate engineering designs to prevent slope and highwall failures; (5) conducts research using a variety of techniques including numerical modeling and laboratory testing and experiments to ensure a full understanding of rock behavior and performance during rock excavation and mining operations; (6) develops, tests, and demonstrates sensors, predictive models, and engineering control technologies to reduce miners risk for injury or death; and (7) conducts research investigations using a wide-variety of measurement and sensor technologies including in-mine and surface systems and technologies to ensure the structural stability of mining operations.

*Dust, Ventilation and Toxic Substances Branch (CCRD).* (1) Develops, plans, and implements a program of research to develop or improve personal and area direct reading instruments for measuring mining contaminants including, but not limited to, respirable dust, silica, diesel particulates and exhaust and a variety of toxic and other potentially harmful exposures; (2) conducts field tests, experiments, and demonstrations of new technology for monitoring and assessing mine air quality; (3) designs, plans, and implements laboratory and field research to develop airborne hazard reduction control technologies; (4) carries out field surveys in mines to identify work organization strategies that could result in reduced dust exposures, diesel particulate exposures, toxic substance exposures and exposures to other potentially harmful exposures; (5) evaluates the performance, economics, and technical feasibility of engineering control strategies, novel approaches, and the application of new or emerging technologies for underground and surface mine dust and respiratory hazard control systems; (6) develops and evaluates implementation strategies for using newly developed monitors and control technology for exposure reduction or prevention; and (7) conducts field and laboratory experiments on mine ventilation systems to develop improved technologies and strategies for applications to dust control, gas control, diesel exhaust control to ensure safe and healthy conditions for underground miners.

*Human Factors Branch (CCRE).* Seeking to improve the health and safety of mineworkers, the branch systematically identifies, understands, and evaluates interactions within the mining work system, including the organizational and physical environment, tools and technology, job tasks and social factors. Researchers use a range of established and novel methods to study how the interactions among various individual, environmental, and organizational factors, along with tools and technology affect the mining work process and work system, and how these processes impact worker perceptions, decisions, behavior, health and well-being. The branch: (1) Conducts research with an overarching focus on the human component in the mining workplace system and in the mine emergency response system including: Designing and testing of proposed interventions related to workplace safety management systems and mine emergency response, rescue and escape systems, including demonstrations of proposed technologies using laboratory mock-ups, full-scale demonstrations at the division's experimental mines, assessments and demonstrations in the branch's virtual reality immersive environment research labs, and field evaluations in operating mines; (2) develops interventions, conducts evaluations and recommends intervention implementation strategies for injury prevention and control technologies developed by the division; (3) conducts human factors research related to worker perceptions, judgment and decision making, hazard recognition, human behavior; and (4) provides effective training and work place organization techniques and strategies for mining.

*Electrical and Mechanical Systems Safety Branch (CCRF).* (1) Conducts laboratory, field, and computer modeling research to assess the health and safety relevance of mining equipment design features; (2) using scientific and engineering techniques, analyzes case-studies of injuries and fatalities resulting from mining equipment and develops interventions and strategies for reducing or eliminating the hazards; (3) conducts laboratory and field research to assess the safety hazards of electrical systems used in mining operations and develops interventions and strategies to reduce or eliminate the hazards; (4) develops novel approaches for improving the operational safety of working around, and on, mining machinery; and (5)

conducts laboratory and field research on communication systems, tracking systems and monitoring systems as needed to ensure their viability and safety during routine mining operations as well as post-disaster conditions.

*Fires and Explosions Branch (CCRG).* (1) Conducts experiments and studies at the Bruceton Experimental Mine, the Bruceton Safety Research Coal Mine, and similar facilities as well as field experiments at operating mines to prevent catastrophic events such as mine explosions, mine fires, and gas and water inundations to better understand cause and effect relationships which initiate such events; (2) develops new or improved strategies and technologies for mine fire prevention, detection, control, and suppression; (3) investigates and develops an understanding of the critical parameters and their interrelationships governing the mitigation and propagation of explosions, and develops and facilitates the implementation of interventions to prevent mine explosions; (4) develops new controls and strategies for eliminating explosions or fires or minimizing the impact of explosions on the safety of mine workers by improving suppression systems, improving detection of sentinel events; (5) works with the mining industry and other government agencies to ensure research gaps and technology needs are met for preventing any and all types of events that could lead to mine explosions, sustained fires or inundations; and (6) identifies and evaluates emerging health and safety issues as mining operations move into more challenging and dangerous geologic conditions.

*Workplace Health Branch (CCRH).* (1) Plans and conducts laboratory and field research on all aspects of workplace health including noise-induced hearing loss in miners, cumulative and repetitive injuries and the identification of potential related health and safety hazards; (2) specific to excessive noise levels, conducts field dosimetric and audiometric surveys to assess the extent and severity of the problem; (3) specific to cumulative and repetitive injuries, conducts laboratory and field studies to identify the risk factors most responsible for causing injuries to mine workers at surface and underground operations and develops interventions, conducts evaluations and recommends intervention strategies for cumulative and repetitive injuries; (4) conducts field and laboratory research to identify noise generation sources and develops, tests, and demonstrates new control technologies for noise reduction; (5) evaluates the technical and economic feasibility of noise reduction controls; (6) designs and conducts surveillance based research studies to identify and classify risk factors that cause, or may cause, repetitive and cumulative injuries to miners; (7) conducts research studies to further the understanding of operating equipment on the role of mine worker musculoskeletal disorders in the underground and surface environment; and (8) develops strategies, technologies and approaches for improving the operational aspects of mining systems for mine worker comfort and health.

*Spokane Mining Research Division (CCS).* (1) Provides leadership for prevention of work-related illness, injury, and death in the mining industry with an emphasis on the special needs in the western United States; (2) develops numerical models and conducts laboratory and field investigations to better understand the causes of catastrophic failures in underground metal/nonmetal mines that may lead to multiple injuries and fatalities; (3) develops new design practices and tools, control technologies, and work practices to reduce the risk of these global and local ground failures in underground metal/nonmetal mines; (4) conducts numerical studies and field investigations to understand the problems of ventilating deep and multilevel underground mines, and develops improved design approaches and engineering controls to reduce the concentration of toxic substances in the mine air; (5) conducts laboratory and field studies to help leverage and support the Institute's mining research program; (6) develops and recommends appropriate criteria for new standards, NIOSH policy, documents, or testimony related to health and safety in the mining industry.

Delete in its entirety the title and function statements for the *Office of Mine Safety and Health Research (CCM).*

**James Seligman,**

*Acting Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2015–24007 Filed 9–21–15; 8:45 am]

**BILLING CODE 4160–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[60Day-15–0941; Docket No. CDC–2015–0084]**

### Proposed Data Collection Submitted for Public Comment and Recommendations

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection entitled *Evaluation of Dating Matters: Strategies to Promote Healthy Teen Relationships.* CDC will use the information to continue the ongoing longitudinal follow-up for CDC's teen dating violence (TDV) prevention initiative, Dating Matters®: Strategies to Promote Healthy Teen Relationships.

**DATES:** Written comments must be received on or before November 23, 2015.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC–2015–0084 by any of the following methods:

Federal eRulemaking Portal: *Regulation.gov.* Follow the instructions for submitting comments.

Mail: Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

*Instructions:* All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov*, including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov.*

**Please note:** *All public comment should be submitted through the Federal eRulemaking portal (Regulations.gov) or by U.S. mail to the address listed above.*

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plan and

instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

**Proposed Project**

Evaluation of Dating Matters®: Strategies to Promote Healthy Teen Relationships (OMB Control Number 0920–0941, expiration date 5/30/2016)—Revision—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

The Centers for Disease Control and Prevention (CDC) is seeking a revision request that will enable continued longitudinal follow-up for CDC's teen dating violence (TDV) prevention initiative, Dating Matters®: Strategies to Promote Healthy Teen Relationships. The initial evaluation of this initiative, a cluster randomized controlled trial (RCT), is covered under the current OMB-approved Information Collection Request entitled, *''Evaluation of Dating Matters®: Strategies to Promote Healthy Teen Relationships,''* (OMB Control Number 0920–0941, Expiration 5/30/2016). Approval of this revision request will allow us to continue to assess the effectiveness of the CDC-developed comprehensive approach to TDV for longer-term follow-up as the students in our sample age and their engagement in dating relationships increases. The current evaluation of Dating Matters® tests a comprehensive approach to prevent TDV among youth in high-risk urban communities.

In order to address gaps in effective prevention programming for youth in urban communities with high crime and economic disadvantage, who may be at highest risk for TDV perpetration and victimization, *Dating Matters®* focuses on middle school youth with universal primary prevention strategies aimed at building a foundation of healthy relationship skills before dating and/or TDV is initiated. All data collected as part of this request will be used in the longitudinal outcome evaluation of the Dating Matters® initiative. No teen dating violence comprehensive program has been developed and implemented specifically for high risk urban communities. Further, no other data source exists to examine the effectiveness of the Dating Matters® initiative for preventing dating violence.

The evaluation utilizes a cluster randomized design in which 46 schools in four funded communities (Alameda County, California; Baltimore, Maryland; Broward County, Florida; and, Chicago, Illinois), were randomized to either Dating Matters® or standard practice, and we seek to continue evaluation activities in these four communities. Therefore, this data collection is critical to understand the effectiveness, feasibility, and cost of Dating Matters® and to inform decisions about disseminating the program to other communities.

OMB approval is requested for three years for this revision. The only cost to respondents will be time spent on responding to the survey.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondent | Form name | Number of respondents | Number of responses per respondent | Average burden per response (in hrs.) | Total burden hours (in hrs.) |
|---|---|---|---|---|---|
| Student Program Participant | Student Outcome Survey Follow-up—Attachment E: and web version. | 4,399 | 1 | 45/60 | 3,299 |
| Total | | | | | 3,299 |

**Leroy A. Richardson,**

*Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.*

[FR Doc. 2015–24030 Filed 9–21–15; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### Announcement of Requirements and Registration for Healthcare Associated Venous Thromboembolism Prevention Challenge

**Authority:** 15 U.S.C. 3719

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

*Award Approving Official:* Thomas R. Frieden, MD, MPH, Director, Centers for Disease Control and Prevention, and Administrator, Agency for Toxic Substances and Disease Registry.

**ACTION:** Notice.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC) located within the Department of Health and Human Services (HHS) announces the launch of the Healthcare Associated Venous Thromboembolism (HA–VTE) Prevention Challenge on November 2, 2015. The challenge will be open until January 10, 2016.

Venous thromboembolism (VTE), blood clots occurring as deep vein thrombosis (DVT), pulmonary embolism (PE), or both, is an important and growing public health issue. Prevention of healthcare associated VTE (HA–VTE) is a national hospital safety priority. Many HA–VTEs can be prevented, but VTE prevention strategies and are still not being applied regularly or effectively across the United States.

To support and promote HA–VTE prevention, HHS/CDC is announcing the 2015 HA–VTE Prevention Challenge. The challenge will bring prestige to organizations that invest in VTE prevention, improve understanding of successful implementation strategies at the health system level, and motivate health systems to strengthen their VTE prevention efforts. The top-judged organizations found to have implemented innovative and effective VTE prevention strategies will be recognized as HA–VTE Prevention Champions. HHS/CDC will document these successful strategies and highlight the systems, processes, and staffing that contributed to exceptional VTE prevention outcomes achieved by Champions. Champions will receive a cash prize (if eligible) and other forms of recognition.

**DATES:** Contest begins on November 2, 2015 and ends on January 10, 2016.

**FOR FURTHER INFORMATION CONTACT:** Michele Beckman, Division of Blood Disorders, National Center on Birth Defects and Developmental Disabilities, Centers for Disease Control and Prevention, 1600 Clifton Road NE., Mailstop E–64, Atlanta, GA 30329, Telephone: 404–498–6474, Fax: 404–498–6799, Attention: HA–VTE Prevention Challenge, Email: *havtechallenge@cdc.gov.*

**SUPPLEMENTARY INFORMATION:** The challenge is authorized by Public Law 111–358, the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education and Science Reauthorization Act of 2010 (COMPETES Act).

#### Subject of Challenge Competition

Entrants of the HA–VTE Prevention Challenge will be asked to describe the VTE prevention strategy and reasons that support the strategy choice developed by their organization. In addition, entrants will be asked to describe the specific intervention(s) (*e.g.* implementation of VTE protocols and order sets, risk assessment, electronic alerts, clinical decision support tools, performance monitoring systems and dashboards, patient and/or provider education and awareness, post-discharge follow-up, etc.), methods, and systems used to implement, support and evaluate the strategy. Entrants will be asked to submit at least one quantitative measure showing an increase of VTE prevention (*e.g.* number of patients assessed for VTE risk, number of at risk patients receiving appropriate VTE prevention, number of patients and/or providers receiving education on VTE prevention, etc.) and/or decrease in HA–VTE rates for the organization's population of interest. Each measure submitted must include two data points: One for the control or pre-intervention period and a second for the post-intervention period. Control/pre-intervention and post-intervention measures must cover a period of at least six months. This information collection is approved by the Office of Management and Budget under OMB Control Number 0990–0390, expiration April 30, 2018.

#### Eligibility Rules for Participating in the Competition

To be eligible to win a monetary prize under this challenge, an individual or entity—

(1) Shall have completed and submitted the nomination form in its entirety to participate in the competition under the rules promulgated by HHS/CDC;

(2) Must be a hospital, multi-hospital system, hospital network or managed care organization, incorporated in and maintaining a primary place of business in the United States that provides inpatient medical care for patients.

(3) May not be a Federal entity or Federal employee acting within the scope of their employment (Federal entities or employees are eligible to participate in the challenge; however, they are not eligible to receive a monetary prize. Federal entities are eligible for non-monetary recognition only.);

(4) Shall not be an HHS employee working on their applications or submissions during assigned duty hours;

(5) Shall not be an employee or contractor at HHS/CDC;

(6) Federal grantees may not use Federal funds to develop COMPETES Act challenge applications unless consistent with the purpose of their grant award.

(7) Federal contractors may not use Federal funds from a contract to develop COMPETES Act challenge applications or to fund efforts in support of a COMPETES Act challenge submission;

(8) Must agree to participate in a data validation process to be conducted by an HHS/CDC-selected contractor. To the extent applicable law allows, data will be kept confidential by the contractor and will be shared with the CDC in aggregate form only; *i.e.,* the VTE prevention coverage rate for the practice not individual data;

(9) Must have a data management system (electronic or paper) that allows HHS/CDC or their contractor to check data submitted;

(10) Individual nominees and individuals in a group practice must be free from convictions or pending investigations of criminal and health care fraud offenses such as felony health care fraud, patient abuse or neglect; felony convictions for other healthcare-related fraud, theft, or other financial misconduct; and felony convictions relating to unlawful manufacture, distribution, prescription, or dispensing of controlled substances as verified through the Office of the Inspector General List of Excluded Individuals

and Entities. *http://oig.hhs.gov/exclusions/background.asp*

Individual nominees must be free from serious sanctions, such as those for misuse or mis-prescribing of prescription medications. Such serious sanctions will be determined at the discretion of the agency consistent with CDC's public health mission. HHS/CDC's contractor may perform background checks on individual clinicians or medical practices.

(11) Health systems must have a written policy in place that conducts periodic background checks as described in (10) on all providers and takes appropriate action accordingly. In addition, a health system background check may be conducted, as deemed necessary, by HHS/CDC or an HHS/CDC contractor that includes a search for The Joint Commission sanctions and current investigations for serious institutional misconduct (*e.g.,* attorney general investigation). HHS/CDC's contractor may also request the policy and any supporting information deemed necessary.

(12) Must agree to accept the monetary prize and be recognized if selected, and agree to participate in an interview to develop a success story that describes the systems and processes that support VTE prevention. Champions will be recognized on HHS/CDC Web sites. Strategies used by Champions that support VTE prevention may be written into a success story, placed on HHS/CDC Web sites, and attributed to Champions.

An individual or entity shall not be deemed ineligible because the individual or entity used Federal facilities or consulted with Federal employees during a competition if the facilities and employees are made available to all individuals and entities participating in the competition on an equal basis.

By participating in this challenge, an individual or organization agrees to assume any and all risks related to participating in the challenge. Individuals or organizations also agree to waive claims against the Federal Government and its related entities, except in the case of willful misconduct, when participating in the challenge, including claims for injury; death; damage; or loss of property, money, or profits, and including those risks caused by negligence or other causes.

By participating in this challenge, individuals or organizations agree to protect the Federal Government against third party claims for damages arising from or related to challenge activities.

Entrants who are a U.S. federal hospital, multi-hospital system, hospital network or managed care organization that provides inpatient medical care for patients may apply for non-monetary recognition. No monetary prize will be awarded.

Entrants who are an international hospital, multi-hospital system, hospital network or managed care organization that provides inpatient medical care for patients may apply for non-monetary recognition. No monetary prize will be awarded.

**Registration Process for Participants**

To participate, interested parties will navigate to *www.challenge.gov.* On this site, nominees will have access to the nomination form. Information required of the nominees on the nomination form includes:

- The organization name, address, and contact information of the nominee.
- The size, scope, and general demographic characteristics of the nominees' patient population.
- Details regarding the nominee's VTE prevention strategy and implementation including the population(s) observed, intervention, and methods of implementation. Examples of strategies include implementation of sustainable systems or processes that support VTE prevention. These may include but are not limited to implementation of VTE protocols and order sets, risk assessment, electronic alerts, clinical decision support tools, performance monitoring systems and dashboards, patient and/or provider education and post-discharge follow-up.
- A description of the observed results of the VTE prevention strategy including the pre-implementation and post-implementation measures for the observed VTE prevention activity. Examples of outcome measures include but are not limited to the number of patients assessed for VTE risk, the number of at risk patients receiving appropriate VTE prevention, and the number of patients and/or providers receiving education on VTE prevention.
- A brief summary of the barriers and successes to implementation.

The VTE prevention rates achieved should be for the organizations entire patient population observed as outlined in their strategy and intervention methods, not limited to a sample. Data on subpopulations is allowed, but must be inclusive of all patients seen during the stated time period of study. Examples of ineligible data submissions include VTE prevention interventions limited to treatment cohorts from clinical trials of novel anticoagulant drugs.

The estimated burden for completing the nomination form is 30 minutes to 1 hour.

**Amount of the Monetary Prize**

An estimated 7 of highest scoring U.S. hospitals, multi-hospital systems, hospital networks and managed care organizations will be recognized as HA–VTE Prevention Champions and will receive a cash award of $10,000. A maximum of $70,000 will be awarded in this challenge. Additional honorable mention awards, pending availability of funds, may be made if the judges identify more than 7 deserving entries. Federal and international winners will receive non-monetary recognition but no prize.

**Payment of the Monetary Prize**

Monetary prizes awarded under this challenge will be paid by electronic funds transfer and may be subject to Federal income taxes. HHS will comply with the Internal Revenue Service withholding and reporting requirements, where applicable.

**Basis Upon Which Winner Will Be Selected**

Challenge submissions will be evaluated by a panel of three to five judges (CDC, HHS agencies such as the Agency for Healthcare Research and Quality and the Centers for Medicare and Medicaid Services, and external industry experts) using the information provided on, and in accordance with, the nomination form. The judges will score the nomination form using a rubric based on the following evaluation criteria: methods (30% of score); results (50% of score); and feasibility/utility (20% of score) of the strategy and interventions associated with the intended outcome of interest. Nominees with the highest score will be required to participate in a process to verify their data. Final selection will take into account all the information form the nomination form, the background check, and data verification. Geographic location and population treated may be used to break any ties in the event of tie scores at any point in the selection process. An estimated 7 organizations will be recognized as prize winners.

Some Champions will participate in a post-challenge telephone interview. The interview will include questions about the strategies employed by the organization to achieve high rates of VTE prevention, including barriers and facilitators for those strategies. The interview will focus on systems and processes and should not require preparation time by the Champion. The estimated time for the interview is one

hour, which includes time to review the interview protocol with the interviewer, respond to the interview questions, and review a summary report about the Champion's practices. The summary will be written as a success story and will be posted on the CDC Web site.

**Additional Information**

Information received from nominees will be stored in a password protected file on a secure server. The challenge Web site may post the number of nominations received but will not include information about individual nominees. The database of information submitted by nominees will not be posted on the Web site. Personal information collected and stored from nominees will only include general details, such as the organization name, address, and contact information of the nominee. This type of information is generally publically available. The nomination form and submission will collect and store only aggregate clinical data through the nomination process; no individual identifiable patient data will be collected or stored. Confidential or propriety data, clearly marked as such, will be secured to the full extent allowable by law.

Information for selected Champions, such as the hospital or health system's name, location, VTE prevention outcomes, and practices that support HA–VTE prevention will be shared through press releases, the challenge Web site, social media, and other HHS/CDC resources. Summary data on the types of systems and processes used to increase VTE prevention will be shared in documents or other communication products that describe generally used practices for successful VTE prevention. HHS/CDC will use the summary data only as described.

**Compliance With Rules and Contacting Contest Winners**

Finalists must comply with all terms and conditions of these official rules, and winning is contingent upon fulfilling all requirements herein. The finalists will be notified by email, telephone, or mail after the date of judging.

**Privacy**

Personal information provided by entrants on the nomination form through the challenge Web site will be used to contact selected finalists. Information is not collected for commercial marketing. Winners are permitted to cite that they won this challenge.

The names, cities, and states of selected Champions will be made available in HHS/CDC's educational materials on VTE prevention and at recognition events.

**General Conditions**

HHS/CDC reserves the right to cancel suspend, and/or modify the challenge, or any part of it, for any reason, as HHS/CDC's sole discretion.

Dated: September 15, 2015.

**Sandra Cashman,**

*Acting Director, Division of the Executive Secretariat, Office of the Chief of Staff, Centers for Disease Control and Prevention.*

[FR Doc. 2015–23990 Filed 9–21–15; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 80 FR 34643–34644, dated June 6, 2015) is amended to reflect the reorganization of the National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

Section C–B, Organization and Functions, is hereby amended as follows:

Delete in its entirety the title and function statements for the *Division of Respiratory Disease Studies (CCH)* and insert the following:

*Respiratory Health Division (CCH).* The Respiratory Health Division (RHD) seeks to advance protection against work-related hazards and exposures that cause or contribute to respiratory illness, injury, and death and to promote workplace-based interventions that improve respiratory health. To accomplish its mission, the Division gathers and synthesizes information, makes recommendations, and delivers products and services to a range of stakeholders, including partners able to effect prevention. Specifically, RHD: (1) Prevents work-related respiratory disease and improves workers' respiratory health by generating new knowledge and transferring that knowledge into practice; (2) plans, designs, and conducts a national research program relevant to preventing occupational respiratory disease and optimizing workers' respiratory health; (3) upon request, conducts hazard evaluations and provides technical assistance to address challenges, including emerging issues, in occupational respiratory disease; (4) plans, designs, and conducts a national surveillance program for occupational and work-related respiratory disease; (5) communicates study findings to prevent occupational respiratory disease and optimize workers' respiratory health, and evaluates the effectiveness of these communications; (6) administers a program of legislatively mandated medical monitoring services for coal miners under the Federal Mine Safety and Health Act of 1977; and (7) provides rewarding educational and training opportunities in occupational and work-related respiratory disease prevention to visiting scientists, Epidemiologic Investigations Service Officers, fellows, residents, interns, students and others through a variety of temporary assignments in various Division activities.

*Office of the Director (CCH1).* Directs and manages the operations of the Respiratory Health Division.

*Field Studies Branch (CCHB).* (1) Plans, designs, and conducts short- and long-term field investigations relevant to preventing occupational respiratory diseases and optimizing workers' respiratory health; (2) responds to requests for health hazard evaluations and technical assistance relevant to occupational respiratory disease; (3) conducts morbidity and mortality studies relating to occupational respiratory diseases in selected worker populations and the general population in order to identify causal agents and other risk factors, quantify exposure effect relationships, and evaluate prevalence and severity of specific respiratory diseases; (4) conducts environmental studies, medical test evaluations, industrial hygiene research, laboratory research, demonstrations of workplace exposures and controls, and studies the challenges created by new technologies; (5) provides statistical design and implements data analysis and verification for Division research projects; and (6) develops and evaluates research methods of data collection, processing, and statistical analysis that are relevant to the Division mission, including medical tests, sampling approaches and equipment, sample analyses, exposure and dose assessment and modeling (including dermal exposure), bioavailability of exposures, biomarkers of exposure and health effects, and protective measures.

*Surveillance Branch (CCHD).* (1) Collects, analyzes, and disseminates accurate and timely health and hazard information related to occupational respiratory diseases and workers' respiratory health, and collaborates in the establishment and analysis of health surveillance systems at the national and state level in order to: (a) provide information relating to overall incidence, prevalence, mortality, and impact of occupational respiratory diseases and workers' respiratory health; (b) describe the occurrence of specific diseases with regard to occupation, industry, exposures, geography, demographic characteristics, temporal trends, and other relevant factors for which information is available; (c) describe the distribution and trends in occupational exposure to agents responsible for respiratory diseases; (d) identify emerging risks for respiratory disease; (e) assess racial/ethnic and other disparities in the occurrence of occupational respiratory diseases and occupational exposures to agents responsible for respiratory diseases; and (f) evaluate impact of interventions, policies, and program activities on the occurrence of occupational respiratory disease; (2) synthesizes data to frame recommendations for priority setting, hypothesis generation, and improved methods for data collection; (3) disseminates information through development and publication of timely information and reports describing workplace hazards and exposures and work-related occupational lung diseases, and application of communication science, media principles, and web design to enhance access to and use of data and information; (4) develops and evaluates innovative surveillance methods; (5) coordinates with other Federal agencies, promulgates rules, and implements programs as authorized by the Federal Mine Safety and Health Act of 1977 and its subsequent amendments, to provide for the collection and reporting of health and hazard surveillance data related to occupational respiratory diseases in coal miners, including planning, coordinating, and processing the medical examinations provided for miners, operating an approval program for participating medical facilities and physicians, and evaluating and approving employer programs for the examination of miners in accordance with published regulations; (6) provides technical assistance and recommendations concerning medical screening and health surveillance of workers exposed to respiratory hazards in the workplace, including administering a national program of spirometry training, providing training and testing on the classification of radiographs for the pneumoconioses, and collaborating with national (*e.g.,* American College of Radiology, American Thoracic Society) and international (*e.g.,* International Labour Organization) groups to develop and improve occupational respiratory disease medical surveillance methods; and (7) establishes collaborations to identify, support, and evaluate interventions designed to improve respiratory health in the workplace.

**James Seligman,**

*Acting Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2015–24006 Filed 9–21–15; 8:45 am]

**BILLING CODE 4160–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[30 Day–15–15AOX]**

### Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

**Proposed Project**

Harmful Algal Bloom Illness Surveillance System (HABISS)—NEW—National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

The National Center for Emerging and Zoonotic Infectious Diseases (NCEZID) is requesting approval for surveillance activities through Harmful Algal Bloom-related Illness Surveillance System (HABISS). HABISS data surveillance was previously covered under OMB Control No. 0920–0004. Previous Harmful Algal Bloom (HAB) surveillance under HABISS ceased due to defunding. NCEZID is now managing the HAB surveillance module. Surveillance through HABISS is now a priority within NCEZID due to the Great Lakes Restorative Initiative.

The goal of the Harmful Algal Bloom-related Illness Surveillance System (HABISS) is to receive data on harmful algal blooms (HABs) and human and animal illnesses related to HAB exposures. Data reported to HABISS will be accessible to state health departments, federal partners and other stakeholders to better characterize HABs and single human and animal illness related to HAB exposures and to inform future prevention efforts.

Data will be collected electronically, with data elements collected via the National Outbreak Reporting System (NORS). Single human and animal illnesses related to HAB exposures, and environmental data about HABs will be voluntarily reported by state agencies. The data collected will be analyzed and presented through summaries and reports.

The total burden is 57 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondents | Form name | Number of respondents | Number of responses per respondent | Average burden per response (in hrs.) |
|---|---|---|---|---|
| State Epidemiologists | Harmful Algal Bloom Illness Surveillance System (HABISS) data elements (electronic, year-round). | 57 | 3 | 20/60 |

**Leroy A. Richardson,**

*Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.*

[FR Doc. 2015–24029 Filed 9–21–15; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Submission for OMB Review; Comment Request

*Title:* Accomplishments of the Domestic Violence Hotline, Online Connections and Text (ADVHOCaT) Study.

*OMB No.:* New Collection.

*Description:* The National Domestic Violence Hotline (NDVH) and the National Dating Abuse Helpline or loveisrespect (NDAH/LIR), which are supported by the Family Violence Prevention and Services Act Program (FVPSA Program) within the Family and Youth Services Bureau (FYSB) of the Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), serve as partners in the intervention, prevention, and resource assistance efforts of the network of family violence, domestic violence, and dating violence service providers.

In order to describe the activities and accomplishments of the NDVH and NDAH/LIR and develop potential new or revised performance measures, the Office of Planning, Research and Evaluation (OPRE) and FYSB's FVPSA Program, within ACF/HHS are proposing data collection activity as part of the Accomplishments of the Domestic Violence Hotline, Online Connections and Text (ADVHOCaT) Study.

This study will primarily analyze data previously collected by the NDVH and NDAH/LIR as part of their ongoing program activities and monitoring. ACF proposes to collect additional information, including information about the preferred mode (phone, chat, text), ease of use, and perceived privacy and safety of each mode of contact.

This data is to be collected through voluntary web-based surveys that are to be completed by those who access the NDVH and NDAH/LIR Web sites. This information will be critical to informing future efforts to monitor and improve the performance of domestic violence hotlines and provide hotline services.

*Respondents:* Individuals who access the NDVH and NDAH/LIR Web sites.

ANNUAL BURDEN ESTIMATES

| Instrument | Total/annual number of respondents | Number of responses per respondent | Average burden hours per response | Annual burden hours |
|---|---|---|---|---|
| NDVH/LIR Preference of Use Survey. | 5,000 | 1 | 0.041 hours (150 seconds) | 205 hours. |

Estimated Total Annual Burden Hours: 205 hours.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@acf.hhs.gov.*

*OMB Comment:* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following:

Office of Management and Budget
Paperwork Reduction Project
Email: *OIRA_SUBMISSION@OMB.EOP.GOV*
Attn: Desk Officer for the Administration for Children and Families

**Robert Sargis,**

*ACF Reports Clearance Officer.*

[FR Doc. 2015–23967 Filed 9–21–15; 8:45 am]

**BILLING CODE 4184–32–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Proposed Information Collection Activity; Comment Request

*Proposed Projects:* ORR, Unaccompanied Children's Program, Division of Children's Services (DCS).

*Title:* Information Collection and Record Keeping for the Timely Placement and Release of Unaccompanied Children (UC) in ORR Care

OMB No.:

Description: On March 1, 2003, the Homeland Security Act of 2002, Section 462, transferred responsibilities for the care and placement of unaccompanied children from the Commissioner of the

Immigration and Naturalization Service to the Director of the Office of Refugee Resettlement (ORR). ORR is also governed by the provisions established by the Flores Agreement in 1997 and the William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008.

The ORR Unaccompanied Children's Program provides placement, care, custody and services for UC until they can be successfully released to a sponsor, are repatriated to their home country, or able to obtain legal status.

Through cooperative agreements and contracts, ORR funds residential care providers that provide temporary housing and other services to unaccompanied children in ORR custody. These care provider facilities are State licensed and must meet ORR requirements to ensure a high level quality of care. They provide a continuum of care for children, including placements in ORR foster care, group homes, shelter, staff secure, secure, and residential treatment centers. The care providers provide children with classroom education, health care, socialization/recreation, vocational training, mental health services, access to legal services, and case management.

Under the law, ORR and its care providers are required to:

(1) Collect information about each UC who is entrusted to the care of ORR in order to determine the most appropriate and least restrictive placement, provide adequate services, and identify qualified sponsors for the timely release of the child or youth. ORR has developed instruments to assess the child or youth and his or her needs and conditions throughout his or her stay with ORR as well as the identification and assessment of potential sponsors. These instruments allow for consistency and compliance of standards across care providers and help ORR monitor programs and identify problems and issues that need corrective action.

(2) Keep up-to-date records to ensure the child or youth's safety and security and care and to provide accountability with all Federal and State, licensing, and other standards by care providers.

(3) Notify UC of their rights and responsibilities under the law, including notice about ORR services, the fact that that they have the right to apply for Special Immigrant Juvenile (SIJ) status, and their legal responsibility to attend an immigration hearing.

These tasks are mainly conducted through the ORR online database (The UC Portal), which provides a central location for case records and the documentation of other activities (for example, when a child or youth is transferred to another facility). Many of these records are ''auto-populated'' on the UC Portal once the original data points are completed (such as DOB, A number, date of initial placement).

The data collection described here pertains to activities involving UC and care providers from initial intakes of UC into ORR care to his or her release from ORR care. It does not cover information collection for potential sponsors (Submitted via separate OMB request in January 2015.)

ORR has applied the following assumptions to this request:

(1) Items related to tasks that are routine and customary for care providers and others are excluded. This includes quarterly or annual financial or other reports, grant related requests from ORR Project Officers or others for monitoring performance and progress, and third party notifications to other government agencies, such as U.S. Department of Homeland Security (DHS) or U.S. Department of Justice (DOJ). (For financial and other reports, Care Providers use templates posted on *http://www.acf.hhs.gov/grants/grants_resources.html#reporting*)

(2) Data collection and reporting requirements do not reflect those required by State or local licensing or accreditation requirements.

(3) Acknowledgement of receipt of information or other acknowledgements via signature by either the UC or the care provider or others are not included in this information request as these are administrative in nature in order to help care providers and UC track personal belongings, DHS related documents, medical records, and other important items required by the UC following release from ORR care.

The components of this information request include:

(1) UC Portal Capacity Report: Care providers complete the sections on ''In Care'' and ''Beds in Reserve'' as well as the section recording the UC who have been discharged on a daily basis so that ORR Intakes has a complete picture of available beds for UC placements.

(2) The Further Assessment Swift Track (FAST) Placement Tool (Versions for Secure and Staff Secure placements): Initially used by ORR Intakes to determine when a UC warrants a placement in Secure or Staff Secure Care. Care providers must use the tool to update a status for UC who are placed in Secure Care at least every 30 days. (Care providers are not required to re-use tool for UC who have been placed in Staff Secure Care).

(3) Placement Authorization: Auto-generated. Requires a signature from the care provider acknowledging a particular UC placement into their facility.

(4) Notice of Placement in Secure or Staff Secure Facility: Acknowledges UC's placement in a secure or staff secure care provider facility with signature of UC and facility witness.

(5) Initial Intakes Assessment: Biographical information is auto-populated for care providers based on ORR information obtained at Intakes. Screens for trafficking or other safety concerns, special needs, danger to self and others, medical conditions, mental health concerns.

(6) UC Assessment: Care provider must complete within 7 days of UC's admission, covers biographic, family, legal, migration, medical, substance abuse, and mental health history.

(7) Individual Service Plan: Documents the services that have been provided (for example, number of counseling sessions, educational assessment and classes) and is updated every 30 days. When a child is transferred to a new facility, a new ISP is developed.

(8) UC Case Review Form: Documents any new information not indicated in the UC Assessment.

(9) New Sponsor Form: Identifies any potential sponsor(s) for a particular UC. In addition to serving as a record for a particular case, helps ORR track individuals who are attempting to sponsor numerous UC, which may suggest a possible trafficking or abuse situation.

(10) Transfer Request and Tracking Form: Auto-populated and used to obtain ORR permission for transfer to another care facility. (Filled out by both ORR and care providers) and used to document when a UC is transferred from one facility to another (requires signatures of both facilities).

(11) Long Term Foster Care Placement Memo: When ORR identifies a placement of a UC with a long term foster care facility, the long term foster care provider or national VOLAG receiving the transfer request completes the memo and sends to ORR to ensure continuity of services and tracking of records for a UC.

(12) Travel Request form for UC Long Term Foster Care: Must be filled out by program at least 10 days prior to travel start date.

(13) Notice of Transfer to ICE Chief Counsel and Change of Address: Required so that the Chief Counsel of ICE may file a Motion for Change of Venue and/or Change of Address with the Executive Office for Immigration Review (EOIR), if applicable, to ensure immigration hearing may proceed.

(14) Care Provider Release Checklist: Care providers must complete and affirm that all documents, forms, and steps are completed in the release process.

(15) Release Request: Provides care provider recommendation for release of a UC to a sponsor. All releases must be approved by ORR prior to UC release.

(16) Discharge Notification: Includes date and type of discharge (transfer, home country, sponsor release) and is sent to ICE.

(17) Verification of Release: Signed by sponsor as notification that named UC has been released according to the law. Sponsor must also acknowledge agreement with the provisions of the Sponsor Care Agreement pertaining to the minor's care, safety, and well-being, and the sponsor's responsibility for ensuring the minor's presence at all future proceedings before the Department of Homeland Security and EOIR.

(18) Child Advocate Referral and Appointment Form: Used by the Child Advocate Program to recommend that ORR appoint an independent child advocate for a victim of child trafficking or in other cases involving vulnerable children.

(19) Notice of Rights Handout and Notice of Rights and Provision of Services: Care providers are required to provide to all UC under the Flores v. Reno Settlement Agreement.

(20) Legal Service Provider List for UC: List of organizations who offer free legal representation and help for UC with State and Federal courts, immigration hearings, and appeals. Required under the Flores Settlement Agreement.

(21) URM Application: Certain populations of children and youth in ORR custody may become eligible for the Unaccompanied Refugee Minors Program, which is a State administered foster care program. In such instances the care provider facility or other interested party may complete this application form on behalf of the child.

(22) Withdrawal of Application or Declination of Placement Form: If a youth who has submitted an application for the URM Program wishes to withdraw this application, or if he or she has been offered placement and wishes to decline this placement, the youth must complete this form.

(23) Standard Shelter Tour Request: Used by members of the public and the media to submit to care providers in order to tour a shelter facility.

Respondents

UC in ORR care and custody (they are generally referred to ORR from the DHS) and who are then referred to ORR's Network of Care Providers.

Staff in ORR's Care Provider Network, including those in shelter care, secure and staff secure care, foster care, and residential treatment centers.

Approved sponsors of UC released from ORR care.

ANNUAL BURDEN ESTIMATES

| Instrument | Number of respondents | Number of responses per respondent | Average burden hours per response | Total burden hours |
|---|---|---|---|---|
| UC Portal Capacity Report | 50 | 1 | .16/hour | 8 |
| Further Assessment Swift Track (FAST) Placement Tool | 2,320 | 1 | .25/hour | 580 |
| Placement Authorization Form | 58,000 | 1 | .1/hour | 5,800 |
| Notice of Placement in Secure or Staff Secure Facility | 2,320 | 1 | .1/hour | 232 |
| Initial Intakes Form | 58,000 | 1 | .25/hour | 14,500 |
| UC Assessment | 58,000 | 1 | .50/hour | 29,000 |
| Individual Service Plan | 58,000 | 1 | .25 | 14,500 |
| UC Case Review Form | 58,000 | 1 | .50/hour | 29,000 |
| New Sponsor Form | 55,200 | 1 | .25/hour | 13,800 |
| Transfer Request and Tracking Form | 1,000 | 1 | .25/hour | 250 |
| Long Term Foster Care Placement Memo | 279 | 1 | .1/hour | 28 |
| Travel Request Form for UC Long Term Foster Care | 20 | 1 | .25/hour | 5 |
| Notice of Transfer to ICE Chief Counsel and Change of Address. | 2,320 | 1 | .1/hour | 232 |
| Care Provider Release Checklist | 55,200 | 1 | .1 | 5,520 |
| Release Request | 55,200 | 3 | .25 hour | 41,400 |
| Discharge Notification | 716 | 1 | .25/hour | 179 |
| Verification of Release | 55,200 | 1 | .1/hour | 5,520 |
| Child Advocate Referral and Appointment Form | 250 | 1 | .50 | 125 |
| Notice of Rights Handout and Notice of Rights and Provision of Services. | 58,000 | 1 | .1/hour | 5,800 |
| Legal Service Provider List for UC | 58,000 | 1 | .1 | 5,800 |
| URM Application | 350 | 1 | 1 | 350 |
| Withdrawal of Application or Declination of Placement Form | 10 | 1 | .1/hour | 1 |
| Standard Shelter Tour Request | 60 | 1 | .1/hour | 6 |

*Estimated Total Annual Burden Hours:* 172,636.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

**Robert Sargis,**

*Reports Clearance Officer.*

[FR Doc. 2015–23978 Filed 9–21–15; 8:45 am]

**BILLING CODE 4184–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Community Living

### Agency Information Collection Activities; Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

**AGENCY:** Administration for Community Living, HHS.

**ACTION:** 60-Day notice of submission of information collection approval from the Office of Management and Budget and request for comments.

**SUMMARY:** As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, the Administration for Community Living proposes to submitted a Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' to OMB for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et. seq.).

**DATES:** Submit written or electronic comments on the collection of information by November 23, 2015.

**ADDRESSES:** Submit electronic comments on the collection of information to: Susan Jenkins at *Susan.Jenkins@aoa.hhs.gov*.

Submit written comments on the collection of information to Administration for Community Living, Washington, DC 20201, Attn. Susan Jenkins.

**FOR FURTHER INFORMATION CONTACT:** Susan Jenkins at 202.357.3591.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501–3520), *Title:* Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

*Abstract:* The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

Dated: September 17, 2015.

**Kathy Greenlee,**

*Administrator and Assistant Secretary for Aging.*

[FR Doc. 2015–24066 Filed 9–21–15; 8:45 am]

**BILLING CODE 4154–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2012–N–0114]**

### Agency Information Collection Activities; Proposed Collection; Submission for Office of Management and Budget Review; Request for Samples and Protocols

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

**DATES:** Fax written comments on the collection of information by October 22, 2015.

**ADDRESSES:** To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910–0206. Also include the FDA docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov*.

**SUPPLEMENTARY INFORMATION:** In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

**Request for Samples and Protocols—OMB Control Number 0910–0206—Extension**

Under section 351 of the Public Health Service Act (42 U.S.C. 262), FDA has the responsibility to issue regulations that prescribe standards designed to ensure the safety, purity, and potency of biological products and to ensure that the biologics licenses for such products are only issued when a product meets the prescribed standards. Under 21 CFR 610.2, the Center for Biologics Evaluation and Research (CBER) or the Center for Drugs Evaluation and Research may at any time require manufacturers of licensed biological products to submit to FDA samples of any lot along with the protocols showing the results of applicable tests prior to distributing the lot of the product. In addition to § 610.2, there are other regulations that require the submission of samples and protocols for specific licensed biological products: 21 CFR 660.6 (Antibody to Hepatitis B Surface Antigen); 21 CFR 660.36 (Reagent Red Blood Cells); and 21 CFR 660.46 (Hepatitis B Surface Antigen).

Section 660.6(a) provides requirements for the frequency of submission of samples from each lot of Antibody to Hepatitis B Surface Antigen product, and § 660.6(b) provides the requirements for the submission of a protocol containing specific information along with each required sample. For § 660.6 products subject to official release by FDA, one sample from each filling of each lot is required to be submitted along with a protocol consisting of a summary of the history of manufacture of the product, including all results of each test for which test results are requested by CBER. After official release is no longer required, one sample along with a protocol is required to be submitted at 90-day intervals. In addition, samples, which must be accompanied by a protocol, may at any time be required to

be submitted to CBER if continued evaluation is deemed necessary.

Section 660.36(a) requires, after each routine establishment inspection by FDA, the submission of samples from a lot of final Reagent Red Blood Cell product along with a protocol containing specific information. Section 660.36(a)(2) requires that a protocol contain information including, but not limited to, manufacturing records, certain test records, and identity test results. Section 660.36(b) requires a copy of the antigenic constitution matrix specifying the antigens present or absent to be submitted to the CBER Director at the time of initial distribution of each lot.

Section 660.46(a) contains requirements as to the frequency of submission of samples from each lot of Hepatitis B Surface Antigen product, and § 660.46(b) contains the requirements as to the submission of a protocol containing specific information along with each required sample. For § 660.46 products subject to official release by FDA, one sample from each filling of each lot is required to be submitted along with a protocol consisting of a summary of the history of manufacture of the product, including all results of each test for which test results are requested by CBER. After notification of official release is received, one sample along with a protocol is required to be submitted at 90-day intervals. In addition, samples, which must be accompanied by a protocol, may at any time be required to be submitted to CBER if continued evaluation is deemed necessary.

Samples and protocols are required by FDA to help ensure the safety, purity, or potency of a product because of the potential lot-to-lot variability of a product produced from living organisms. In cases of certain biological products (*e.g.,* Albumin, Plasma Protein Fraction, and therapeutic biological products) that are known to have lot-to-lot consistency, official lot release is not normally required. However, submissions of samples and protocols of these products may still be required for surveillance, licensing, and export purposes, or in the event that FDA obtains information that the manufacturing process may not result in consistent quality of the product.

The following burden estimate is for the protocols required to be submitted with each sample. The collection of samples is not a collection of information under 5 CFR 1320.3(h)(2). Respondents to the collection of information under § 610.2 are manufacturers of licensed biological products. Respondents to the collection of information under §§ 660.6(b), 660.36(a)(2) and (b), and 660.46(b) are manufacturers of the specific products referenced previously in this document. The estimated number of respondents for each regulation is based on the annual number of manufacturers that submitted samples and protocols for biological products including submissions for lot release, surveillance, licensing, or export. Based on information obtained from FDA's database system, approximately 80 manufacturers submitted samples and protocols in fiscal year (FY) 2014, under the regulations cited previously in this document. FDA estimates that approximately 76 manufacturers submitted protocols under § 610.2 and 2 manufacturers submitted protocols under the regulation (§ 660.6) for the other specific product. FDA received no submissions under § 660.36 or § 660.46, however FDA is using the estimate of one protocol submission under each regulation in the event that protocols are submitted in the future.

In the **Federal Register** of March 27, 2015 (80 FR 16393), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

The estimated total annual responses are based on FDA's final actions completed in FY 2014 for the various submission requirements of samples and protocols for the licensed biological products. The average burden per response is based on information provided by industry. The burden estimates provided by industry ranged from 1 to 5.5 hours. Under § 610.2, the average burden per response is based on the average of these estimates and rounded to 3 hours. Under the remaining regulations, the average burden per response is based on the higher end of the estimate (rounded to 5 or 6 hours) since more information is generally required to be submitted in the other protocols than under § 610.2. FDA estimates the burden of this information collection as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

| 21 CFR Section | Number of respondents | Number of responses per respondent | Total annual responses | Average burden per response | Total hours |
|---|---|---|---|---|---|
| 610.2 Lot Release Information Submission | 76 | 84.54 | 6,197 | 3 | 18,591 |
| 660.6(b) Lot Release Information Submission | 2 | 9 | 18 | 5 | 90 |
| 660.36(a)(2) and (b) Lot Release Information Submission | 1 | 1 | 1 | 6 | 6 |
| 660.46(b) Lot Release Information Submission | 1 | 1 | 1 | 5 | 5 |
| Total | 80 | | 6,217 | | 18,692 |

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: September 16, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–24028 Filed 9–21–15; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant

applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Child Health and Human Development Initial Review Group Developmental Biology Subcommittee.

*Date:* November 12, 2015.

*Time:* 8:00 p.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Cathy J. Wedeen, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304, (301) 435–6878, *wedeenc@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: September 16, 2015.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–23641 Filed 9–21–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Aging Special Emphasis Panel; Cerebrovascular Disease and Aging II.

*Date:* October 22, 2015.

*Time:* 1:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute On Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Ave., Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Ramesh Vemuri, Ph.D., Chief, Scientific Review Branch, National Institute On Aging, National Institutes Of Health, 7201 Wisconsin Avenue, Suite 2C–212, Bethesda, MD 20892, 301–402–7700, *rv23r@nih.gov.*

*Name of Committee:* National Institute on Aging Special Emphasis Panel; Lifespan Connectome.

*Date:* November 9, 2015.

*Time:* 1:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute on Aging, Gateway Building, Suite 2c212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Alexander Parsadanian, Ph.D., Scientific Review Officer, National Institute On Aging, Gateway Building 2C/212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–496–9666, *PARSADANIANA@NIA.NIH.GOV.*

*Name of Committee:* National Institute on Aging Special Emphasis Panel; Biomarkers For AD: The Adult Children Study.

*Date:* November 12, 2015.

*Time:* 12:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute On Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Alexander Parsadanian, Ph.D., Scientific Review Officer, National Institute On Aging, Gateway Building 2C/212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–496–9666, *PARSADANIANA@NIA.NIH.GOV.*

*Name of Committee:* National Institute on Aging Special Emphasis Panel; Vascular Contribution to AD and Genetic Risk Factors.

*Date:* November 16, 2015.

*Time:* 12:00 p.m. to 3:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Alexander Parsadanian, Ph.D., Scientific Review Officer, National Institute On Aging, Gateway Building 2C/212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–496–9666, *PARSADANIANA@NIA.NIH.GOV.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 17, 2015.

**Melanie J. Gray,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–24035 Filed 9–21–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Nursing Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Nursing Research Initial Review Group.

*Date:* October 19–20, 2015.

*Time:* 8:00 a.m. to 12:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

*Contact Person:* Weiqun Li, MD, Scientific Review Officer, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Blvd. Ste. 710, Bethesda, MD 20892 (301) 594–5966 *wli@mail.nih.gov.*

*Name of Committee:* National Institute of Nursing Research Special Emphasis Panel; Institutional Training Grants

*Date:* October 20,2015.

*Time:* 12:00 p.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications,

*Place:* Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

*Contact Person:* Weiqun Li, MD, Scientific Review Administrator National Institute of Nursing Research National Institutes of Health, 6701 Democracy Blvd. Ste. 710, Bethesda, MD 20892 (301) 594–5966 *wli@mail.nih.gov.*

*Name of Committee:* National Institute of Nursing Research Special Emphasis Panel; Community Partnerships to Advance Research.

*Date:* October 21, 2015.

*Time:* 11:00 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, One Democracy Plaza, 703, 6701 Democracy Boulevard Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Tamizchelvi Thyagarajan, Ph.D. Scientific Review Officer, National Institute of Nursing Research, National Institutes of Health, Bethesda, MD 20892 (301) 594–0343 *tamizchelvi.thyagarajan@nih.gov.*

*Name of Committee:* National Institute of Nursing Research Special Emphasis Panel;

Effective Palliative/End of Life Care Interventions.

*Date:* October 22, 2015.

*Time:* 8:00 a.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

*Contact Person:* Mario Rinaudo, MD Scientific Review Officer Office of Review, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Blvd. (DEM 1), Suite 710, Bethesda, MD 20892, 301–594–5973 *mrinaudo@mail.nih.gov.*

*Name of Committee:* National Institute of Nursing Research Special Emphasis Panel; Research Project Grant.

*Date:* October 28, 2015.

*Time:* 11:00 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health One Democracy Plaza Room 703, 6701 Democracy Boulevard Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Tamizchelvi Thyagarajan, Ph.D. Scientific Review Officer, National Institute of Nursing Research, National Institutes of Health, Bethesda, MD 20892 (301) 594–0343 *tamizchelvi.thyagarajan@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: September 16, 2015.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–23639 Filed 9–21–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel, Effect of Age on Heart, Lung, Blood, and Sleep Disorders.

*Date:* October 16, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

*Contact Person:* Giuseppe Pintucci, Ph.D. Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892, 301–435–0287, *Pintuccig@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: September 16, 2015.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–23640 Filed 9–21–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

### Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; 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.

**Proposed Project: Transformation Accountability Reporting System—(OMB No. 0930–0285)—Revision**

The Transformation Accountability (TRAC) Reporting System is a real-time, performance management system that captures information on the substance abuse treatment and mental health services delivered in the United States. A wide range of client and program information is captured through TRAC for approximately 700 grantees. This request includes an extension of the currently approved data collection effort.

This information collection will allow SAMHSA to continue to meet the Government Performance and Results Act (GPRA) of 1993 reporting requirements that quantify the effects and accomplishments of its programs, which are consistent with OMB guidance. In order to carry out section 1105(a)(29) of GPRA, SAMHSA is required to prepare a performance plan for its major programs of activity. This plan must:

- Establish performance goals to define the level of performance to be achieved by a program activity;
- Express such goals in an objective, quantifiable, and measurable form;
- Briefly describe the operational processes, skills and technology, and the human, capital, information, or other resources required to meet the performance goals;
- Establish performance indicators to be used in measuring or assessing the relevant outputs, service levels, and outcomes of each program activity;
- Provide a basis for comparing actual program results with the established performance goals; and
- Describe the means to be used to verify and validate measured values.

In addition, this data collection supports the GPRA Modernization Act of 2010 which requires overall organization management to improve agency performance and achieve the mission and goals of the agency through the use of strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved. Specifically, this data collection will allow CMHS to have the capacity to report on a consistent set of performance measures across its various grant programs that conduct each of these activities. SAMHSA's legislative mandate is to increase access to high quality substance abuse and mental health prevention and treatment services and to improve outcomes. Its mission is to improve the quality and availability of treatment and prevention

services for substance abuse and mental illness. To support this mission, the Agency's overarching goals are:

- Accountability—Establish systems to ensure program performance measurement and accountability
- Capacity—Build, maintain, and enhance mental health and substance abuse infrastructure and capacity
- Effectiveness—Enable all communities and providers to deliver effective services

Each of these key goals complements SAMHSA's legislative mandate. All of SAMHSA's programs and activities are geared toward the achievement of these goals and performance monitoring is a collaborative and cooperative aspect of this process. SAMHSA will strive to coordinate the development of these goals with other ongoing performance measurement development activities.

The total annual burden estimate is shown below:

ESTIMATES OF ANNUALIZED HOUR BURDEN

[CMHS client outcome measures for discretionary programs]

| Type of response | Number of respondents | Responses per respondent | Total responses | Hours per response | Total hour burden |
|---|---|---|---|---|---|
| Client-level baseline interview | 35,845 | 1 | 35,854 | 0.45 | 16,130 |
| Client-level 6-month reassessment interview[1] | 23,658 | 1 | 23,658 | 0.45 | 10,646 |
| Client-level discharge interview[2] | 10,753 | 1 | 10,753 | 0.45 | 4,838 |
| PBHCI- Section H Form Only Baseline | 14,000 | 1 | 14,000 | .08 | 1,120 |
| PBHCI- Section H Form Only Follow-Up[3] | 9,240 | 1 | 9,240 | .08 | 739 |
| PBHCI—Section H Form Only Discharge[4] | 4,200 | 1 | 4,200 | .08 | 336 |
| HIV Continuum of Care Specific Form Baseline | 200 | 1 | 200 | 0.33 | 66 |
| HIV Continuum of Care Follow-Up[5] | 148 | 1 | 148 | 0.33 | 49 |
| HIV Continuum of Care Discharge[6] | 104 | 1 | 104 | 0.33 | 34 |
| Infrastructure development, prevention, and mental health promotion quarterly record abstraction[7] | 982 | 4.0 | 3928 | 2.0 | 7,856 |
| Total | 36,827 | | 102,139 | | 48,814 |

**Note:** Numbers may not add to the totals due to rounding and some individual participants completing more than one form.
[1] It is estimated that 66% of baseline clients will complete this interview.
[2] It is estimated that 30% of baseline clients will complete this interview.
[3] It is estimated that 74% of baseline clients will complete this interview.
[4] It is estimated that 52% of baseline clients will complete this interview.
[5] It is estimated that 52% of baseline clients will complete this interview.
[6] It is estimated that 30% of baseline clients will complete this interview.
[7] Grantees are required to report this information as a condition of their grant. No attrition is estimated.

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 2–1057, One Choke Cherry Road, Rockville, MD 20857 *or* email a copy at *summer.king@samhsa.hhs.gov*. Written comments should be received by November 23, 2015

**Summer King,**

*Statistician.*

[FR Doc. 2015–24023 Filed 9–21–15; 8:45 am]

**BILLING CODE 4162–20–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

### Notice of Issuance of Final Determination Concerning Solar Modules

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** Notice of final determination.

**SUMMARY:** This document provides notice that U.S. Customs and Border Protection (''CBP'') has issued a final determination concerning the country of origin of certain solar modules manufactured by Hanwha USA. Based upon the facts presented, CBP has concluded that the country of origin of the solar modules is Malaysia when Malaysian solar cells are used or Korea when Korean solar cells are used for purposes of U.S. Government procurement.

**DATES:** The final determination was issued on September 16, 2015. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within October 22, 2015.

**FOR FURTHER INFORMATION CONTACT:** Ross Cunningham, Valuation and Special Programs Branch, Regulations and Rulings, Office of International Trade (202) 325–0034.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that on September 16, 2015 pursuant to subpart B of part 177, U.S. Customs and Border Protection Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of certain solar modules manufactured by Hanwha USA, which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, HQ H261693, was issued under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). In the final determination, CBP concluded that the processing in Poland or Korea does not result in a substantial transformation. Therefore, the country of origin of the solar modules is Malaysia or Korea, where the solar cells are produced, for purposes of U.S. Government procurement.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: September 16, 2015.

**Harold Singer,**

*Acting Executive Director, Regulations and Rulings, Office of International Trade.*

## Attachment

HQ H261693

September 16, 2015

OT:RR:CTF:VS H261693 RMC

CATEGORY: Country of Origin

Chip Purcell
Cooley LLP
1299 Pennsylvania Ave. NW
Suite 700
Washington, DC 20004–2400

Re: U.S. Government Procurement; Country of Origin of Solar Modules; Substantial Transformation

Dear Mr. Purcell:

This is in response to your letter dated January 12, 2015, requesting a final determination on behalf of Hanwha USA pursuant to Subpart B of part 177 of the U.S. Customs and Border Protection (''CBP'') Regulations (19 CFR part 177). Under these regulations, which implement Title III of the Trade Agreements Act of 1979 (''TAA''), as amended (19 U.S.C. 2511 *et seq.*), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain ''Buy American'' restrictions in U.S. law or for products offered for sale to the U.S. Government. This final determination concerns the country of origin of certain solar modules. As a U.S. importer, Hanwha USA is a party-at-interest within the meaning of 19 CFR 177.22(d)(1) and is entitled to request this final determination.

**FACTS:**

Hanwha USA acts as the U.S. wholesaler and distributor of solar modules manufactured by Hanwha GmbH in Korea and Poland. The solar modules convert sunlight into energy and are generally incorporated into a system that includes other components such as inverters, racking systems, cable management systems, and monitoring systems. The systems are installed at facilities in order to generate electricity.

Hanwha USA provided the following information on each component that goes into a finished product.

1. Solar Cells—Product of Malaysia or Korea
2. Glass—Product of China
3. Frames—Product of China or Belgium
4. Junction Box, Cable, and Connector—Product of China or Czech Republic
5. Back Sheets—Product of China or Germany
6. EVA—Product of Korea or Japan
7. Interconnect Ribbon—Product of Korea for solar panels assembled in Korea; product of Austria or Germany for solar panels assembled in Poland.

The solar cells represent slightly more than half of the cost of the finished solar modules. Hanwha states that the components are assembled into finished products either in Korea or Poland in the following nine-step process:

1. Incoming Inspection: Each component undergoes an incoming quality inspection and testing based on standard operating procedures.
2. Cell and String Soldering: Individual solar cells are soldered together using tin-coated copper ribbons to form cell strings.
3. Matrix Preparation and Bus Bar Soldering: A robot places the cell strings on glass panels and workers complete the matrix layup.
4. Lamination: After inspection and electroluminescence testing, the matrix layups are transferred into vacuum laminators.
5. Trimming and Framing: Excess material is removed from the edge of the laminate and the aluminum frame is press-fit together.
6. Junction Box Installation: The junction box is attached to the back of the solar module using silicone glue.
7. Electrical Test: Each solar module undergoes a high-potential test at 6,000 volts, and electroluminescence test to inspect for micro-cracks and other defects, a flash test to measure performance, and a grounding test.
8. Final Inspection, Sorting, and Packaging: The junction box lids are applied and the solar modules are allowed to cure, followed by a final visual inspection of all solar modules.
9. Outgoing Quality Inspection: A sample of solar modules is removed after packaging for a final quality check.

Hanwha USA notes that this process takes ''less than one day'' to complete. Hanwha USA also states that it conducts research and development in Korea and Poland related to the manufacturing process and the development of methods and systems to ensure stable production.

**ISSUE:**

Whether the manufacturing process described above ''substantially transforms'' the solar-module components such that the country of origin of the finished product is either Korea or Poland for U.S. Government procurement purposes.

**LAW AND ANALYSIS:**

Pursuant to Subpart B of Part 177, 19 CFR 177.21 *et seq.,* which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*), CBP issues country-of-origin advisory rulings and final determinations as to whether an article is a product of a designated country for the purpose of granting waivers of certain ''Buy American'' restrictions on U.S. Government procurement.

In rendering final determinations for purposes of U.S. Government procurement, CBP applies the provisions of Subpart B of Part 177 consistent with the Federal Procurement Regulations. *See* 19 CFR 177.21. The rule of origin applicable in this context states that ''[a]n article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.'' 19 U.S.C. 2518(4)(B); 19 CFR 177.22(a). Here, Hanwha cannot satisfy paragraph (i) of CFR 177.22(a), so the issue is whether the solar-module components are ''substantially transformed'' in Hanwha's manufacturing processes in the Republic of Korea or Poland, as the case may be.

In order to determine whether a substantial transformation occurs when components of various origins are assembled to form completed articles, CBP considers the totality of the circumstances and makes its decisions on a case-by-case basis. The country of origin of the article's components, the extent of the processing that occurs within a given country, and whether such processing renders a product with a new name, character, and use are primary considerations in such cases. CBP also considers resources expended on product design and development, the extent and nature of post-assembly inspection procedures, and the worker skill required during the actual manufacturing process; however, no one factor is determinative.

A substantial transformation will not result from a minor manufacturing or combining process that leaves the identity of the article intact. *See United States* v. *Gibson-Thomsen Co.,* 27 C.C.P.A. 267 (1940); and *National Hand Tool Corp.* v. *United States,* 989 F.2d 1201 (Fed. Cir. 1992). The Court of International Trade has applied the ''essence test'' to determine whether the identity of an article is changed through assembly or processing. For example in *Uniroyal, Inc.* v. *United States,* 3 CIT 220, 225, 542 F. Supp. 1026, 1030 (1982), *aff'd* 702 F.2d 1022 (Fed. Cir. 1983), the court held that imported shoe uppers added to an outer sole in the United States were the ''very essence of the finished shoe'' and thus were not substantially transformed into a product of the United States. Similarly, in *National Juice Prods. Ass'n* v. *United States,* 10 CIT 48, 61, 628 F. Supp. 978, 991 (1986), the court held that imported orange juice concentrate ''imparts the essential character'' to the completed orange juice and thus was not substantially transformed into a product of the United States.

In HQ H095409, dated Sept. 29, 2010, a U.S. manufacturer produced finished panels in California. Forty three percent of the cost content of the parts originated from the United States and all research and development took place in California. Key to our finding that a substantial transformation had taken place was the manufacturing process of the solar cells themselves. This process—which involved depositing thin films of chemicals on the inside of glass tubes—took five of the six and a half days it took to manufacture the finished solar panels. We found that turning bare glass tubes into functional solar cells in the United States constituted making a product with a new name, character, and use such that a substantial transformation had occurred.

Here, Hanwha's assembly processes fall short of those described in H095409. For one, Hanwha's assembly processes take less than a day, whereas those in H095409 took more than six. Moreover, although Hanwha conducts research and development in Korea and Poland, it is focused on the manufacturing process, not on product design and development.

In the scenario where Malaysian solar cells are used, almost none of the parts in the finished panels come from either Korea or Poland, the two countries where the panels are assembled. Unlike H095409, which involved a 43% cost content of the country of assembly, here, where Malaysian solar cells are used, the cost content is at most 8.6% Korean for the panels assembled in Korea and 0% Polish for the panels assembled in Poland. Most importantly, however, the solar cells themselves are produced in Malaysia. As noted above, the complex manufacturing process of the solar cells themselves was key to our finding that a substantial transformation had occurred in H095409. Turning glass tubes into functioning solar cells resulted in a product with a new name, character, and use. Here, assembling solar cells into finished solar panels does not. Rather, we find that the solar cells impart the essential character of the solar panels. Therefore, where Malaysian solar cells are used, the country of origin for government-procurement purposes is Malaysia.

Similarly, in the scenario where Korean solar cells are used, the country of origin for government-procurement purposes is Korea.

**HOLDING:**

Based on the facts of this case, the solar panels' country of origin for U.S. Government procurement is Malaysia when Malaysian solar cells are used and Korea when Korean solar cells are used.

Sincerely,

Harold Singer,

*Acting Executive Director, Regulations & Rulings Office of International Trade.*

[FR Doc. 2015–24082 Filed 9–21–15; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF HOMELAND SECURITY

**[Docket No. DHS–2014–0010]**

### Infrastructure Assessments and Training

**AGENCY:** National Protection and Programs Directorate, DHS.

**ACTION:** 60-day notice and request for comments; Reinstatement, with change, of a previously approved collection: 1670–0009.

**SUMMARY:** The Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD), Office of Infrastructure Protection (IP), Infrastructure Information Collection Division (IICD), Infrastructure Protection Gateway (IP Gateway) Program will submit the following Information Collection Request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35).

**DATES:** Comments are encouraged and will be accepted until November 23, 2015. This process is conducted in accordance with 5 CFR 1320.1.

**ADDRESSES:** Written comments and questions about this Information Collection Request should be forwarded to DHS/NPPD/IP/IICD, 245 Murray Lane SW., Mail Stop 0602, Arlington, VA 20598–0602. Emailed requests should go to Kimberly Sass, *Kimberly.Sass@hq.dhs.gov.* Written comments should reach the contact person listed no later than November 23, 2015. Comments must be identified by ''DHS–2014–0010''and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*.
- *Email:* Include the docket number in the subject line of the message.

*Instructions:* All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

**SUPPLEMENTARY INFORMATION:** Under the direction of Homeland Security Presidential Directive-7 (2003), Presidential Policy Directive -21, and the National Infrastructure Protection Plan (NIPP 2013); NPPD/IP has developed the IP Gateway, a centrally managed repository of infrastructure capabilities allowing the Critical Infrastructure community to work in conjunction with each other toward the same goals. This collection encompasses three IP Gateway functions: General User Registration, Chemical Security Awareness Training Registration, and a User Satisfaction Survey. Upon requesting access to the IP Gateway, the multi-screen registration form requests the user's full name, work address, contact information Protected Critical Infrastructure (PCII) training status, citizenship status, supervisor and sponsor information, and additional questions related to the user's role in using the information. Upon registering for Chemical Security Awareness Training, a collection form requests the trainee's desired username, password, proposed secret question & response, and company type, size, name, & location. For the voluntary User Satisfaction Survey, the collection form requests information regarding the user's job duties, types of information sought via the IP Gateway, access patterns, and system usability ratings. The survey information will be used to evaluate program and training performance as well as to gather any additional requirements for future IP Gateway system updates.

OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

*Analysis:*

*Agency:* Department of Homeland Security, National Protection and Programs Directorate, Office of Infrastructure Protection, Infrastructure Information Collection Division, Infrastructure Protection Gateway Program.

*Title:* Infrastructure Assessments and Training.

*OMB Number:* 1670–0009.

*Frequency:* Annually, quarterly, monthly, and weekly.

*Affected Public:* Chief Information Officers, Chief Information Security Officers, Chief Technology Officers, and federal and state, local, tribal and territorial communities involved in the protection of CI.

*Number of Respondents:* 9000 respondents (estimate).

*Estimated Time per Respondent:* .5 hours (estimate).

*Total Burden Hours:* 4,500 annual burden hours (estimate).

*Total Burden Cost (capital/startup):* $0.

*Total Recordkeeping Burden:* $0.

*Total Burden Cost (operating/maintaining):* $106,515.50 (estimate).

Dated: September 14, 2015.

**Scott Libby,**

*Deputy Chief Information Officer, National Protection and Programs Directorate, Department of Homeland Security.*

[FR Doc. 2015–24108 Filed 9–21–15; 8:45 am]

**BILLING CODE 9110–9P–P**

## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

### New Agency Information Collection Activity Under OMB Review: Office of Law Enforcement/Federal Air Marshal Service LEO Reimbursement Request—Invoice

**AGENCY:** Transportation Security Administration, DHS.

**ACTION:** 30-Day notice.

**SUMMARY:** This notice announces that the Transportation Security Administration (TSA) has forwarded the new Information Collection Request (ICR) abstracted below to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on July 6, 2015, at 80 FR 38454. The collection involves the reimbursement of expenses incurred by airport operators for the provision of law enforcement officers (LEOs) to support airport security checkpoint screening.

**DATES:** Send your comments by October 22, 2015. A comment to OMB is most effective if OMB receives it within 30 days of publication.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

**FOR FURTHER INFORMATION CONTACT:** Christina A. Walsh, TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–2062; email *TSAPRA@tsa.dhs.gov.*

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation is available at *http://www.reginfo.gov.* Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

**Information Collection Requirement**

*Title:* LEO Reimbursement Request—Invoice.

*Type of Request:* Extension of currently approved collection.

*OMB Control Number:* 1652–0063.

*Form(s):* LEO Reimbursement Request—Invoice.

*Affected Public:* Airport operators.

*Abstract:* Pursuant to 49 U.S.C. 106(m) and 114(m), TSA has authority to enter into agreements with airport operators to reimburse expenses they incur for the provision of LEOs in support of screening at airport security checkpoints. Consistent with this authority, TSA, through its Office of Law Enforcement/Federal Air Marshal Service (OLE/FAMS), has created the LEO Reimbursement Program. TSA requires that participants in the LEO Reimbursement Program record the details of all reimbursements sought on the LEO Reimbursement Request—Invoice form. TSA will use this form to provide for the orderly tracking of reimbursements.

*Number of Respondents:* 326.

*Estimated Annual Burden Hours:* An estimated 3,912 hours annually.

Dated: September 16, 2015.

**Christina A. Walsh,**

*TSA Paperwork Reduction Act Officer, Office of Information Technology.*

[FR Doc. 2015–24010 Filed 9–21–15; 8:45 am]

**BILLING CODE 4910–05–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

**[OMB Control Number 1615–0107]**

### Agency Information Collection Activities: H–2 Petitioner's Employment Related or Fee Related Notification, No Form; Extension, Without Change, of a Currently Approved Collection

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.

**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

**DATES:** Comments are encouraged and will be accepted for 60 days until November 23, 2015.

**ADDRESSES:** All submissions received must include the OMB Control Number 1615–0107 in the subject box, the agency name and Docket ID USCIS–2009–0015. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *http://www.regulations.gov* under e-Docket ID number USCIS–2009–0015;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov;*

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

**FOR FURTHER INFORMATION CONTACT:** USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Laura Dawkins, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for

questions regarding this notice. It is not for individual case status inquiries. 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).

**SUPPLEMENTARY INFORMATION:**

**Comments**

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2009–0015 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

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

**Overview of This Information Collection**

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* H–2 Petitioner's Employment Related or Fee Related Notification.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* No Agency Form Number; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. The notification requirement is necessary to ensure that alien workers maintain their nonimmigrant status and will help prevent H–2 workers from engaging in unauthorized employment.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection H–2 Petitioner's Employment Related or Fee Related Notification is 1,700 and the estimated hour burden per response is .5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 850 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $8,500.

Dated: September 15, 2015.

**Laura Dawkins,**

*Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.*

[FR Doc. 2015–24037 Filed 9–21–15; 8:45 am]

**BILLING CODE 9111–97–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FW–HQ–MB–2015–N185; FXMB123109EAGLE–156–FF09M20300]**

### Proposed Information Collection; Bald Eagle Post-Delisting Monitoring

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice; request for comments.

**SUMMARY:** We (U.S. Fish and Wildlife Service) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This IC is scheduled to expire on December 31, 2015. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** To ensure that we are able to consider your comments on this IC, we must receive them by November 23, 2015.

**ADDRESSES:** Send your comments on the IC to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or *hope_grey@fws.gov* (email). Please include ''1018–0143'' in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this IC, contact Hope Grey at *hope_grey@fws.gov* (email) or 703–358–2482 (telephone).

**SUPPLEMENTARY INFORMATION:**

*I. Abstract.* This information collection implements the monitoring requirements discussed in the Post-delisting Monitoring Plan for the Bald Eagle (*Haliaeetus leucocephalus*) in the Contiguous 48 States (Plan). The Plan was developed to meet post-delisting requirements of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) (ESA). There are no specific corresponding Service regulations for the ESA's post-delisting monitoring requirement.

The bald eagle (*Haliaeetus leucocephalus*) in the lower 48 States was removed from the List of Endangered and Threatened Wildlife (delisted) on August 8, 2007 (72 FR 37346, July 9, 2007). Section 4(g) of the ESA requires that all species that are recovered and removed from the List of Endangered and Threatened Wildlife be monitored in cooperation with the States for a period of not less than 5 years. The purpose of this requirement is to detect any failure of a recovered species to sustain itself without the protections of the ESA. We work with relevant Federal, State, and tribal entities and other species experts to develop plans and procedures for systematically monitoring recovered wildlife and plants after a species is delisted. The bald eagle has a large geographic distribution that includes substantial non-Federal land. Although the ESA requires that monitoring of recovered species be conducted for not less than 5 years, the Plan reasoned that

the life history of bald eagles is such that it is appropriate to monitor this species for a longer period of time in order to meaningfully evaluate whether or not the bald eagle continues to maintain its recovered status.

We plan to monitor the status of the bald eagle in the 48 contiguous States using several information sources, including collecting data on nests over a 20-year period with sampling events in particular years. The Plan describes monitoring procedures and methods for surveying and estimating the number of occupied nests, which represents the number of breeding pairs. The Plan is available at *http://www.fws.gov/midwest/eagle/protect/FinalBAEA_PDMPlan.html.* We will use monitoring data to review the status of the bald eagle in the United States and determine if the population remains recovered under the ESA.

**II. Data**

*OMB Control Number:* 1018–0143.

*Title:* Bald Eagle Post-delisting Monitoring.

*Service Form Number:* None.

*Type of Request:* Extension of a currently approved collection.

*Description of Respondents:* States, tribes, and local governments; Federal land managers; and nongovernmental partners.

*Respondent's Obligation:* Voluntary.

*Frequency of Collection:* Once every 5 years or less.

Note: For each survey, we estimate a total of 48 respondents will provide 48 responses totaling 1,478 burden hours. The burden estimates below are annualized over the 3-year period of OMB approval.

*Estimated Annual Nonhour Burden Cost:* None.

| Activity | Number of respondents | Number of responses | Completion time per response (hours) | Total annual burden hours |
|---|---|---|---|---|
| Survey | 16 | 16 | 30.8 | 493 |
| Totals | | | | 493 |

**III. Comments**

We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. 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: September 16, 2015.

**Tina A. Campbell,**

*Chief, Division of Policy, Performance, and Management Programs, U.S. Fish and Wildlife Service.*

[FR Doc. 2015–23969 Filed 9–21–15; 8:45 am]

BILLING CODE 4310–55–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLORS00100.L63400000.PH0000. LXSS040H0000.15XL1116AF.HAG 15–0229]**

### Meeting of the Northwest Oregon Resource Advisory Council

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Public Meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act, the Bureau of Land Management's (BLM) Northwest Oregon Resource Advisory Council (RAC) will meet as indicated below.

**DATES:** The RAC will meet on Wednesday, October 21, 2015, from 9:00 a.m.–4:30 p.m. and Thursday, October 22, 2015, from 9:00 a.m.–4:30 p.m. at the Salem District Office, 1717 Fabry Road SE., Salem, OR 97306. There will be one public comment period: 3:00–4:30 p.m. This meeting will focus on welcoming the new RAC members, reviewing the Charter, and discussing the responsibilities of the RAC in making recommendations regarding general forest management, recreation fees, and Secure Rural Schools Title II project proposals. The BLM Designated Federal Official (DFO) will be present to share the breadth of considerations and opportunities in the generation of recommendations.

**FOR FURTHER INFORMATION CONTACT:** Trish Hogervorst, Co-Coordinator for the Northwest Oregon RAC, 1717 Fabry Road SE., Salem, OR 97306, (503) 375–5657, *phogervo@blm.gov,* or Jennifer Velez, 3106 Pierce Parkway SE., Springfield, OR 97477, (541) 222–9241, *jvelez@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1(800) 877–8339 to contact the above individuals during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individuals. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The fifteen member Northwest Oregon RAC was chartered to serve in an advisory capacity concerning the planning and management of the public land resources located in whole or in part within the BLM's Salem and Eugene Districts. Members represent an array of stakeholder interests in the land and resources from within the local area and statewide. Planned agenda items include training on the Federal Advisory Committee Act, advisory council procedures, and RAC goal setting. At each meeting, members of the public will have the opportunity to make comments to the RAC during a public comment period. All advisory committee meetings are open to the public. Persons wishing to make comments during the public comment period should register in person with the BLM preceding that meeting day's comment period, at the meeting location. Depending on the number of persons wishing to comment, the length of comments may be limited. The public may send written comments to the RAC at the Salem District office, 1717 Fabry

Road SE., Salem, OR 97306. The BLM appreciates all comments.

**Kim M. Titus,**

*Salem District Manager.*

[FR Doc. 2015–24109 Filed 9–21–15; 8:45 am]

**BILLING CODE 4310–33–P**

## INTERNATIONAL TRADE COMMISSION

**[USITC SE–15–032]**

### Government in the Sunshine Act Meeting Notice; Change of Time to Government in the Sunshine Meeting

**AGENCY HOLDING THE MEETING:** United States International Trade Commission.

**DATE:** September 24, 2015.

**ORIGINAL TIME:** 9:00 a.m.

**NEW TIME:** 11:00 a.m.

**PLACE:** Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

**STATUS:** Open to the public.

In accordance with 19 CFR 201.35(d)(1), the Commission hereby gives notice that the Commission has determined to change the time of the meeting of September 24, 2015, from 9:00 a.m. to 11:00 a.m.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting. Earlier notification of this change was not possible.

By orderof the Commission.

Issued: September 18, 2015.

**William R. Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2015–24170 Filed 9–18–15; 4:15 pm]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 701–TA–473 and 731–TA–1173 (Review)]**

### Potassium Phosphate Salts From China; Scheduling of Expedited Five-Year Reviews

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty and countervailing duty orders on potassium phosphate salts from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

**DATES:** *Effective Date:* September 4, 2015.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Trainor (202–205–3354), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. 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. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

**SUPPLEMENTARY INFORMATION:**

*Background.*—On September 4, 2015, the Commission determined that the domestic interested party group response to its notice of institution (80 FR 31068, June 1, 2015) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.[1] Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

*Staff report.*—A staff report containing information concerning the subject matter of the reviews will be placed in the nonpublic record on September 30, 2015, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

*Written submissions.*—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the reviews and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the reviews may file written comments with the Secretary on what determinations the Commission should reach in the reviews. Comments are due on or before October 5, 2015 and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by October 5, 2015. However, should the Department of Commerce extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. Please be aware that the Commission's rules with respect to filing have changed. The most recent amendments took effect on July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's Web site at *http://edis.usitc.gov*.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

*Determination.*—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

**Authority:** These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: September 16, 2015.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2015–23977 Filed 9–21–15; 8:45 am]

**BILLING CODE 7020–02–P**

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

[2] The Commission has found the responses submitted by ICL Performance Products LP and Prayon, Inc. to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

## DEPARTMENT OF JUSTICE

### Antitrust Division

### United States v. General Electric Company, et al.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States of America* v. *General Electric Company, et. al.,* Civil Action No. 15–1460. On September 8, 2015, the United States filed a Complaint alleging that General Electric's proposed acquisition of Alstom S.A.'s power-related businesses would violate Section 7 of the Clayton Act, 15 U.S.C. 18. The proposed Final Judgment, filed at the same time as the Complaint, requires General Electric to divest Power Systems Mfg., LLC.

Copies of the Complaint, proposed Final Judgment, and Competitive Impact Statement are available for inspection on the Antitrust Division's Web site at *http://www.justice.gov/atr* and at the Office of the Clerk of the United States District Court for the District of Columbia. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Public comment is invited within 60 days of the date of this notice. Such comments, including the name of the submitter, and responses thereto, will be posted on the Antitrust Division's Web site, filed with the Court, and, under certain circumstances, published in the **Federal Register**. Comments should be directed to Maribeth Petrizzi, Chief, Litigation II Section, Antitrust Division, Department of Justice, 450 Fifth Street NW., Suite 8700, Washington, DC 20530 (telephone: 202–307–0924).

**Patricia A. Brink,**

*Director of Civil Enforcement.*

### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

*UNITED STATES OF AMERICA, U.S. Department of Justice, Antitrust Division, 450 Fifth Street NW., Suite 8700, Washington, DC 20530,* Plaintiff, v. *GENERAL ELECTRIC COMPANY, 3135 Easton Turnpike, Fairfield, Connecticut 06828, ALSTOM S.A., 3, Avenue André Malraux, 92309 Levallois-Perret Cedex, France,* and *POWER SYSTEMS MFG., LLC, 1440 West Indiantown Road, Jupiter, Florida 33458,* Defendants.

CASE NO.: 1:15–cv–01460–RMC
JUDGE: Amy Berman Jackson

FILED: 09/08/2015

### COMPLAINT

The United States of America (''United States''), acting under the direction of the Attorney General of the United States, brings this civil antitrust action to enjoin the proposed acquisition of Alstom S.A. and Power Systems Mfg., LLC (''PSM'') by General Electric Company (''GE'') and to obtain other equitable relief. The United States alleges as follows:

### I. NATURE OF THE ACTION

1. GE proposes to acquire PSM, a Florida-based wholly owned subsidiary of Alstom. GE is a leading producer of large gas turbines used in the United States for the production of electricity. GE and PSM are the two leading providers of aftermarket parts and service for the most common gas turbine model used for power generation in the United States, the GE 7FA, which represents nearly 70 percent of the GE installed base of gas turbines.

2. The proposed acquisition would eliminate head-to-head competition between GE and PSM. For a significant number of customers, typically power generation companies, GE and PSM are by far the two best sources of aftermarket parts and service for GE 7FA gas turbines, with a combined market share of approximately 92 percent. The proposed acquisition likely would give GE the ability to raise prices or decrease the quality of service provided to these customers. In addition, the proposed acquisition would eliminate PSM as a vigorous product innovator for the GE installed base and likely would reduce GE's incentive to innovate in response to PSM. As a result, the proposed acquisition likely would substantially lessen competition in the development, manufacture, and sale of gas turbine aftermarket parts and service in the United States, in violation of Section 7 of the Clayton Act, 15 U.S.C. 18.

### II. THE DEFENDANTS AND THE TRANSACTION

3. Defendant General Electric Company is a New York corporation with its principal offices in Fairfield, Connecticut. GE is a global manufacturing, technology and services company. GE's subsidiary, GE Power and Water, provides power generation, energy delivery, and water process technologies in a number of areas of the energy industry, including wind and solar, biogas and alternative fuels, and coal, oil, natural gas, and nuclear energy. GE offers a wide spectrum of heavy-duty gas turbines. GE also is the dominant supplier of aftermarket parts and service for GE gas turbines. In 2014, GE's worldwide revenues were $148.6 billion, and its U.S. revenues from aftermarket parts and service for GE 7FA gas turbines were approximately $730 million.

4. Defendant Power Systems Mfg., LLC, a Delaware corporation headquartered in Jupiter, Florida, is a wholly owned subsidiary of Alstom, a French corporation headquartered in Levallois-Perret, France. Alstom offers global power generation, electric grid, and rail solution products and services. PSM provides aftermarket parts and service for a variety of engines manufactured by other companies and for GE gas turbine engines, including the GE 7FA model. In 2014, PSM's worldwide revenues were approximately $226 million, and its U.S. revenues for aftermarket parts and service for GE 7FA gas turbines were approximately $90 million.

5. Pursuant to a set of agreements dated November 4, 2014, GE intends to enter a multi-stage transaction with Alstom. First, GE will purchase Alstom's thermal and renewable power and grid business. Then, Alstom will acquire GE's rail signaling business. Finally, GE and Alstom will enter three joint ventures, each 51 percent owned by GE, involving the renewable energy businesses, the grid, and a global nuclear and French steam turbine business, in which the French government subsequently will obtain preferred shares and governance rights. GE will maintain complete ownership of the thermal power business, including PSM, acquired from Alstom. The value of the multi-stage transaction is approximately $13.8 billion.

### III. JURISDICTION AND VENUE

6. The United States brings this action pursuant to Section 15 of the Clayton Act, as amended, 15 U.S.C. 25, to prevent and restrain defendants from violating Section 7 of the Clayton Action, 15 U.S.C. 18.

7. Defendants GE and PSM develop, manufacture, and sell aftermarket parts and service for GE 7FA gas turbines in the flow of interstate commerce. Defendants' activities in the development, manufacture, and sale of aftermarket parts and service for GE 7FA gas turbines substantially affect interstate commerce. The Court has subject-matter jurisdiction over this action pursuant to Section 15 of the Clayton Act, 15 U.S.C. 25, and 28 U.S.C. 1331, 1337(a), and 1345.

8. Defendants have consented to venue and personal jurisdiction in the District of Columbia. Venue is therefore proper in this District under Section 12

of the Clayton Act, 15 U.S.C. 22, and 28 U.S.C. 1391(c).

## IV. TRADE AND COMMERCE

### A. Industry Background

9. Gas turbines are a type of internal combustion engine in which burning of an air-fuel mixture produces hot gases that spin a turbine to produce power. Gas turbines have been used to generate electricity since the 1930s. Today, gas turbines are widely used for power generation throughout the United States.

10. The key internal working parts of a gas turbine engine are the rotor, the buckets (also known as blades), and the nozzles (also known as vanes). The rotor is the main rotating component of the turbine. The buckets and nozzles are located in the combustion chamber and for the GE 7FA are configured in three stages. Stage one parts are the most difficult to design and manufacture, due to required heat tolerances, and are the most costly. The combustion chamber of the turbine is super-heated during its operation and the bucket and nozzle parts must be cooled to prevent melting the alloy materials that comprise the chamber. A full set of replacement parts typically can range in price from several million dollars up to $15 million.

11. Gas turbines may be classified as mature or non-mature. Maturity relates to whether the gas turbine has been in operation long enough for aftermarket firms to reverse engineer and manufacture formerly proprietary replacement parts. Generally, a turbine is considered mature within 10 to 15 years after it is introduced into the market or installed. Mature turbines, like other mechanical equipment, require servicing and new or refurbished replacement parts.

12. GE 7FA gas turbines have life spans of approximately 30 years. Service is needed every three to eight years, with major overhauls required every 10 to 16 years. Gas turbine aftermarket parts and service can be provided by the original equipment manufacturer (''OEM'') that manufactured the original equipment or by an independent service provider. With the initial sale of the gas turbine, the OEM and the customer usually enter into a long-term service agreement (''LTSA''), which may range from five to 15 years in duration. LTSAs, which are typically based on total hours of operation, cover the provision of replacement parts and service after the installation of the turbine. If a customer enters into a LTSA with the OEM, typically an independent service provider is unable to compete for the replacement parts or service business of that customer for the length of that LTSA. Independent service providers may compete for a customer's replacement parts and service business only upon the expiration of the LTSA. The OEM, however, often seeks to enter another LTSA when the first LTSA expires.

13. Some independent service providers offer only aftermarket service or a limited range of aftermarket parts. Generally, more firms provide older parts or basic services; fewer are able to provide parts or services that satisfy the heat tolerances of the first stage of the hot gas portion of the gas turbine. GE's 7FA gas turbine was first installed in 1990 and remains the most common and one of the most technologically advanced GE models installed today. Only a limited number of firms have the capability and experience to reverse engineer, manufacture, and improve the formerly proprietary parts.

14. Currently, GE's U.S. installed base numbers more than 1220 machines and comprises approximately 68 percent of all gas turbines in service in the power generation industry (generally, large gas turbines over 90 megawatts). Of this installed base, GE 7FAs represent 54 percent.

### B. The Relevant Product Market

15. Gas turbine aftermarket parts and service are distinct for each brand and model. A rotor for a non-GE machine could not be used on a GE 7FA, and a nozzle for a GE 7FA engine likely could not be used on another GE model machine. Moreover, other types of parts and service cannot be substituted for GE 7FA aftermarket parts and service. For instance, aftermarket parts and service for steam or wind turbines cannot be used for GE 7FA gas turbines.

16. A small but significant increase in the price of aftermarket parts and service for GE 7FA gas turbines would not cause customers of those parts and service to substitute a different kind of aftermarket part or service, or to reduce purchases of aftermarket parts or service for GE 7FA gas turbines, in volumes sufficient to make such a price increase unprofitable. Accordingly, the development, manufacture, and sale of aftermarket parts and service for GE 7FA gas turbines is a line of commerce and relevant market within the meaning of Section 7 of the Clayton Act.

### C. The Relevant Geographic Market

17. Although aftermarket parts for GE 7FA gas turbines may be manufactured outside of the United States, suppliers of aftermarket parts for GE 7FA gas turbines typically deliver them to their customer's locations in the United States.

18. Most U.S. customers of aftermarket parts and service for GE 7FA gas turbines consider only those qualified suppliers with a strong national presence and local support, including regional parts distribution centers. U.S. customers insist on facilities located in the United States for timely delivery of parts and prompt deployment of personnel.

19. A small but significant increase in the price of aftermarket parts and service for GE 7FA gas turbines in the United States would not cause a sufficient number of U.S. customers to turn to providers of those parts and service that do not have a substantial presence in the United States so as to make such a price increase unprofitable. Accordingly, the United States is a relevant geographic market within the meaning of Section 7 of the Clayton Act.

### D. Anticompetitive Effects of the Proposed Acquisition

20. GE's acquisition of PSM would eliminate competition between GE and PSM for aftermarket parts and service for GE 7FA gas turbines in the United States. The competition between GE and PSM in the development, manufacture, and sale of aftermarket parts and service for GE 7FA gas turbines in the United States has benefitted customers. GE and PSM compete directly on price, innovation, and quality of service.

21. Only three competitors, including GE and PSM, develop, manufacture, and sell aftermarket parts to offer with their service for GE 7FA gas turbines in the United States. GE and PSM have market shares of 83 and nine percent respectively. A third firm, which manufactures some aftermarket parts, has a market share of two percent. The remaining fringe participants in aftermarket service in the United States do not manufacture their own parts and must provide either refurbished parts or parts made by PSM or the third firm because GE does not make parts available to third-party service providers.

22. Customers with an expiring GE LTSA who want a provider of new aftermarket parts other than GE have two options, PSM or the third firm. Accordingly, the acquisition would reduce the number of competitors for the development, manufacture, and sale of aftermarket parts and service for GE 7FAs from three to two.

23. The third firm does not provide a complete line of 7FA aftermarket parts. In addition, the third firm does not meet the supplier qualification standards of some customers. For a customer trying

to purchase a 7FA part not sold by the third firm or who has qualification standards not met by the third firm, the acquisition would reduce the number of suppliers for the development, manufacture, and sale of aftermarket parts and service for GE 7FAs to only one.

24. The response of the third firm and the fringe participants in aftermarket service would not be sufficient to constrain a unilateral exercise of market power by GE after the acquisition. The effect of PSM's entry on prices shows the impact of its presence in the market. Since 1998, when PSM began competing with GE to provide aftermarket parts and service for GE 7FA gas turbines, prices of GE 7FA replacement parts dropped by 60 to 70 percent. Further, gas turbine life-cycle costs (prices for GE LTSAs and renewed GE LTSAs) dropped by as much as 50 percent when PSM began to offer replacement parts for the GE 7FA gas turbines. Although other firms, including the third firm, since have entered the market with some aftermarket parts and services offerings, no firm, or combination of firms, is positioned to constrain a unilateral exercise of market power by GE after the acquisition.

25. A merged GE and PSM also likely would reduce innovation in the development of improved aftermarket parts for GE gas turbines. PSM has led innovation for aftermarket parts for GE 7FA turbines. Some of the aftermarket parts developed by PSM for GE turbines are superior in performance to GE parts.

26. As articulated in the *Horizontal Merger Guidelines* issued by the Department of Justice and the Federal Trade Commission, the Herfindahl-Hirschman Index (''HHI''), discussed in Appendix A, is a measure of market concentration. Market concentration is often a useful indicator of the level of competitive vigor in a market and the likely competitive effects of a merger. The more concentrated a market, the more likely it is that a transaction would result in a meaningful reduction in competition, harming consumers.

27. In the U.S. market for the development, manufacture, and sale of aftermarket parts and service for GE 7FA gas turbines, the pre-merger HHI is 6,994; the post-merger HHI is 8,448, with an increase in the HHI of 1,494. Consistent with the *Horizontal Merger Guidelines,* this market is highly concentrated and would become significantly more concentrated as a result of the proposed acquisition.

28. The proposed transaction, therefore, likely would substantially lessen competition in the development, manufacture, and sale of aftermarket parts and service for GE 7FA gas turbines in the United States and lead to higher prices and decreased innovation and quality of service in violation of Section 7 of the Clayton Act.

**E. Difficulty of Entry**

29. Entry of additional competitors into the development, manufacture, and sale of aftermarket parts and service for GE 7FA gas turbines in the United States is unlikely to be timely or sufficient to prevent the harm to competition caused by the elimination of PSM as a supplier of aftermarket products and service for the GE 7FA gas turbine.

30. Firms attempting to enter into the development, manufacture, and sale of aftermarket parts and service for GE 7FA gas turbines face substantial entry barriers in terms of cost and time. While many of the patents have expired on older GE 7FA models, a competitor must have the capability to produce the most complex replacement parts.

31. First, entrants must have the technical capabilities necessary to design and manufacture the parts. Specific, unique buckets and nozzles are cast, and highly customized coatings are required to protect these metal alloy parts from melting in the combustion chamber. The required capabilities include design expertise, metals casting technology, and metals coating technology.

32. Second, customers of aftermarket parts or service that involve a shutdown of the gas turbine (''outage'') often require the provider to have a comprehensive list of parts, expertise with the specific gas turbine model and parts or service, and a superior record and reputation with customers. Such shutdowns involve significant expense and effort, so customers minimize the risk of extended or additional outages. Customers often take advantage of planned service outages to invite potential suppliers to obtain measurements and conduct inspections required for bids for the next round of planned aftermarket parts and service. Obtaining each of the qualifications required for aftermarket parts or service that involves outages is a significant challenge for a new entrant.

33. As a result of these barriers, entry into the development, manufacture, and sale of aftermarket parts and service for GE 7FA gas turbines in the United States would not be timely, likely, or sufficient to defeat the substantial lessening of competition that likely would result from GE's acquisition of PSM.

**V. VIOLATION ALLEGED**

34. The acquisition of PSM by GE likely would substantially lessen competition for the development, manufacture, and sale of aftermarket parts and service for GE 7FA gas turbines in the United States in violation of Section 7 of the Clayton Act, 15 U.S.C. § 18.

35. Unless enjoined, the transaction likely would have the following anticompetitive effects, among others:

a. actual and potential competition between GE and PSM in the market for the development, manufacture, and sale of aftermarket parts and service for GE 7FA gas turbines in the United States would be eliminated;

b. competition generally in the market for the development, manufacture, and sale of aftermarket parts and service for GE 7FA gas turbines in the United States would be substantially lessened;

c. prices for aftermarket parts and service for GE 7FA gas turbines in the United States likely would be less favorable, and innovation and quality of service relating to aftermarket parts and service for GE 7FA gas turbines in the United States likely would decline.

**VI. REQUESTED RELIEF**

36. The United States requests that this Court:

a. adjudge and decree GE's proposed acquisition of PSM to be unlawful and in violation of Section 7 of the Clayton Act, 15 U.S.C. § 18;

b. preliminarily and permanently enjoin and restrain defendants and all persons acting on their behalf from consummating the proposed acquisition of PSM by GE or from entering into or carrying out any contract, agreement, plan, or understanding, the effect of which would be to combine PSM with the operations of GE;

c. award the United States its costs of this action; and

d. award the United States such other and further relief as the Court deems just and proper.

Respectfully submitted,

FOR PLAINTIFF UNITED STATES OF AMERICA

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Dated: September 8, 2015

## APPENDIX A

## DEFINITION OF HHI

The term ''HHI'' means the Herfindahl-Hirschman Index, a commonly accepted measure of market concentration. The HHI is calculated by squaring the market share of each firm competing in the market and then summing the resulting numbers. For example, for a market consisting of four firms with shares of 30, 30, 20, and 20 percent, the HHI is 2,600 ($30^2 + 30^2 + 20^2 + 20^2 = 2{,}600$). The HHI takes into account the relative size distribution of the firms in a market. It approaches zero when a market is occupied by a large number of firms of relatively equal size and reaches a maximum of 10,000 points when it is controlled by a single firm. The HHI increases both as the number of firms in the market decreases and as the disparity in size between those firms increases.

Markets in which the HHI is between 1,500 and 2,500 points are considered to be moderately concentrated and markets in which the HHI is in excess of 2,500 points are considered to be highly concentrated. *See Horizontal Merger Guidelines* § 5.3 (issued by the U.S. Department of Justice and the Federal Trade Commission on August 19, 2010). Transactions that increase the HHI by more than 200 points in highly concentrated markets will be presumed likely to enhance market power. *Id.*

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,
*Plaintiff,*
v.
GENERAL ELECTRIC COMPANY,
ALSTOM S.A., and
POWER SYSTEMS MFG., LLC,
*Defendants.*
CASE NO.: 1:15–cv–01460–RMC
JUDGE: Amy Berman Jackson
FILED: 09/08/2015

## COMPETITIVE IMPACT STATEMENT

Plaintiff United States of America (''United States''), pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (''APPA'' or ''Tunney Act''), 15 U.S.C. § 16(b)–(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

## I. NATURE AND PURPOSE OF THE PROCEEDING

Defendant General Electric Company (''GE'') and defendant Alstom S.A. entered into a set of agreements, dated November 4, 2014, pursuant to which GE intends to enter a multi-stage transaction with Alstom in which GE will acquire all of Alstom's power-related businesses, including Alstom's wholly owned subsidiary, defendant Power Systems Mfg., LLC (''PSM''). The value of the multi-stage transaction is approximately $13.8 billion.

The United States filed a civil antitrust Complaint on September 8, 2015, seeking to enjoin the proposed acquisition. The Complaint alleges that the likely effect of the acquisition would be to lessen competition substantially in the development, manufacture, and sale of aftermarket parts and service for GE 7FA gas turbines in the United States in violation of Section 7 of the Clayton Act, 15 U.S.C. § 18. This loss of competition likely would give GE the ability to raise prices, lessen innovation, and lower the quality of service for customers in the United States.

At the same time the Complaint was filed, the United States also filed a Hold Separate Stipulation and Order and proposed Final Judgment, which are designed to eliminate the anticompetitive effects of the acquisition. Under the proposed Final Judgment, which is explained more fully below, GE is required to divest PSM, which includes the research, development, manufacturing, and repair and reconditioning facilities located in Jupiter, Florida, and Missouri City, Texas, and all of PSM's tangible and intangible assets. Under the terms of the Hold Separate Stipulation and Order, defendants will take certain steps to ensure that PSM is operated as a competitively independent, economically viable and ongoing business concern that will remain independent and uninfluenced by the consummation of the acquisition, and that competition is maintained during the pendency of the ordered divestiture.

The United States and defendants have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify, or enforce the provisions of the proposed Final Judgment and to punish violations thereof.

## II. DESCRIPTION OF THE EVENTS GIVING RISE TO THE ALLEGED VIOLATION

### A. The Defendants and the Transaction

Defendant GE is a New York corporation with its principal offices in Fairfield, Connecticut. GE is a global manufacturing, technology and services company. GE's subsidiary, GE Power and Water, provides power generation, energy delivery, and water process technologies in a number of areas of the energy industry, including wind and solar, biogas and alternative fuels, and coal, oil, natural gas, and nuclear energy. GE offers a wide spectrum of heavy-duty gas turbines. GE also is the dominant supplier of aftermarket parts and service for GE gas turbines. In 2014, GE's worldwide revenues were $148.6 billion, and its revenues from aftermarket parts and service for the relevant GE gas turbines were approximately $730 million.

Defendant PSM, a Delaware corporation headquartered in Jupiter, Florida, is a wholly and directly owned subsidiary of defendant Alstom, a French corporation headquartered in Levallois-Perret, France. Alstom offers global power generation, electric grid, and rail solution products and services. PSM provides aftermarket parts and service for a variety of engines manufactured by other companies and for GE gas turbine engines, including the GE 7FA model (described below). In 2014, PSM's worldwide revenues were approximately $226 million, and revenues for aftermarket parts and service for the GE 7FA gas turbines were approximately $90 million.

Pursuant to a set of agreements dated November 4, 2014, GE intends to enter a multi-stage transaction with Alstom. First, GE will purchase Alstom's thermal and renewable power and grid business. Then, Alstom will acquire GE's rail signaling business. Finally, GE and Alstom will enter three joint ventures, each 51 percent owned by GE, involving the renewable energy businesses, the grid, and a global

nuclear and French steam turbine business, in which the French government will hold preferred shares and governance rights. GE will maintain complete ownership of the thermal power business, including PSM, acquired from Alstom. The value of the multi-stage transaction is approximately $13.8 billion.

B. Competitive Effects of the Transaction

An extensive investigation by the Department revealed that PSM is GE's primary competitor in the aftermarket sale of parts and services for the installed base of GE gas turbines in the United States, and that GE's acquisition of PSM likely would eliminate competition between GE and PSM in this market. A substantial number of power generation customers indicated that they currently experience the advantages of vigorous competition between PSM and GE, and the status of PSM as GE's primary competitor is confirmed in the firms' respective business documents. The competition between GE and PSM in the development, manufacture, and sale of aftermarket parts and service, particularly for GE 7FA gas turbines, clearly has benefitted customers on price, quality of service, and innovation.

Gas turbines are a type of internal combustion engine in which burning of an air-fuel mixture produces hot gases that spin a turbine to produce power. Gas turbines have been used to generate electricity since the 1930s. Today, gas turbines are widely used for power generation throughout the United States. The key internal working parts of a gas turbine engine are the rotor, the buckets (also known as blades), and the nozzles (also known as vanes). A full set of replacement parts typically can range in price from several million dollars up to $15 million.

Mature turbines, like other mechanical equipment, require servicing and new or refurbished replacement parts. Service is needed every three to eight years, with major overhauls required every 10 to 16 years. Gas turbine aftermarket parts and service are provided by the original equipment manufacturer or by an independent service provider. GE 7FA gas turbines have life spans of approximately 30 years. With the initial sale of the gas turbine, the OEM and the customer usually enter into a long-term service agreement (LTSA), which may range from five to 15 years in duration. LTSAs, which are typically based on total hours of operation, cover the provision of replacement parts and service after the installation of the turbine. If a customer enters into a LTSA with the original equipment manufacturer, typically an independent service provider is unable to compete for the replacement parts or service business of that customer for the length of that LTSA. The original equipment manufacturer, however, often seeks to enter another LTSA when the first LTSA expires, and at that time competes with independent service providers.

GE's 7FA gas turbines remain the most common and one of the most technologically advanced GE models installed today. Only a limited number of firms have the capability and experience to reverse engineer, manufacture, and improve the formerly proprietary parts. Currently, GE's U.S. installed base is approximately 68 percent of all gas turbines in service in the power generation industry (generally, large gas turbines over 90 megawatts) and numbers over 1,220 machines; of these, 663 are GE 7FAs.

The Complaint alleges that, because gas turbine aftermarket parts and service are used exclusively for gas turbines, and because aftermarket parts and service for use in other types of turbines, such as steam or wind turbines, cannot be used in gas turbines, a small but significant increase in the price of aftermarket parts and service for GE 7FA gas turbines would not cause customers of those parts and service to substitute a different kind of aftermarket part or service, or to reduce purchases of aftermarket parts or service for GE 7FA gas turbines, in volumes sufficient to make such a price increase unprofitable. Accordingly, the development, manufacture, and sale of aftermarket parts and service for GE 7FA gas turbines is a line of commerce and relevant market within the meaning of Section 7 of the Clayton Act.

Further, according to the Complaint, most U.S. customers of aftermarket parts and service for GE 7FA gas turbines consider only those qualified suppliers with a strong national presence and local support, including regional parts distribution centers. U.S. customers insist on facilities located in the United States for timely delivery of parts and prompt deployment of personnel. A small but significant increase in the price of aftermarket parts and service for GE 7FA gas turbines in the United States would not cause a sufficient number of U.S. customers to turn to providers of those parts and service that do not have a substantial presence in the United States so as to make such a price increase unprofitable. Accordingly, the United States is a relevant geographic market within the meaning of Section 7 of the Clayton Act.

The Complaint also alleges that currently only three competitors, including GE and PSM, develop, manufacture, and sell new aftermarket parts to offer with their service for GE 7FA gas turbines in the United States. GE and PSM have market shares of 83 and nine percent respectively. A third firm, which manufactures some aftermarket parts, has a market share of only two percent. The remaining fringe participants in aftermarket service in the United States do not manufacture their own new parts and must provide either refurbished parts or parts made by PSM or the third firm because GE does not make parts available to third-party service providers.

According to the Complaint, the response of the third firm and the fringe participants in aftermarket parts and service would not be sufficient to constrain a unilateral exercise of market power by GE after the acquisition, nor would entry deter the expected competitive harm. Firms attempting to enter or expand into the development, manufacture, and sale of new aftermarket parts and service for GE 7FA gas turbines face substantial entry barriers in terms of cost and time. While many of the patents have expired on older GE 7FA models, a competitor must have the capability to produce the most complex replacement parts. Entrants must have extensive technical capabilities necessary to design and manufacture the parts, for example, unique buckets and nozzles are cast, and highly customized coatings are required to protect these metal alloy parts from melting in the combustion chamber. The required capabilities include design expertise, metals casting technology, and metals coating technology. Moreover, proven quality, extensive testing, and certification from customers is required before a new firm would be acceptable to customers.

The Complaint also alleges that the effect of PSM's successful entry on prices shows the beneficial impact of its presence in the market. Since 1998, when PSM began competing with GE to provide aftermarket parts and service for GE 7FA gas turbines, prices of GE 7FA replacement parts dropped by 60 to 70 percent. Further, gas turbine life-cycle costs (prices for GE LTSAs and renewed GE LTSAs) dropped by as much as 50 percent when PSM began to offer replacement parts for the GE 7FA gas turbines. Although other firms since have entered the market with some aftermarket parts and services, no firm, or combination of firms, is now positioned to constrain a unilateral exercise of market power by GE after the acquisition.

The Complaint also alleges that a merged GE and PSM likely would reduce innovation in the development of improved aftermarket parts for GE gas turbines.

## III. EXPLANATION OF THE PROPOSED FINAL JUDGMENT

The divestiture requirement of the proposed Final Judgment will eliminate the anticompetitive effects of the acquisition in the sale aftermarket parts and service used in the installed base of GE 7FA gas turbines by preserving an independent and economically viable competitor. Section IV of the proposed Final Judgment requires GE, within 90 days after the filing of the Complaint, or 5 days after notice of the entry of the Final Judgment by the Court, whichever is later, to divest PSM as a viable ongoing business. PSM must be divested in such a way as to satisfy the United States, in its sole discretion, that the operations can and will be operated by the purchaser as a viable, ongoing business that can compete effectively in the relevant market. Defendants must take all reasonable steps necessary to accomplish the divestiture quickly and shall cooperate with prospective purchasers.

Pursuant to Paragraph IV(H), final approval of the divestiture of PSM, including the identity of the acquirer, is left to the sole discretion of the United States to ensure the continued independence and viability of PSM in the relevant market. Ansaldo Energia S.P.A has been identified by GE as the expected purchaser of PSM and is currently in negotiations with GE for a final purchase agreement. As provided in Paragraph IV(B), in the event Ansaldo is not approved by the Department as the acquirer, another acquirer may buy PSM, also subject to approval by the Department in its sole discretion.

In Section X, the proposed Final Judgment also provides that the United States may appoint a Monitoring Trustee with the power and authority to investigate and report on defendants' compliance with the terms of the proposed Final Judgment and the Hold Separate Stipulation and Order during the pendency of the divestiture, including regular reports on the process of the divestiture. In this matter, the European Commission also expects to appoint a Monitoring Trustee to facilitate the accomplishment of a divestiture of assets relating to competitive issues outside the United States. Coordination between the Department and the European Commission relating to of the appointment of a Monitoring Trustee will help ensure that the agencies' respective divestitures will be consistent and will be accomplished effectively.

The Monitoring Trustee would not have any responsibility or obligation for the operation of the parties' businesses. The Monitoring Trustee would serve at GE's expense, on such terms and conditions as the United States approves, and defendants must assist the trustee in fulfilling its obligations. The Monitoring Trustee would file monthly reports and would serve until the divestiture is complete. The Monitoring Trustee would serve until the divestiture of PSM is finalized pursuant to either Section IV or Section V of the proposed Final Judgment.

According to Section V of the proposed Final Judgment, in the event that GE does not accomplish the divestiture within the periods prescribed in the proposed Final Judgment, the Final Judgment provides that the Court will appoint a Divestiture Trustee selected by the United States to effect the divestiture. If a Divestiture Trustee is appointed, the proposed Final Judgment provides that GE will pay all costs and expenses of the trustee. The Divestiture Trustee's commission will be structured so as to provide an incentive for the trustee based on the price obtained and the speed with which the divestiture is accomplished. After its appointment becomes effective, the Divestiture Trustee will file monthly reports with the Court and the United States setting forth its efforts to accomplish the divestiture. At the end of six months, if the divestiture has not been accomplished, the Divestiture Trustee and the United States will make recommendations to the Court, which shall enter such orders as appropriate, in order to carry out the purpose of the trust, including extending the trust or the term of the trustee's appointment.

The divestiture provisions of the proposed Final Judgment will eliminate the anticompetitive effects of the acquisition in the provision of aftermarket parts and service used in the installed base of GE 7FA gas turbines by preserving PSM as an independent and vigorous competitor to GE.

## IV. REMEDIES AVAILABLE TO POTENTIAL PRIVATE LITIGANTS

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage action. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Final Judgment has no prima facie effect in any subsequent private lawsuit that may be brought against defendants.

## V. PROCEDURES AVAILABLE FOR MODIFICATION OF THE PROPOSED FINAL JUDGMENT

The United States and defendants have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The APPA provides a period of at least sixty (60) days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the **Federal Register**, or the last date of publication in a newspaper of the summary of this Competitive Impact Statement, whichever is later. All comments received during this period will be considered by the United States Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to the Court's entry of judgment. The comments and the response of the United States will be filed with the Court. In addition, comments will be posted on the U.S. Department of Justice, Antitrust Division's internet Web site and, under certain circumstances, published in the **Federal Register**.

Written comments should be submitted to:

Maribeth Petrizzi
Chief, Litigation II Section
Antitrust Division
United States Department of Justice
450 Fifth Street, NW.
Washington, DC 20530

The proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment.

## VI. ALTERNATIVES TO THE PROPOSED FINAL JUDGMENT

The United States considered, as an alternative to the proposed Final Judgment, a full trial on the merits

against defendants. The United States could have litigated and sought preliminary and permanent injunctions against GE's acquisition of Alstom's entre power business. The United States is satisfied, however, that the divestiture of PSM described in the proposed Final Judgment will preserve competition for the provision of aftermarket parts and service for the installed base of GE 7FA gas turbines in the United States. Thus, the proposed Final Judgment would achieve all or substantially all of the relief the United States would have obtained through litigation, but avoids the time, expense, and uncertainty of a full trial on the merits of the Complaint.

## VII. STANDARD OF REVIEW UNDER THE APPA FOR THE PROPOSED FINAL JUDGMENT

The Clayton Act, as amended by the APPA, requires that proposed consent judgments in antitrust cases brought by the United States be subject to a sixty-day comment period, after which the court shall determine whether entry of the proposed Final Judgment ''is in the public interest.'' 15 U.S.C. 16(e)(1). In making that determination, the court, in accordance with the statute as amended in 2004, is required to consider:

(A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and

(B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. 16(e)(1)(A) & (B). In considering these statutory factors, the court's inquiry is necessarily a limited one as the government is entitled to ''broad discretion to settle with the defendant within the reaches of the public interest.'' *United States* v. *Microsoft Corp.,* 56 F.3d 1448, 1461 (D.C. Cir. 1995); *see generally United States* v. *SBC Commc'ns, Inc.,* 489 F. Supp. 2d 1 (D.D.C. 2007) (assessing public interest standard under the Tunney Act); *United States v, U.S. Airways Group, Inc.,* No. 13-cv-1236 (CKK), 2014–1 Trade Cas. (CCH) ¶ 78, 748, 2014 U.S. Dist. LEXIS 57801, at *7 (D.D.C. Apr. 25, 2014) (noting the court has broad discretion of the adequacy of the relief at issue); *United States* v. *InBev N.V./S.A.,* No. 08–1965 (JR), 2009–2 Trade Cas. (CCH) ¶ 76,736, 2009 U.S. Dist. LEXIS 84787, at *3, (D.D.C. Aug. 11, 2009) (noting that the court's review of a consent judgment is limited and only inquires ''into whether the government's determination that the proposed remedies will cure the antitrust violations alleged in the complaint was reasonable, and whether the mechanism to enforce the final judgment are clear and manageable.'').[1]

As the United States Court of Appeals for the District of Columbia Circuit has held, under the APPA a court considers, among other things, the relationship between the remedy secured and the specific allegations set forth in the government's complaint, whether the decree is sufficiently clear, whether enforcement mechanisms are sufficient, and whether the decree may positively harm third parties. *See Microsoft,* 56 F.3d at 1458–62. With respect to the adequacy of the relief secured by the decree, a court may not ''engage in an unrestricted evaluation of what relief would best serve the public.'' *United States* v. *BNS, Inc.,* 858 F.2d 456, 462 (9th Cir. 1988) (quoting *United States* v. *Bechtel Corp.,* 648 F.2d 660, 666 (9th Cir. 1981)); *see also Microsoft,* 56 F.3d at 1460–62; *United States* v. *Alcoa, Inc.,* 152 F. Supp. 2d 37, 40 (D.D.C. 2001); *InBev,* 2009 U.S. Dist. LEXIS 84787, at *3. Courts have held that:

[t]he balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is ''*within the reaches of the public interest.''* More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.

*Bechtel,* 648 F.2d at 666 (emphasis added) (citations omitted).[2] In determining whether a proposed settlement is in the public interest, a district court ''must accord deference to the government's predictions about the efficacy of its remedies, and may not require that the remedies perfectly match the alleged violations.'' *SBC Commc'ns,* 489 F. Supp. 2d at 17; *see also U.S. Airways,* 2014 U.S. Dist. LEXIS 57801, at *16 (noting that a court should not reject the proposed remedies because it believes others are preferable); *Microsoft,* 56 F.3d at 1461 (noting the need for courts to be ''deferential to the government's predictions as to the effect of the proposed remedies''); *United States* v. *Archer-Daniels-Midland Co.,* 272 F. Supp. 2d 1, 6 (D.D.C. 2003) (noting that the court should grant due respect to the United States' prediction as to the effect of proposed remedies, its perception of the market structure, and its views of the nature of the case).

Courts have greater flexibility in approving proposed consent decrees than in crafting their own decrees following a finding of liability in a litigated matter. ''[A] proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.'' *United States* v. *Am. Tel. & Tel. Co.,* 552 F. Supp. 131, 151 (D.D.C. 1982) (citations omitted) (quoting *United States* v. *Gillette Co.,* 406 F. Supp. 713, 716 (D. Mass. 1975)), *aff'd sub nom. Maryland* v. *United States,* 460 U.S. 1001 (1983); *see also U.S. Airways,* 2014 U.S. Dist. LEXIS 57801, at *8 (noting that room must be made for the government to grant concessions in the negotiation process for settlements (citing *Microsoft,* 56 F.3d at 1461); *United States* v. *Alcan Aluminum Ltd.,* 605 F. Supp. 619, 622 (W.D. Ky. 1985) (approving the consent decree even though the court would have imposed a greater remedy). To meet this standard, the United States ''need only provide a factual basis for concluding that the settlements are reasonably adequate remedies for the alleged harms.'' *SBC Commc'ns,* 489 F. Supp. 2d at 17.

[1] The 2004 amendments substituted ''shall'' for ''may'' in directing relevant factors for court to consider and amended the list of factors to focus on competitive considerations and to address potentially ambiguous judgment terms. *Compare* 15 U.S.C. 16(e) (2004), *with* 15 U.S.C. 16(e)(1) (2006); *see also SBC Commc'ns,* 489 F. Supp. 2d at 11 (concluding that the 2004 amendments ''effected minimal changes'' to Tunney Act review).

[2] *Cf. BNS,* 858 F.2d at 464 (holding that the court's ''ultimate authority under the [APPA] is limited to approving or disapproving the consent decree''); *United States* v. *Gillette Co.,* 406 F. Supp. 713, 716 (D. Mass. 1975) (noting that, in this way, the court is constrained to ''look at the overall picture not hypercritically, nor with a microscope, but with an artist's reducing glass''). *See generally Microsoft,* 56 F.3d at 1461 (discussing whether ''the remedies [obtained in the decree are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest'''').

Moreover, the court's role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its Complaint, and does not authorize the court to ''construct [its] own hypothetical case and then evaluate the decree against that case.'' *Microsoft,* 56 F.3d at 1459; *see also U.S. Airways,* 2014 U.S. Dist. LEXIS 57801, at *9 (noting that the court must simply determine whether there is a factual foundation for the government's decisions such that its conclusions regarding the proposed settlements are reasonable; *InBev,* 2009 U.S. Dist. LEXIS 84787, at *20 (''the 'public interest' is not to be measured by comparing the violations alleged in the complaint against those the court believes could have, or even should have, been alleged''). Because the ''court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first place,'' it follows that ''the court is only authorized to review the decree itself,'' and not to ''effectively redraft the complaint'' to inquire into other matters that the United States did not pursue. *Microsoft,* 56 F.3d at 1459–60. As this Court recently confirmed in *SBC Communications,* courts ''cannot look beyond the complaint in making the public interest determination unless the complaint is drafted so narrowly as to make a mockery of judicial power.'' *SBC Commc'ns,* 489 F. Supp. 2d at 15.

In its 2004 amendments, Congress made clear its intent to preserve the practical benefits of utilizing consent decrees in antitrust enforcement, adding the unambiguous instruction that ''[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.'' 15 U.S.C. 16(e)(2); *see also U.S. Airways,* 2014 U.S. Dist. LEXIS 57801, at *9 (indicating that a court is not required to hold an evidentiary hearing or to permit intervenors as part of its review under the Tunney Act). The language wrote into the statute what Congress intended when it enacted the Tunney Act in 1974, as Senator Tunney explained: ''[t]he court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.'' 119 Cong. Rec. 24,598 (1973) (statement of Sen. Tunney). Rather, the procedure for the public interest determination is left to the discretion of the court, with the recognition that the court's ''scope of review remains sharply proscribed by precedent and the nature of Tunney Act proceedings.'' *SBC Commc'ns,* 489 F. Supp. 2d at 11.[3] A court can make its public interest determination based on the competitive impact statement and response to public comments alone. *U.S. Airways,* 2014 U.S. Dist. LEXIS 57801, at *9.

## VIII. DETERMINATIVE DOCUMENTS

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Dated: September 8, 2015

Respectfully submitted,

/s/

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## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

*UNITED STATES OF AMERICA,*
Plaintiff,
v.
*GENERAL ELECTRIC COMPANY, ALSTOM S.A., and POWER SYSTEMS MFG., LLC,*
Defendants.

CASE NO.: 1:15–cv–01460–RMC
JUDGE: Amy Berman Jackson
FILED: 09/08/2015

## PROPOSED FINAL JUDGMENT

WHEREAS, Plaintiff, United States of America, filed its Complaint on September 8, 2015, the United States and defendants, General Electric Company, Alstom S.A., and Power Systems Mfg., LLC, by their respective attorneys, have consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law, and without this Final Judgment constituting any evidence against or admission by any party regarding any issue of fact or law;

AND WHEREAS, defendants agree to be bound by the provisions of this Final Judgment pending its approval by the Court;

AND WHEREAS, the essence of this Final Judgment is the prompt and certain divestiture of certain rights or assets by the defendants to assure that competition is not substantially lessened;

AND WHEREAS, the United States requires defendants to make certain divestitures for the purpose of remedying the loss of competition alleged in the Complaint;

AND WHEREAS, defendants have represented to the United States that the divestitures required below can and will be made and that defendants will later raise no claim of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below;

NOW THEREFORE, before any testimony is taken, without trial or adjudication of any issue of fact or law, and upon consent of the parties, it is ORDERED, ADJUDGED AND DECREED:

## I. JURISDICTION

This Court has jurisdiction over the subject matter of and each of the parties to this action. The Complaint states a claim upon which relief may be granted against defendants under Section 7 of the Clayton Act, as amended (15 U.S.C. 18).

## II. DEFINITIONS

As used in this Final Judgment:

A. ''Acquirer'' means Ansaldo or another entity to which defendants divest the Divestiture Assets.

B. ''GE'' means defendant General Electric Company, a New York corporation with its headquarters in Fairfield, Connecticut, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

C. ''Alstom'' means defendant Alstom S.A., a French corporation with its headquarters in Levallois-Perret, France, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

D. ''Closing'' means the consummation of the divestiture of all the Divestiture Assets pursuant to either Section IV or V of this Final Judgment.

[3] *See United States* v. *Enova Corp.,* 107 F. Supp. 2d 10, 17 (D.D.C. 2000) (noting that the ''Tunney Act expressly allows the court to make its public interest determination on the basis of the competitive impact statement and response to comments alone''); *United States* v. *Mid-Am. Dairymen, Inc.,* No. 73–CV–681–W–1, 1977–1 Trade Cas. (CCH) ¶ 61,508, at 71,980, *22 (W.D. Mo. 1977) (''Absent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should . . . carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.''); S. Rep. No. 93–298, at 6 (1973) (''Where the public interest can be meaningfully evaluated simply on the basis of briefs and oral arguments, that is the approach that should be utilized.'').

E. ''Completion of the Transaction'' means the closing of GE's acquisition of Alstom.

F. ''PSM'' means defendant Power Systems Mfg., LLC, a Delaware company with its headquarters in Jupiter, Florida, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

G. ''Ansaldo'' means Ansaldo Energia S.P.A., an Italian corporation with its headquarters in Genoa, Italy, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

H. ''Divestiture Assets'' means PSM and the assets owned or under the control of PSM, including, but not limited to:

1. PSM's rights with respect to the facilities located at 1440 West Indiantown Road, Jupiter, Florida 33458 and 4318 South Dr., Missouri City, Texas 77489;

2. All tangible assets, including research and development activities; all manufacturing equipment, tooling and fixed assets, personal property, inventory, office furniture, materials, supplies, and other tangible property; all licenses, permits and authorizations issued by any governmental organization; all contracts, teaming arrangements, agreements, leases, commitments, certifications, and understandings, including supply agreements; all customer lists, contracts, accounts, and credit records; all repair and performance records and all other records; and

3. All intangible assets, including, but not limited to, all patents, licenses and sublicenses, intellectual property, copyrights, trademarks, trade names, service marks, service names, technical information, computer software and related documentation, know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for materials, specifications for parts and devices, safety procedures for the handling of materials and substances, quality assurance and control procedures, design tools and simulation capability, all manuals and technical information PSM provides to its own employees, customers, suppliers, agents or licensees, and all research data relating to PSM, including, but not limited to, designs of experiments, and the results of successful and unsuccessful designs and experiments.

## III. APPLICABILITY

A. This Final Judgment applies to GE, Alstom, and PSM, as defined above, and all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

B. If, prior to complying with Section IV and V of this Final Judgment, defendants sell or otherwise dispose of all or substantially all of their assets or of lesser business units that include the Divestiture Assets, they shall require the purchaser to be bound by the provisions of this Final Judgment. Defendants need not obtain such an agreement from the Acquirer of the assets divested pursuant to this Final Judgment.

## IV. DIVESTITURES

A. GE is ordered and directed, within ninety (90) calendar days after the filing of the Complaint in this matter, or five (5) calendar days after notice of the entry of this Final Judgment by the Court, whichever is later, to divest the Divestiture Assets in a manner consistent with this Final Judgment to an Acquirer acceptable to the United States, in its sole discretion The United States, in its sole discretion, may agree to one or more extensions of this time period not to exceed sixty (60) calendar days in total, and shall notify the Court in such circumstances. Defendants agree to use their best efforts to divest the Divestiture Assets as expeditiously as possible.

B. In the event that Ansaldo is not the Acquirer, GE shall make known, by usual and customary means, the availability of the Divestiture Assets. Defendants shall inform any person making an inquiry regarding a possible purchase of the Divestiture Assets that they are being divested pursuant to this Final Judgment and provide that person with a copy of this Final Judgment. Defendants shall offer to furnish to all prospective acquirers, subject to customary confidentiality assurances, all information and documents relating to the Divestiture Assets customarily provided in a due diligence process except such information or documents subject to the attorney-client privileges or work-product doctrine. Defendants shall make available such information to the United States at the same time that such information is made available to any other person.

C. Defendants shall provide the Acquirer and the United States information relating to PSM personnel to enable the Acquirer to make offers of employment. Defendants will not interfere with any negotiations by the Acquirer to employ any PSM employee or any Alstom employee whose primary responsibility is the production, development and sale of aftermarket parts and service for GE 7FA gas turbines.

D. Defendants shall permit prospective acquirers of the Divestiture Assets to have reasonable access to personnel and to make inspections of the physical facilities of PSM; access to any and all environmental, zoning, and other permit documents and information; and access to any and all financial, operational, or other documents and information customarily provided as part of a due diligence process.

E. Defendant GE shall warrant to the Acquirer that the Divestiture Assets will be operational on the Closing date.

F. Defendants shall not take any action that will impede in any way the permitting, operation, or divestiture of the Divestiture Assets.

G. Defendant GE shall warrant to the Acquirer that there are no material defects in the environmental, zoning or other permits pertaining to the operation of each asset, and that following the sale of the Divestiture Assets, defendants will not undertake, directly or indirectly, any challenges to the environmental, zoning, or other permits relating to the operation of the Divestiture Assets.

H. Unless the United States otherwise consents in writing, the divestiture pursuant to Section IV, or by Divestiture Trustee appointed pursuant to Section V, of this Final Judgment, shall include the entire Divestiture Assets, and shall be accomplished in such a way as to satisfy the United States, in its sole discretion, that the Divestiture Assets can and will be used by the Acquirer as part of a viable, ongoing business in the development, manufacture, and sale of aftermarket parts and service for GE 7FA gas turbines. The divestitures, whether pursuant to Section IV or V of this Final Judgment,

(1) shall be made to an Acquirer that, in the United States's sole judgment, has the intent and capability (including the necessary managerial, operational, technical and financial capability) of competing effectively in the development, manufacture, and sale of aftermarket parts and service for GE 7FA gas turbines; and

(2) shall be accomplished so as to satisfy the United States, in its sole discretion, that none of the terms of any agreement between an Acquirer and defendants give defendants the ability unreasonably to raise the Acquirer's costs, to lower the Acquirer's efficiency,

or otherwise to interfere in the ability of the Acquirer to compete effectively.

**V. APPOINTMENT OF DIVESTITURE TRUSTEE**

A. If GE has not divested the Divestiture Assets within the time period specified in Paragraph IV(A), defendants shall notify the United States of that fact in writing. Upon application of the United States, the Court shall appoint a Divestiture Trustee selected by the United States and approved by the Court to effect the divestiture of the Divestiture Assets.

B. After the appointment of a Divestiture Trustee becomes effective, only the Divestiture Trustee shall have the right to sell the Divestiture Assets. The Divestiture Trustee shall have the power and authority to accomplish the divestiture to an Acquirer acceptable to the United States at such price and on such terms as are then obtainable upon reasonable effort by the Divestiture Trustee, subject to the provisions of Sections IV, V, and VI of this Final Judgment, and shall have such other powers as this Court deems appropriate. Subject to Paragraph V(D) of this Final Judgment, the Divestiture Trustee may hire at the cost and expense of defendants any investment bankers, attorneys, or other agents, who shall be solely accountable to the Divestiture Trustee, reasonably necessary in the Divestiture Trustee's judgment to assist in the divestiture. Any such investment bankers, attorneys, or other agents shall serve on such terms and conditions as the United States approves including confidentiality requirements and conflict of interest certifications.

C. Defendants shall not object to a sale by the Divestiture Trustee on any ground other than the Divestiture Trustee's malfeasance. Any such objections by defendants must be conveyed in writing to the United States and the Divestiture Trustee within ten (10) calendar days after the Divestiture Trustee has provided the notice required under Section VI.

D. The Divestiture Trustee shall serve at the cost and expense of GE pursuant to a written agreement, on such terms and conditions as the United States approves, including confidentiality requirements and conflict of interest certifications. The Divestiture Trustee shall account for all monies derived from the sale of the assets sold by the Divestiture Trustee and all costs and expenses so incurred. After approval by the Court of the Divestiture Trustee's accounting, including fees for its services yet unpaid and those of any professionals and agents retained by the Divestiture Trustee, all remaining money shall be paid to GE and the trust shall then be terminated. The compensation of the Divestiture Trustee and any professionals and agents retained by the Divestiture Trustee shall be reasonable in light of the value of the Divestiture Assets and based on a fee arrangement providing the Divestiture Trustee with an incentive based on the price and terms of the divestiture and the speed with which it is accomplished, but timeliness is paramount. If the Divestiture Trustee and GE are unable to reach agreement on the Divestiture Trustee's or any agent's or consultant's compensation or other terms and conditions of engagement within fourteen (14) calendar days of appointment of the Divestiture Trustee, the United States may, in its sole discretion, take appropriate action, including making a recommendation to the Court. The Divestiture Trustee shall, within three (3) business days of hiring any other professionals or agents, provide written notice of such hiring and the rate of compensation to defendants and the United States.

E. Defendants shall use their best efforts to assist the Divestiture Trustee in accomplishing the required divestiture. The Divestiture Trustee and any consultants, accountants, attorneys, and other agents retained by the Divestiture Trustee shall have full and complete access to the personnel, books, records, and facilities of the business to be divested, and defendants shall develop financial and other information relevant to such business as the Divestiture Trustee may reasonably request, subject to reasonable protection for trade secret or other confidential research, development, or commercial information or any applicable privileges. Defendants shall take no action to interfere with or to impede the Divestiture Trustee's accomplishment of the divestiture.

F. After its appointment, the Divestiture Trustee shall file monthly reports with the United States and, as appropriate, the Court setting forth the Divestiture Trustee's efforts to accomplish the divestiture ordered under this Final Judgment. To the extent such reports contain information that the Divestiture Trustee deems confidential, such reports shall not be filed in the public docket of the Court. Such reports shall include the name, address, and telephone number of each person who, during the preceding month, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the Divestiture Assets, and shall describe in detail each contact with any such person. The Divestiture Trustee shall maintain full records of all efforts made to divest the Divestiture Assets.

G. If the Divestiture Trustee has not accomplished the divestiture ordered under this Final Judgment within six months after its appointment, the Divestiture Trustee shall promptly file with the Court a report setting forth (1) the Divestiture Trustee's efforts to accomplish the required divestiture, (2) the reasons, in the Divestiture Trustee's judgment, why the required divestiture has not been accomplished, and (3) the Divestiture Trustee's recommendations. To the extent such report's contains information that the Divestiture Trustee deems confidential, such report's shall not be filed in the public docket of the Court. The Divestiture Trustee shall at the same time furnish such report to the United States which shall have the right to make additional recommendations consistent with the purpose of the trust. The Court thereafter shall enter such orders as it shall deem appropriate to carry out the purpose of the Final Judgment, which may, if necessary, include extending the trust and the term of the Divestiture Trustee's appointment by a period requested by the United States.

H. If the United States determines that the Divestiture Trustee has ceased to act or failed to act diligently or in a reasonably cost-effective manner, it may recommend the Court appoint a substitute Divestiture Trustee.

**VI. NOTICE OF PROPOSED DIVESTITURE**

A. Within two (2) business days following execution of a definitive divestiture agreement, GE or the Divestiture Trustee, whichever is then responsible for effecting the divestiture required herein, shall notify the United States of any proposed divestiture required by Section IV or V of this Final Judgment. If the Divestiture Trustee is responsible, it shall similarly notify defendants. The notice shall set forth the details of the proposed divestiture and list the name, address, and telephone number of each person not previously identified who offered or expressed an interest in or desire to acquire any ownership interest in the Divestiture Assets, together with full details of the same.

B. Within fifteen (15) calendar days of receipt by the United States of such notice, the United States may request from GE and PSM, the proposed Acquirer, any other third party, or the Divestiture Trustee, if applicable, additional information concerning the

proposed divestiture, the proposed Acquirer, and any other potential Acquirer. Defendants and the Divestiture Trustee shall furnish any additional information requested within fifteen (15) calendar days of the receipt of the request, unless the parties shall otherwise agree.

C. Within thirty (30) calendar days after receipt of the notice or within twenty (20) calendar days after the United States has been provided the additional information requested from defendants, the proposed Acquirer, any third party, and the Divestiture Trustee, whichever is later, the United States shall provide written notice to defendants and the Divestiture Trustee, if there is one, stating whether or not it objects to the proposed divestiture. If the United States provides written notice that it does not object, the divestiture may be consummated, subject only to defendants' limited right to object to the sale under Paragraph V(C) of this Final Judgment. Absent written notice that the United States does not object to the proposed Acquirer or upon objection by the United States, a divestiture proposed under Section IV or V shall not be consummated. Upon objection by defendants under Paragraph V(C), a divestiture proposed under Section V shall not be consummated unless approved by the Court.

**VII. FINANCING**

Defendants shall not finance all or any part of any purchase made pursuant to Section IV or V of this Final Judgment.

**VIII. HOLD SEPARATE**

Until the divestiture required by this Final Judgment has been accomplished, Alstom shall until the Completion of the Transaction, and GE shall until Closing, take all steps necessary to comply with the Hold Separate Stipulation and Order entered by this Court. Defendants shall take no action that would jeopardize the divestiture ordered by this Court.

**IX. AFFIDAVITS**

A. Within twenty (20) calendar days of the filing of the Complaint in this matter, and every thirty (30) calendar days thereafter until the divestiture has been completed under Section IV or V, Alstom shall until the Completion of the Transaction, and GE shall until Closing, deliver to the United States an affidavit as to the fact and manner of its compliance with Section IV or V of this Final Judgment. Each such affidavit shall include the name, address, and telephone number of each person who, during the preceding thirty (30) calendar days, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the Divestiture Assets, and shall describe in detail each contact with any such person during that period. Each such affidavit shall also include a description of the efforts defendants have taken to solicit buyers for the Divestiture Assets, and to provide required information to prospective Acquirers, including the limitations, if any, on such information. Assuming the information set forth in the affidavit is true and complete, any objection by the United States to information provided by defendants, including limitation on information, shall be made within fourteen (14) calendar days of receipt of such affidavit.

B. Within twenty (20) calendar days of the filing of the Complaint in this matter, Alstom shall until the Completion of the Transaction, and GE shall until Closing, deliver to the United States an affidavit that describes in reasonable detail all actions defendants have taken and all steps defendants have implemented on an ongoing basis to comply with Section VIII of this Final Judgment. Defendants shall deliver to the United States an affidavit describing any changes to the efforts and actions outlined in defendants' earlier affidavits filed pursuant to this section within fifteen (15) calendar days after the change is implemented.

C. Defendants shall keep all records of all efforts made to preserve and divest the Divestiture Assets until one year after such divestiture has been completed.

**X. APPOINTMENT OF MONITORING TRUSTEE**

A. Upon application of the United States, the Court shall appoint a Monitoring Trustee selected by the United States and approved by the Court.

B. The Monitoring Trustee shall have the power and authority to monitor defendants' compliance with the terms of this Final Judgment and the Hold Separate Stipulation and Order entered by this Court, and shall have such other powers as this Court deems appropriate. The Monitoring Trustee shall be required to investigate and report on the defendants' compliance with this Final Judgment and the Hold Separate Stipulation and Order and the defendants' progress toward effectuating the purposes of this Final Judgment.

C. Subject to Paragraph X(E) of this Final Judgment, the Monitoring Trustee may hire at the cost and expense of GE any consultants, accountants, attorneys, or other agents, who shall be solely accountable to the Monitoring Trustee, reasonably necessary in the Monitoring Trustee's judgment. Any such consultants, accountants, attorneys, or other agents shall serve on such terms and conditions as the United States approves, including confidentiality requirements and conflict of interest certifications.

D. Defendants shall not object to actions taken by the Monitoring Trustee in fulfillment of the Monitoring Trustee's responsibilities under any Order of this Court on any ground other than the Monitoring Trustee's malfeasance. Any such objections by defendants must be conveyed in writing to the United States and the Monitoring Trustee within ten (10) calendar days after the action taken by the Monitoring Trustee giving rise to the defendants' objection.

E. The Monitoring Trustee shall serve at the cost and expense of GE pursuant to a written agreement with defendants and on such terms and conditions as the United States approves, including confidentiality requirements and conflict of interest certifications. The compensation of the Monitoring Trustee and any consultants, accountants, attorneys, and other agents retained by the Monitoring Trustee shall be on reasonable and customary terms commensurate with the individuals' experience and responsibilities. If the Monitoring Trustee and GE are unable to reach agreement on the Monitoring Trustee's or any agent's or consultant's compensation or other terms and conditions of engagement within fourteen (14) calendar days of appointment of the Monitoring Trustee, the United States may, in its sole discretion, take appropriate action, including making a recommendation to the Court. The Monitoring Trustee shall, within three (3) business days of hiring any consultants, accountants, attorneys, or other agents, provide written notice of such hiring and the rate of compensation to defendants and the United States.

F. The Monitoring Trustee shall have no responsibility or obligation for the operation of defendants' businesses.

G. Defendants shall use their best efforts to assist the Monitoring Trustee in monitoring defendants' compliance with their individual obligations under this Final Judgment and under the Hold Separate Stipulation and Order. The Monitoring Trustee and any consultants, accountants, attorneys, and other agents retained by the Monitoring Trustee shall have full and complete access to the personnel, books, records, and facilities

relating to compliance with this Final Judgment, subject to reasonable protection for trade secret or other confidential research, development, or commercial information or any applicable privileges. Defendants shall take no action to interfere with or to impede the Monitoring Trustee's accomplishment of its responsibilities.

H. After its appointment, the Monitoring Trustee shall file reports monthly, or more frequently as needed, with the United States, and, as appropriate, the Court setting forth defendants' efforts to comply with their obligations under this Final Judgment and under the Hold Separate Stipulation and Order. To the extent such reports contain information that the Monitoring Trustee deems confidential, such reports shall not be filed in the public docket of the Court.

I. The Monitoring Trustee shall serve until the divestiture of all the Divestiture Assets is finalized pursuant to either Section IV or V of this Final Judgment.

J. If the United States determines that the Monitoring Trustee has ceased to act or failed to act diligently or in a reasonably cost-effective manner, it may recommend the Court appoint a substitute Monitoring Trustee.

## XI. COMPLIANCE INSPECTION

A. For the purposes of determining or securing compliance with this Final Judgment, or of any related orders such as any Hold Separate Order, or of determining whether the Final Judgment should be modified or vacated, and subject to any legally recognized privilege, from time to time authorized representatives of the United States Department of Justice, including consultants and other persons retained by the United States, shall, upon written request of an authorized representative of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendants, be permitted:

(1) access during defendants' office hours to inspect and copy, or at the option of the United States, to require defendants to provide hard copy or electronic copies of, all books, ledgers, accounts, records, data, and documents in the possession, custody, or control of defendants, relating to any matters contained in this Final Judgment; and

(2) to interview, either informally or on the record, defendants' officers, employees, or agents, who may have their individual counsel present, regarding such matters. The interviews shall be subject to the reasonable convenience of the interviewee and without restraint or interference by defendants.

B. Upon the written request of an authorized representative of the Assistant Attorney General in charge of the Antitrust Division, defendants shall submit written reports or response to written interrogatories, under oath if requested, relating to any of the matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in this section shall be divulged by the United States to any person other than an authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by defendants to the United States, defendants represent and identify in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(1)(g) of the Federal Rules of Civil Procedure, and defendants mark each pertinent page of such material, ''Subject to claim of protection under Rule 26(c)(1)(g) of the Federal Rules of Civil Procedure,'' then the United States shall give defendants ten (10) calendar days notice prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

## XII. NO REACQUISITION

Defendants may not reacquire any part of the Divestiture Assets during the term of this Final Judgment.

## XIII. RETENTION OF JURISDICTION

This Court retains jurisdiction to enable any party to this Final Judgment to apply to this Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify any of its provisions, to enforce compliance, and to punish violations of its provisions.

## XIV. EXPIRATION OF FINAL JUDGMENT

Unless this Court grants an extension, this Final Judgment shall expire ten years from the date of its entry.

## XV. PUBLIC INTEREST DETERMINATION

Entry of this Final Judgment is in the public interest. The parties have complied with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, including making copies available to the public of this Final Judgment, the Competitive Impact Statement, and any comments thereon and the United States' responses to comments. Based upon the record before the Court, which includes the Competitive Impact Statement and any comments and response to comments filed with the Court, entry of this Final Judgment is in the public interest.

Date:

Court approval subject to procedures of Antitrust Procedures and Penalties Act, 15 U.S.C. 16

United States District Judge

[FR Doc. 2015–24044 Filed 9–21–15; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Office of Justice Programs

**[OJP (OVC) Docket No. 1696]**

### Meeting of the National Coordination Committee on the AI/AN SANE–SART Initiative

**AGENCY:** Office for Victims of Crime, Justice.

**ACTION:** Notice of meeting.

**SUMMARY:** The National Coordination Committee on the American Indian/Alaska Native (AI/AN) Sexual Assault Nurse Examiner (SANE)—Sexual Assault Response Team (SART) Initiative (''National Coordination Committee'' or ''Committee'') will meet to carry out its mission to provide advice to assist the Office for Victims of Crime (OVC) to promote culturally relevant, victim-centered responses to sexual violence within AI/AN communities.

**DATES:** In order to accommodate Committee members' schedules, the meeting will be held at two different times. One meeting will be held via teleconference on Tuesday, October 13, 2015 and the second will be held via teleconference on Wednesday, October 14, 2015. The teleconference meetings are open to the public for participation.

**ADDRESSES:** There will be a designated time for the public to speak, and the public can observe and submit comments in writing to Shannon May, the Designated Federal Official. Teleconference space is limited. To register for the teleconference, please provide your full contact information to Shannon May.

**FOR FURTHER INFORMATION CONTACT:** Shannon May, Designated Federal Officer (DFO) for the National

Coordination Committee, Federal Bureau of Investigation, Office for Victim Assistance, 935 Pennsylvania Ave NW., Room 3329, Washington, DC 20535; Phone: (202) 323–9468 [note: this is not a toll-free number]; Email: *shannon.may@ic.fbi.gov.*

**SUPPLEMENTARY INFORMATION:** The National Coordination Committee on the American Indian/Alaskan Native (AI/AN) Sexual Assault Nurse Examiner (SANE)—Sexual Assault Response Team (SART) Initiative (''National Coordination Committee'' or ''Committee'') was established by the Attorney General to provide valuable advice to OVC to encourage the coordination of federal, tribal, state, and local efforts to assist victims of sexual violence within AI/AN communities, and to promote culturally relevant, victim-centered responses to sexual violence within those communities.

*Teleconference agenda:* The agenda will include: (a) A traditional welcome and introductions; (b) an update on the submission of the Committee's Recommendations Report to the Attorney General; (c) an update on actions being taken by the Attorney General in response to the Committee's recommendations; (d) comments by members of the public; and (e) a traditional closing.

**Shannon May,**

*Project Manager—Victims of Crime, Designated Federal Official—National Coordination Committee, Federal Bureau of Investigation, Office for Victim Assistance.*

[FR Doc. 2015–24102 Filed 9–21–15; 8:45 am]

**BILLING CODE 4410–18–P**

## DEPARTMENT OF LABOR

### Office of Disability Employment Policy

### Advisory Committee on Increasing Competitive Integrated Employment for Individuals With Disabilities; Notice of Meeting

The Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (the Committee) was mandated by section 609 of the Rehabilitation Act of 1973, as amended by section 461 of the Workforce Innovation and Opportunity Act. The Secretary of Labor established the Committee on September 15, 2014 in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. 2. The purpose of the Committee is to study and prepare findings, conclusions and recommendations for Congress and the Secretary of Labor on (1) ways to increase employment opportunities for individuals with intellectual or developmental disabilities or other individuals with significant disabilities in competitive, integrated employment; (2) the use of the certificate program carried out under section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)); and (3) ways to improve oversight of the use of such certificates.

The Committee is required to meet no less than eight times. It is also required to submit an interim report within one year of the Committee's establishment to: The Secretary of Labor; the Senate Committee on Health, Education, Labor and Pensions; and the House Committee on Education and the Workforce by September 15, 2015. A final report must be submitted to the same entities no later than two years from the Committee establishment date. The Committee terminates one day after the submission of the final report.

The next meeting of the Committee will take place on Wednesday, October 14, 2015, and Thursday, October 15, 2015. The meeting will be open to the public on Wednesday, October 14th from 8:30 a.m. to 5:00 p.m. Eastern Daylight Time (EDT). On Thursday, October 15th, the meeting will be open to the public from 8:00 a.m. to 4:00 p.m. EDT. The meeting will take place at the U.S. Access Board, 1331 F Street NW., Suite 800, Washington, DC 20004–1111.

On October 14th and 15th, the four subcommittees of the Committee will report out on their work since the last meeting of the Committee on August 10th. The four subcommittees are: The Transition to Careers Subcommittee, the Complexity and Needs in Delivering Competitive Integrated Employment Subcommittee, the Marketplace Dynamics Subcommittee, and the Building State and Local Capacity Subcommittee. Each subcommittee will have 30 minutes to present its most recent work for full discussion by the Committee. In addition, the whole Committee will discuss next steps and timelines for the final report of the Committee.

In addition, the Committee will hear from several different panels on a number of topics, including, but not limited to: An expert panel from AbilityOne®, SourceAmerica, and National Industries for the Blind, a panel of individuals with disabilities who work in center-based workshops, and a panel of students with disabilities addressing the problems of finding a job after completing postsecondary education.

Members of the public who wish to address the Committee on the interim report or other matters before the Committee during the public comment period of the meeting on Wednesday, October 14th between 1:00 p.m. and 2:45 p.m., EDT, should send their name, their organization's name (if applicable) and any additional materials (such as a copy of the proposed testimony) to David Berthiaume at *Berthiaume.David.A@dol.gov* or call Mr. Berthiaume at (202) 693–7887 by Friday, October 2nd. Members of the public will have the option of addressing the Committee in person or remotely by phone. If the Committee receives more requests than we can accommodate during the public comment portion of the meeting, we will select a representative sample to speak and the remainder will be permitted to file written statements. Individuals with disabilities who need accommodations should also contact Mr. Berthiaume at the email address or phone number above.

Organizations or members of the public wishing to submit comments and feedback on the interim report or general feedback may do so by using the form found at: *www.acicieid.org/comments.* All comments received prior to October 2, 2015, will be forwarded to the Committee in advance of the October meeting. The interim report was submitted to Congress and the Secretary of Labor on September 15, 2015.

Members of the public may also submit comments in writing on or before October 2, 2015, to David Berthiaume, Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities, U.S. Department of Labor, Suite S–1303, 200 Constitution Avenue NW., Washington, DC 20210. Please ensure that any written submission is in an accessible format or the submission will be returned. Written statements deemed relevant by the Committee and received on or before October 2, 2015, will be included in the record of the meeting. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed.

Signed at Washington, DC, this 15th day of September, 2015.

**Jennifer Sheehy,**

*Acting Assistant Secretary, Office of Disability Employment Policy.*

[FR Doc. 2015–24105 Filed 9–21–15; 8:45 am]

**BILLING CODE 4510–23–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

### Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 2, 2015.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 2, 2015.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 27th day of July 2015.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

### Appendix

84 TAA Petitions Instituted Between 7/27/15 and 8/24/15

| TA–W | Subject firm (petitioners) | Location | Date of institution | Date of petition |
|---|---|---|---|---|
| 90061 | Sentry Safe—Schwab (Company) | Cannelton, IN | 07/27/15 | 07/24/15 |
| 90062 | Hutchinson Technology Inc. (Company) | Eau Claire, WI | 07/27/15 | 07/24/15 |
| 90063 | Oerlikon Fairfield (Workers) | Lafayette, IN | 07/27/15 | 07/18/15 |
| 90064 | Office Depot, Inc. (Workers) | Ottawa, IL | 07/27/15 | 07/24/15 |
| 90065 | Capital One (State/One-Stop) | Tigard, OR | 07/27/15 | 07/24/15 |
| 90066 | Guardian Industries (Union) | Jefferson Hills, PA | 07/28/15 | 07/21/15 |
| 90067 | Frutarom USA Inc. (Workers) | North Bergen, NJ | 07/28/15 | 07/28/15 |
| 90068 | Office Depot, Inc. (Workers) | Peru, IL | 07/28/15 | 07/27/15 |
| 90069 | First Advantage (Workers) | Watertown, SD | 07/28/15 | 07/24/15 |
| 90070 | Domestic Casting, LLC (Workers) | Shippenburg, PA | 07/28/15 | 07/23/15 |
| 90071 | RR Donnelley (Workers) | Lancaster, PA | 07/28/15 | 07/27/15 |
| 90072 | Leam (Workers) | OKC, OK | 07/28/15 | 07/27/15 |
| 90073 | Process Manufacturing (State/One-Stop) | Tulsa, OK | 07/28/15 | 07/27/15 |
| 90074 | IPS—Engineering (State/One-Stop) | Tulsa, OK | 07/28/15 | 07/27/15 |
| 90075 | Symantec Corporation (State/One-Stop) | Springfield, OR | 07/29/15 | 07/28/15 |
| 90076 | Office Depot, Inc. (Workers) | Bristol, VA | 07/29/15 | 07/28/15 |
| 90077 | DENTSPLY International Inc. (Company) | York, PA | 07/30/15 | 07/29/15 |
| 90078 | Feralloy Corperation (Union) | Granite City, IL | 07/30/15 | 07/29/15 |
| 90079 | A&H Sportswear (Union) | Nazareth, PA | 07/30/15 | 07/29/15 |
| 90080 | Mercy Medical Center (State/One-Stop) | Des Moines, IA | 07/30/15 | 07/29/15 |
| 90081 | Johnson Crusher International (State/One-Stop) | Eugene, OR | 07/30/15 | 07/29/15 |
| 90082 | JDS Uniphase (Workers) | Bloomfield, CT | 07/30/15 | 07/29/15 |
| 90083 | Hewlett-Packard Co. (State/One-Stop) | Corvallis, OR | 07/30/15 | 07/29/15 |
| 90084 | Pacific Interpreters (State/One-Stop) | Portland, OR | 07/30/15 | 07/30/15 |
| 90085 | Sprint (State/One-Stop) | Irvine, TX | 07/30/15 | 07/28/15 |
| 90086 | American Express (Workers) | Salt Lake City, UT | 07/31/15 | 07/30/15 |
| 90087 | ClosetMaid (State/One-Stop) | Chino, CA | 08/03/15 | 07/31/15 |
| 90088 | Rehme Manufacturing (Workers) | Marlow, OK | 08/03/15 | 07/31/15 |
| 90089 | Delphi Connection Systems (Workers) | Irvine, CA | 08/03/15 | 07/31/15 |
| 90090 | Hallmark Marketing Company & Hallmark Cards (State/One-Stop). | Enfield, CT | 08/03/15 | 07/31/15 |
| 90091 | Industrial Television Service Inc. (State/One-Stop) | Boston, MA | 08/03/15 | 07/31/15 |
| 90092 | Geokinetics Inc. (State/One-Stop) | Houston, TX | 08/03/15 | 07/31/15 |
| 90093 | T-Shirt International Inc. (Company) | Culloden, WV | 08/03/15 | 07/31/15 |
| 90094 | Dex Media (Union) | Middleton, MA | 08/03/15 | 07/27/15 |
| 90095 | Simpson Lumber Mill 5 (Union) | Shelton, WA | 08/03/15 | 07/31/15 |
| 90096 | Crif Lending Solutions (State/One-Stop) | Baton Rouge, LA | 08/04/15 | 08/03/15 |
| 90097 | Sandvik Bristol, VA (Company) | Bristol, VA | 08/04/15 | 08/03/15 |
| 90098 | Quest Diagnostics (Workers) | Madison, NJ | 08/04/15 | 07/31/15 |
| 90099 | Smiths Medical ASD. Inc. (Workers) | Rockland, MA | 08/04/15 | 07/30/15 |
| 90100 | Century Aluminum of West Virginia Inc. (Union) | Ravenswood, WV | 08/04/15 | 08/04/15 |
| 90101 | Vallourec Star (Company) | Youngstown, OH | 08/05/15 | 08/04/15 |
| 90102 | Apex Tool Group, LLC (Company) | Cortland, NY | 08/05/15 | 08/04/15 |
| 90103 | Erickson Inc (Evergreen) (State/One-Stop) | McMinnville, OR | 08/05/15 | 08/04/15 |
| 90104 | CP Medical (State/One-Stop) | Portland, OR | 08/05/15 | 08/04/15 |
| 90105 | Intel (State/One-Stop) | Hillsboro, OR | 08/05/15 | 08/04/15 |
| 90106 | Grede Wisconsin Subsidiaries LLC (Workers) | Berlin, WI | 08/05/15 | 08/04/15 |
| 90107 | Morgan Stanley (State/One-Stop) | New York, NY | 08/05/15 | 08/05/15 |

84 TAA PETITIONS INSTITUTED BETWEEN 7/27/15 AND 8/24/15—Continued

| TA–W | Subject firm (petitioners) | Location | Date of institution | Date of petition |
|---|---|---|---|---|
| 90108 | Parker Hannifan (Workers) | New Haven, IN | 08/06/15 | 08/05/15 |
| 90109 | Echo Bay Minerals Company (Kinross) (State/One-Stop) | Republic, WA | 08/06/15 | 07/31/15 |
| 90110 | Boise (State/One-Stop) | International Falls, MN | 08/07/15 | 08/06/15 |
| 90111 | Coastal Closeouts, Inc dba West Coast Rags (State/One-Stop). | Vernon, CA | 08/07/15 | 08/06/15 |
| 90112 | Mondelez (State/One-Stop) | Chicago, IL | 08/07/15 | 08/06/15 |
| 90113 | Precision-Paragon, A Division of Hubbell Lighting, Inc. (State/One-Stop). | Yorba Linda, CA | 08/07/15 | 08/06/15 |
| 90114 | FutureMark Manistique (Union) | Manistique, MI | 08/10/15 | 08/09/15 |
| 90115 | Maersk Agency USA Inc. (Company) | The Woodlands, TX | 08/10/15 | 08/09/15 |
| 90116 | Riverside Veneer (State/One-Stop) | Heuvelton, NY | 08/10/15 | 08/07/15 |
| 90117 | Nordyne LLC (State/One-Stop) | St. Louis, MO | 08/10/15 | 08/06/15 |
| 90118 | RR Donnelley (State/One-Stop) | Philadelphia, PA | 08/10/15 | 08/07/15 |
| 90119 | Discover Financial Services (Company) | Pittsford, NY | 08/11/15 | 08/10/15 |
| 90120 | Kelly-Smith Printing & Paper (Company) | Newport, ME | 08/11/15 | 08/10/15 |
| 90121 | Symantec (Workers) | Springfield, OR | 08/11/15 | 08/10/15 |
| 90122 | Allied Tube & Conduit/TJ Cope (Union) | Philadelphia, PA | 08/11/15 | 08/10/15 |
| 90123 | Transtar Inc./Lake Terminal Railroad (Workers) | Lorain, OH | 08/11/15 | 08/10/15 |
| 90124 | McKesson (Workers) | Carrollton, TX | 08/11/15 | 08/10/15 |
| 90125 | Owens-Illinois (Union) | Oakland, CA | 08/24/15 | 08/11/15 |
| 90126 | Sealed Air Corporation (Company) | Greenville, SC | 08/24/15 | 08/11/15 |
| 90127 | Halliburton (Workers) | Homer City, PA | 08/24/15 | 08/11/15 |
| 90128 | Market Strategies (State/One-Stop) | Clifton Park, NY | 08/24/15 | 08/13/15 |
| 90129 | Newark Corporation (Company) | Richfield, OH | 08/24/15 | 08/12/15 |
| 90130 | US Textile (State/One-Stop) | Lancaster, SC | 08/24/15 | 08/12/15 |
| 90131 | AP Green Refractories/Harbison Walker International (Workers). | Oak Hill, OH | 08/24/15 | 08/14/15 |
| 90132 | Flint Energy Services (URS or AECOM) (State/One-Stop) | Tulsa, OK | 08/24/15 | 08/14/15 |
| 90133 | Eastland Shoe Corporation (State/One-Stop) | Freeport, ME | 08/24/15 | 08/14/15 |
| 90134 | Brown Brothers Harriman (Workers) | New York, NY | 08/24/15 | 08/17/15 |
| 90135 | McCarthy Tire Service Co. (Union) | Somerset, PA | 08/24/15 | 08/11/15 |
| 90136 | Modine Manufacturing Company (State/One-Stop) | Jefferson City, MO | 08/24/15 | 08/10/15 |
| 90137 | Avago Technologies/CyOptics Inc (Workers) | Breinigsville, PA | 08/24/15 | 08/19/15 |
| 90138 | ATS Automation Tooling Systems Oregon (State/One-Stop) | Corvallis, OR | 08/24/15 | 08/18/15 |
| 90139 | Jabil Circuit (Workers) | Memphis, TN | 08/24/15 | 08/19/15 |
| 90140 | Century Aluminum of West Virginia Inc. (Union) | Ravenswood, WV | 08/24/15 | 08/04/15 |
| 90141 | Capital One (State/One-Stop) | Sioux Falls, SD | 08/24/15 | 07/31/15 |
| 90142 | John Deere Seeding Group (Union) | Moline, IL | 08/24/15 | 08/13/15 |
| 90143 | Haggen (State/One-Stop) | Bellingham, WA | 08/24/15 | 08/19/15 |
| 90144 | Arvato Digital Services (Company) | Reno, NV | 08/24/15 | 08/18/15 |

[FR Doc. 2015–24002 Filed 9–21–15; 8:45 am]

BILLING CODE 4510–FN–P

## DEPARTMENT OF LABOR

### Employment and Training Administration

### Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of *July 27, 2015 through August 24, 2015.*

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) the increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) there has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) the shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) a significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) the acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) a significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss of businessby the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); or

(B) notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

**Affirmative Determinations for Worker Adjustment Assistance**

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

| TA–W No. | Subject firm | Location | Impact date |
|---|---|---|---|
| 85,292 | Dix Digital Prepress, Inc | Cicero, NY | May 6, 2013. |
| 85,798 | Windsor Foods, One Source Staffing Solutions, Aerotek | Bloomsburg, PA | January 27, 2014. |
| 85,954 | Baker Hughes Incorporated | Claremore, OK | April 22, 2014. |
| 85,954A | Baker Hughes Incorporated | Broken Arrow, OK | April 22, 2014. |
| 85,954B | Baker Hughes Incorporated | Hampton, AR | April 22, 2014 |
| 85,978 | Simpson Lumber Company, Sawmill and Mill #5, Express Employment | Shelton, WA | June 22, 2015. |
| 85,996 | Willbanks Metals, Inc., Allied Forces Temp, Advantage Staffing, Resource Manufacturing. | Tulsa, OK | May 6, 2014. |
| 86,001 | The Boeing Company, Boeing Commercial Aircraft (BCA), Adecco USA, Chipton Ross, Cascade, etc. | Seattle, WA | June 13, 2015. |
| 86,001A | Leased Workers from 22nd Century Technologies, Inc., etc., 24 Seven, Inc., American Cybersystems, APA Services, etc. | Seattle, WA | May 8, 2014. |
| 86,086 | Mesabi Nugget LLC, Mining Resources LLC, Steel Dynamics, Vanhouse, Express Employment. | Hoyt Lakes, MN | June 10, 2014. |
| 86,086A | Mesabi Nugget LLC, Mining Resources LLC, Steel Dynamics, Vanhouse, Express Employment. | Chisholm, MN | June 10, 2014. |

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

| TA–W No. | Subject firm | Location | Impact date |
|---|---|---|---|
| 85,018 | IBM Corporation, Global Business Services, Centralized Services | Endicott, NY | January 15, 2013. |
| 85,027 | CHF Industries, Inc | Loris, SC | January 17, 2013. |
| 85,046 | AIG Claims Inc., Consumer Travel Claims Houston Division, AIG Global Claims Services, etc. | Houston, TX | January 30, 2013. |
| 85,052 | Symantec Corporation, Content Grading Unit, Pro Unlimited | Beaverton, OR | April 21, 2013. |
| 85,073 | Symak Sales Co. Inc | Plattsburgh, NY | February 14, 2013. |
| 85,076 | Support.com, Inc | Redwood City, CA | February 6, 2013. |
| 85,078 | Sun-Times Media Productions, LLC, Pagination Department, Affinity Express. | Chicago, IL | February 19, 2013. |
| 85,111 | Windstream Corporation, Service Activation Group | Dalton, GA | February 28, 2013. |
| 85,116 | Reebok International LTD., Adidas Group North American Accounts Payable Division. | Canton, MA | March 3, 2013. |
| 85,125 | Source Medical, Rome, Georgia Division, HIS (D/B/A Source Medical) | Rome, GA | March 6, 2013. |
| 85,129 | Windstream Corporation, Facility Provisioning Department | Harrison, AR | March 7, 2013. |
| 85,138 | ARRIS Group Inc., Xerox | State College, PA | March 11, 2013. |
| 85,145 | AXA Equitable Life Insurance Company, AXA Finance, Inc., New Business Application Entry, Kelly Services. | Charlotte, NC | March 5, 2013. |
| 85,145A | AXA Equitable Life Insurance Company, AXA Finance, Inc., New Business Indexing Group, Kelly Services. | Charlotte, NC | March 5, 2013. |
| 85,166 | Hartford Fire Insurance Company, Hartford Financial Services Group, Inc., EBS/IT/Compliance/SOX Auditing. | Hartford, CT | March 20, 2013. |
| 85,175 | Virtual Training Company, Inc. | Stephens City, VA | March 24, 2013. |
| 85,184 | Oracle America, Inc., Oracle Corporation, Oracle Deal Management Department. | Broomfield, CO | March 27, 2013. |
| 85,269 | International Flight Training Academy, Inc., Placement Pros and Select Staffing. | Bakersfield, CA | April 4, 2013. |
| 85,300 | Sensormatic Electronics LLC, Tyco International Corporation, Security Products, Accounts Receivable. | Boca Raton, FL | April 29, 2013. |
| 85,323 | Aviat Networks, R&D Division, West Valley Staffing, and Burnett Staffing. | Santa Clara, CA | May 20, 2013. |
| 85,377 | Chemtrade Chemicals US LLC, Chemtrade Logistics, General Chemical | Parsippany, NJ | June 13, 2013. |
| 85,399 | Sandler & Travis Trade Advisory Services, Inc., Reliance One | Farmington Hills, MI | June 26, 2013. |
| 85,442 | Harman International Industries, Inc., Acro Service Organization | Novi, MI | July 23, 2013. |
| 85,463 | Moser Baer Technologies, Inc., Moser Baer Limited India, Smart Systems Technology Center, Kelly Services. | Canandaigua, NY | August 4, 2013. |
| 85,470 | Elsevier, Inc., Reed Elsevier, Inc., Populus Group LLC, and K Force, Inc | Maryland Heights, MO | August 7, 2013. |
| 85,485 | Stratus Technologies, Inc., Supply Chain Department | Maynard, MA | August 14, 2013. |
| 85,514 | Avon Products, Inc., Customer Contact Center | Springdale, OH | February 23, 2014. |
| 85,514A | Manpower Group, Avon Products, Inc., Customer Contact Center | Springdale, OH | August 30, 2013. |
| 85,559 | Weatherford International LLC, US IRG (Issue Resolution Group), LA Recruitment. | Houston, TX | September 25, 2013. |
| 85,577 | British Airways, PLC, International Consolidated Airline Group, Customer Relations Division. | Jamaica, NY | October 6, 2013. |
| 85,584 | Wacom Technology Corporation, Northwest Staffing and Ultimate Staffing. | Vancouver, WA | October 3, 2013. |
| 85,619 | Oracle America, Inc., Tekelec Deal Management Division, Oracel Corp., Hirenetworks, Inc. | Morrisville, NC | October 28, 2013. |
| 85,642 | MetLife Group, Inc., EI&A Service Management Group | Clarks Summit, PA | November 12, 2013. |
| 85,777 | Scottsdale Healthcare Hospitals, Scottsdale Healthcare Transcription Department. | Scottsdale, AZ | January 19, 2014. |
| 85,869 | ProTeam, Inc., Emerson Tool Company, Accounting and Customer Service, etc. | Boise, ID | March 9, 2014. |
| 85,882 | The Nielsen Company (US), LLC, Monitor Plus System Control Department, Nielsen Co., LLC. | Shelton, CT | March 22, 2015. |
| 85,950 | TE Connectivity, Data and Devices Division, Tyco Electronics Corporation-US. | Middletown, PA | April 16, 2014. |
| 85,961 | Modine Manufacturing Company, Seek Professionals, LLC, Securitas Security Services USA, Inc. | Washington, IA | April 24, 2014. |
| 85,995 | Brantner & Associates, Inc., TE Connectivity | El Cajon, CA | May 6, 2014. |
| 86,004 | Cooper Power Systems, Power Delivery Division, Eaton Corporation, Cooper Industries, etc. | Fayetteville, AR | May 8, 2014. |
| 86,028 | Transicoil LLC, Peopleshare, Aerotek, Labor Ready, Mor-Staffing, Accountemps. | Collegeville, PA | May 21, 2014. |
| 86,029 | Cadmus Journal Service, Inc., Cenveo, Inc | Lancaster, PA | July 19, 2015. |
| 86,038 | Pearson Education, Inc., U.S. Procurement Group | Old Tappan, NJ | May 27, 2014. |
| 86,050 | Bank Of America, N.A., Mortgage Bankruptcy Operations, Collabera, Cannon Group, Crescent, etc. | Simi Valley, CA | May 29, 2014. |
| 86,061 | ArcelorMittal Ferndale, Inc., ArcelorMittal-USA, Leasing Systems, KJP, Enterprises, LM Consultants. | Ferndale, MI | June 3, 2014. |
| 86,074 | W.W. Grainger, Inc., People Scout | Lincolnshire, IL | June 5, 2014. |
| 86,081 | Milco Industries, Inc | Bloomsburg, PA | June 9, 2014. |
| 86,096 | Dow Electronic Materials, Metal Organics, Kelly Services, U.S. Security Associates. | North Andover, MA | May 29, 2014. |

| TA–W No. | Subject firm | Location | Impact date |
|---|---|---|---|
| 86,102 | Vonage America, Inc., Payment Processing Team, Beeline, Horton Works, Cognizant, and Bravo. | Holmdel, NJ | June 16, 2014. |
| 86,122 | Hospira—Clayton, Kelly Services, Accentuate Staffing, NStar Global Services, etc. | Clayton, NC | June 23, 2014. |
| 86,123 | Bombardier Transportation (Holdings) USA, Inc., Bombardier, Inc., Bombardier, Systems, PPC, & RCS, Adecco, etc. | Pittsburgh, PA | June 9, 2014. |
| 86,132 | Getinge Sourcing, LLC, Getinge AB | Rochester, NY | February 21, 2015. |
| 86,132A | C1 Search and First Consulting, Inc., Working on Site at Getinge Sourcing, LLC, Getinge AB. | Rochester, NY | June 25, 2014. |
| 86,133 | Capital Group Companies Global, Information Technology Group, KForce, Pinpoint Resource Group, etc. | San Antonio, TX | June 10, 2014. |

**Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance**

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioning groups of workers are covered by active certifications. Consequently, further investigation in these cases would serve no purpose since the petitioning group of workers cannot be covered by more than one certification at a time.

| TA–W No. | Subject firm | Location | Impact date |
|---|---|---|---|
| 85,998 | Baker Hughes Incorporated | Hampton, AR. | |
| 86,032 | TRC Staffing Services, Inc., Teleflex | Atlanta, GA. | |

I hereby certify that the aforementioned determinations were issued during the period of *July 27, 2015 through August 24, 2015.* These determinations are available on the Department's Web site *www.tradeact/taa/taa_search_form.cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 31st day of August 2015.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2015–24003 Filed 9–21–15; 8:45 am]

**BILLING CODE 4510–FN–P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

**[Docket No. OSHA–2007–0031]**

### Nationally Recognized Testing Laboratories; Proposed Revised Fee Schedule and Proposed Adoption of New Application Acceptance and Review Procedures

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA proposes to revise the schedule of fees that the Agency charges to Nationally Recognized Testing Laboratories (NRTLs) and NRTL applicants. In addition, OSHA proposes to adopt new streamlined procedures for accepting and reviewing applications of organizations seeking to obtain, renew, or expand NRTL recognition.

**DATES:** Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before October 22, 2015.

**ADDRESSES:** Submit comments by any of the following methods:

1. *Electronically:* Submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

2. *Facsimile:* If submissions, including attachments, are not longer than 10 pages, commenters may fax them to the OSHA Docket Office at (202) 693–1648.

3. *Regular or express mail, hand delivery, or messenger (courier) service:* Submit comments, requests, and any attachments to the OSHA Docket Office, Docket No. OSHA–2007–0031, Technical Data Center, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210; telephone: (202) 693–2350 (TTY number: (877) 889–5627). Note that security procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express mail, hand delivery, or messenger service. The hours of operation for the OSHA Docket Office are 8:15 a.m.–4:45 p.m., e.t.

4. *Instructions:* All submissions must include the Agency name and the OSHA docket number (OSHA–2007–0031). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials may be available online at *http://www.regulations.gov.* Therefore, the Agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

5. *Docket:* To read or download submissions or other material in the docket, go to *http://www.regulations.gov* or to the OSHA Docket Office at the address above. All documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

6. *Extension of comment period:* Submit requests for an extension of the comment period on or before October 7, 2015 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational

Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210, or by fax to (202) 693–1644.

**FOR FURTHER INFORMATION CONTACT:**

*Press inquiries:* Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3647, Washington, DC 20210; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

*General and technical information:* Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; phone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Introduction

OSHA proposes to adopt new streamlined procedures for accepting and reviewing applications of organizations seeking to obtain, renew, or expand NRTL recognition, and to revise the existing NRTL Program fee schedule pursuant to the NRTL Program regulation, 29 CFR 1910.7(f). Section III of this notice covers the proposed adoption of new application acceptance and review procedures, and Section IV covers the proposed revision of the fee schedule.

## II. Background on the NRTL Program

Many of OSHA's safety standards (*e.g.,* 29 CFR 1910, Subpart S) require that equipment and products be tested and certified to help ensure their safe use in the workplace. To implement these requirements, OSHA established the NRTL Program and the Agency generally requires NRTLs to perform this testing and certification.

The NRTL Program regulation, 29 CFR 1910.7, requires that, to obtain and retain OSHA recognition as an NRTL, an organization must: (1) Have the appropriate capability to test, evaluate, and approve products to assure their safe use in the workplace; (2) be completely independent of employers subject to the tested equipment requirements and manufacturers and vendors of products for which OSHA requires certification; (3) have internal programs that ensure proper control of the testing and certification process; and (4) have effective reporting and complaint handling procedures (29 CFR 1910.7(b)). OSHA requires organizations applying for NRTL recognition to provide, in their applications, detailed and comprehensive information about their programs, processes, and procedures, in writing. When an organization makes an initial application to be recognized as an NRTL, OSHA reviews the written information contained in the organization's application and conducts an on-site assessment to determine whether the organization meets the requirements of 29 CFR 1910.7. OSHA uses a similar process when an NRTL applies for expansion or renewal of its recognition, although the type and amount of information in some areas can differ significantly from those of initial applications. In addition, the Agency conducts annual assessments [1] of NRTLs to ensure that the recognized laboratories adequately maintain their programs and continue to meet the recognition requirements.

To support these core functions, OSHA also performs a number of ancillary activities. For example, OSHA: Investigates complaints filed against NRTLs to ensure that the laboratories are performing their testing and certification functions adequately; represents the NRTL Program in a variety of forums related to conformity assessment products used in the workplace; and maintains a detailed Web site that both explains the program and, more importantly for the NRTLs, lists all the laboratories currently recognized under the NRTL Program, the products each laboratory can test, and registered certification marks used by each laboratory.

## III. Proposed Revision of Existing Application Acceptance and Review Procedures

OSHA currently has a number of initiatives underway to improve the operations of the NRTL Program. This section of the notice discusses one such initiative, under which OSHA proposes new streamlined procedures for accepting and reviewing applications of organizations seeking to obtain, renew, or expand NRTL recognition. OSHA would follow these new procedures in lieu of those contained in the Agency's existing NRTL Program Directive (CPL 1–0.3, NRTL Program Policies, Procedures, and Guidelines, December 2, 1999) (''Directive'' or ''NRTL Program Directive'') and the additional practices OSHA has routinely followed in accepting applications.

OSHA proposes the adoption of the new streamlined procedures to eliminate delays caused by multiple revisions by an applicant during the application-acceptance and -review process. In addition, OSHA seeks to simplify the application process to make it clearer when the application acceptance process ends and the substantive application review process begins. This streamlined application process would also reduce NRTL Program fees, as OSHA will discuss later in this notice.

The existing procedures for application acceptance and review are contained in both Appendix A to the NRTL Program regulations (''Appendix A'') and the NRTL Program Directive. OSHA does not propose, in this notice, to revise Appendix A; instead, as stated, OSHA proposes to follow new streamlined procedures in lieu of the existing procedures in the Directive. The new streamlined procedures would be consistent with, and would clarify, the procedures contained in Appendix A.

### *A. Existing Procedures in Appendix A That Are Not Subject to Revision in This Notice*

Per Appendix A, the burden is generally ''on the applicant to establish by a preponderance of the evidence that it is entitled to recognition as an NRTL'' (App. A. Introduction). Thus, in its application, an applicant must ''provide sufficient information and detail demonstrating that it meets the requirements set forth in § 1910.7, in order for an informed decision concerning recognition to be made'' by the Assistant Secretary for Occupational Safety and Health (''Assistant Secretary''), and must also ''identify the scope of the NRTL-related activity for which the applicant wishes to be recognized'' (*i.e.,* the test standards the applicant will use for testing products) (App. A.I.A.2.b). To meet its burden, the applicant may include any documentation (*i.e.,* enclosures, attachments, or exhibits) it deems appropriate (App. A.I.A.2.c).

Also under Appendix A, ''[a]pplications submitted by eligible testing agencies will be accepted by OSHA, and their receipt acknowledged in writing'' (App. A.I.B.1.a). Moreover, ''[a]fter receipt of an application, OSHA may request additional information if it believes information relevant to the requirements for recognition has been omitted'' (*Id.*). In addition, ''OSHA shall, as necessary, conduct an on-site review of the testing facilities of the

[1] OSHA uses the term ''assessments'' to mean those activities described by the term ''audits'' under 29 CFR 1910.7(f). OSHA uses the term ''assessments,'' rather than ''audits'' because it better reflects the overall purpose of the program's activities, *i.e.,* conformity assessments.

applicant, as well as the applicant's administrative and technical practices, and, if necessary, review any additional documentation underlying the application'' (App. A.I.B.1.b).

Appendix A provides the responsible OSHA staff with two options following review of the application, and any additional information and on-site review report. On the one hand, if ''the applicant appears to have met the requirements for recognition,'' responsible OSHA staff must make a ''positive finding'' to the Assistant Secretary, which consists of ''a written recommendation . . . that the application be approved, accompanied by a supporting explanation'' (App. A.I.B.2). Once this recommendation is made, OSHA follows the procedures in the Appendix for making preliminary and final findings on the application (App. A.I.B.4, A.I.B.5, A.I.B.6).

On the other hand, if ''the applicant does not appear to have met the requirements for recognition,'' responsible OSHA staff must make a ''negative finding'' to the ''applicant in writing, listing the specific requirements of § 1910.7 and [Appendix A] which the applicant has not met, and allow[ing] a reasonable period for response'' (App. A.I.B.3.a). After the applicant receives ''a notification of negative finding (*i.e.,* for intended disapproval of the application), and within the response period provided,'' the applicant may either (1) ''[s]ubmit a revised application for further review, which could result in a positive finding'' (the procedures for which are explained in the previous paragraph), or (2) ''[r]equest that the original application be submitted to the Assistant Secretary with an attached statement of reasons, supplied by the applicant of why the application should be approved'' (App. A.I.B.3.b.i). In either case (*i.e.,* if a positive finding is made on a revised application or if the applicant requests that the original application be submitted to the Assistant Secretary), OSHA would follow the procedures in the Appendix for making preliminary and final findings on the application (App. A.I.B.4, A.I.B.5, A.I.B.6). The ''procedure for applicant notification and potential revision shall be used only once during each recognition process'' (App. A.I.B.3.b.ii).

*B. OSHA Proposes That It Will No Longer Follow Existing NRTL Program Directive Procedures for Accepting and Reviewing Applications*

Existing policies contained in the NRTL Program Directive expand on the application procedures contained in Appendix A, as follows. Per the Directive, OSHA staff ''formally accept or reject the application'' based on a review of the application for ''completeness and for adequacy'' (Directive Ch.2.V.B, Ch. 3.II.B.1). The procedures for this review are contained in Appendix D to the Directive (Directive Ch. 3.II.B.1). An application is considered complete ''if it contains all necessary documents, and sufficient information for all relevant items,'' and is considered adequate ''if the information submitted sufficiently demonstrates that the requirements for recognition can be met, and where relevant, *if at least one test standard requested can be approved''* (Directive App. D) (emphasis in original).

In reviewing the application, OSHA staff will return and ''take[] no further action'' on an application ''[i]f [the] application is frivolous or grossly incomplete or inadequate.'' In such circumstances, ''any future application from the applicant'' will be processed ''as a new application'' (Directive Ch. 3.II.A).

If the application is not ''frivolous or grossly incomplete or inadequate,'' OSHA staff discusses its review with the applicant, ''noting any deficiencies found or clarifications needed'' (Directive Ch. 3.II.B.2). If the ''application is determined to be complete and adequate,'' OSHA ''sends a letter to the applicant to accept the application'' (Directive Ch. 3.II.C).

If the application is determined to be incomplete or inadequate, the Directive provides two opportunities for applicants to correct deficiencies before rejection of an application (Directive Ch. 3.II.C). In practice, however, OSHA has given applicants three such opportunities. Per the Directive, OSHA ''sends a letter to the applicant, detailing the deficiencies and the additional information needed and requesting a response by an appropriate deadline,'' and if ''the response does not adequately resolve the deficiencies,'' OSHA ''provides the applicant a [second] opportunity to respond within a given period.'' (Directive Ch. 3.II.C.) If deficiencies remain after the second opportunity, OSHA, in practice, gives applicants a third, but relatively limited, opportunity to make corrections before the effective date of the rejection. This limited duration is sufficient for applicants to correct deficiencies if only a few critical deficiencies remain.

If an applicant's timely response cures the deficiencies in its application, OSHA ''sends an acceptance letter to the applicant'' (Directive Ch. 3.II.C). However, ''[i]f the applicant does not respond adequately or fails to reply by any deadline(s) provided or an approved extension of these deadline(s),'' OSHA ''sends a letter notifying the applicant that the application is not accepted and the Case File is closed'' (Directive Ch. 3.II.C.2).

Finally, the Directive provides that, after an application is accepted, ''the assigned staff determines whether an on-site review is necessary'' (Directive Ch.3.II.D). However, the Directive also provides for non-acceptance during the on-site review process, if an applicant fails to respond adequately to the findings of an on-site review (Directive Ch.4.IV.C).

Under OSHA's proposal, it would no longer follow the existing procedures, described above, to afford applicants three opportunities to modify their applications before acceptance or non-acceptance. This existing procedure is inefficient and causes delays because, in some cases, these multiple opportunities cause the process to take years. OSHA would also not follow its existing procedure for accepting an application only when it is found to be complete and adequate. This existing procedure has caused confusion as to when the application acceptance process ends and the substantive application review process begins.

*C. OSHA Proposes new Streamlined Procedures for Accepting and Reviewing Applications*

In lieu of the existing NRTL Program Directive procedures, described above, OSHA proposes to follow streamlined procedures for accepting and reviewing applications. These streamlined procedures would reduce delays, fees, and confusion associated with application processing. Under these streamlined procedures, OSHA would review an application for completeness, but not adequacy, in deciding whether to accept the application. OSHA's review for adequacy, and any on-site review, would occur only after OSHA accepted the application. Furthermore, OSHA would permit the applicant one opportunity only, rather than three, to resolve deficiencies in the completeness of its application before deciding whether to accept it. OSHA describes these proposed streamlined procedures in more detail, below.

1. Initial Review and Acceptance

When it receives an application, OSHA would acknowledge its receipt, establish (for initial applications) or update (for expansion and renewal applications) the docket for the organization, and upload the

application materials to the docket.[2] OSHA would perform an administrative review of the application to determine whether it is complete (*i.e.,* has sufficient information to determine whether the applicant meets the requirements for recognition). If not complete, OSHA would notify the applicant, in writing, that it has 30 days from the date of the notice to provide the missing or additional information. OSHA would also inform the applicant, in the notice, that it is unable to review the merits of the application because the application itself does not contain sufficient information to show that the requirements for recognition can be met. Finally, OSHA would inform the applicant, in the notice, that this review involved no technical determination, only an administrative one of whether the application has all of the necessary documentation. If the applicant does not respond by the 30-day deadline, or does not adequately respond, and the application remains incomplete, OSHA would inform the applicant that OSHA cannot accept the application, and the applicant must reapply. If the applicant provides a complete application within the 30 days, or provided a complete application when it was first received, OSHA would accept the application.

2. Determination of Adequacy

After accepting the application, OSHA would review the merits of the application to determine whether the application is adequate. OSHA would first conduct a technical review of the application (*i.e.,* a detailed review of all of the application's administrative and technical procedures and content). Following this technical review, OSHA would determine whether to conduct an on-site assessment as part of evaluating the management system and technical capabilities of the organization. OSHA would generally conduct an on-site review for initial applications and for expansion applications that involve new areas of testing for the NRTL or areas of concern to OSHA. If OSHA finds deficiencies during the technical review or during the on-site assessment, OSHA would provide the applicant with an explanation of deficiencies and needed corrections, and a 90-day opportunity to respond. Failure to respond by the 90-day deadline would constitute a withdrawal of the application, and OSHA would take no further action on it. If the applicant or NRTL responds, it would need to demonstrate it corrected all deficiencies found in its application and/or during the assessment, and provide evidence to OSHA that the corrections have been implemented into the applicant's or NRTL's management systems. In that case, OSHA would conclude the application is adequate. On the other hand, if OSHA finds that deficiencies remain, OSHA would conclude the application is not adequate.

If OSHA staff determines an application is adequate, OSHA would follow existing procedures, and recommend a positive finding, per Appendix A.I.B.2. Otherwise, OSHA staff would notify the applicant in writing that they intend to recommend a negative finding. In that case, the applicant has two options under Appendix A.I.B.3. First, the applicant has one additional chance to revise its application within 30 days of receipt of OSHA's written notice. Second, the applicant may request that its original application (as supplemented in response during the review for adequacy) be submitted to the Assistant Secretary (also within 30 days of receipt of OSHA's written notice). In this case, the applicant must attach a statement of reasons to the application explaining why the application should be approved. OSHA would consider the failure to submit a revised application or a request that the original application be submitted to the Assistant Secretary within the 30-day deadline to be a withdrawal of the application.

If the applicant opts to revise its application, OSHA would invoice the applicant for the fee to review its revised submission. This fee would equal the estimated hours for the review multiplied by the hourly rate for the applicable Miscellaneous Fee in the NRTL Program's fee schedule. Like other application fees, this review fee would not be refundable. The applicant would need to pay this fee before OSHA performs the review of the revised application. OSHA would consider a failure to pay the fee within 30 days of receipt of the invoice as a withdrawal of the application. When OSHA receives the fee, OSHA would review the revised application to determine whether to sustain the negative finding or change it to a positive one. If OSHA staff decides to sustain the recommendation for a negative finding, they would first afford the applicant the opportunity to withdraw the application. If the applicant does not withdraw it, OSHA would proceed with the preliminary finding.

Once OSHA staff recommends a positive finding on either an original or revised application, sustains its recommendation for a negative finding after a review of a revised application, or the applicant requests that the original application be submitted to the Assistant Secretary, OSHA would follow the procedures in Appendix A for making preliminary and final findings on the application (App. A.I.B.4, A.I.B.5, A.I.B.6).

## IV. Proposed Revision of the NRTL Program Fee Schedule

*A. Background*

OSHA proposes to revise the existing NRTL Program fee schedule pursuant to the NRTL Program regulation, 29 CFR 1910.7(f). That regulation requires NRTLs and applicants to ''pay fees for services provided by OSHA in advance of the provision of those services'' (29 CFR 1910.7(f)(1)). OSHA assesses fees for core service activities, that is, for ''[p]rocessing of applications for initial recognition, expansion of recognition, or renewal of recognition, including on-site reviews; review and evaluation of the applications; and preparation of reports, evaluations and **Federal Register** notices;'' and ''[a]udits of sites'' (*Id.*). OSHA's fee schedule ''reflects the full cost of performing the activities'' for these services (29 CFR 1910.7(f)(2)).

OSHA calculates fees ''based on either the average or actual time required to perform the work necessary; the staff costs per hour (which include wages, fringe benefits, and expenses other than travel for personnel that perform or administer the activities covered by the fees); and the average or actual costs for travel when on-site reviews are involved'' (*Id.*). Thus, the formula for calculating a fee for an activity is the ''[Average (or Actual) Hours to Complete the Activity × Staff Costs per Hour] + Average (or Actual) Travel Costs'' (*Id.*).

OSHA periodically reviews the full costs of performing core services and, if warranted, will propose a revised fee schedule in the **Federal Register** (29 CFR 1910.7(f)(3), (f)(4)). If OSHA approves the proposed fee schedule (after giving the public an opportunity to comment), it ''publish[es] the final fee schedule in the **Federal Register**, making the fee schedule effective on a specific date'' (29 CFR 1910.7(f)(3), (f)(4)).

To ensure that its fees for core services reflect the full cost of those services, OSHA's existing fee schedule (which OSHA adopted in 2011) takes into account both the direct and indirect costs it incurs in performing those services (76 FR 10501–10504). Direct costs include staff costs (*i.e.* the applicable portion of the salaries and

[2] As currently used by OSHA, the term ''docket'' means an electronic file folder containing documents that pertain to an official action taken by the Agency. OSHA generally makes these documents available to the public.

fringe benefits of the applicable staff) incurred for application processing and assessment (*Id.*). Ancillary (or indirect) costs include staff costs incurred for the administration and support of the program, including legal support, budgeting, policy matters, intragency and international coordination, responses to requests for information related to the program, handling complaints, Web site development and maintenance, and participation in meetings with stakeholders and outside interest groups (*Id.*). OSHA refers to the sum of its direct costs and ancillary costs as the total program costs (TPC) for the purpose of this notice. TPC does not include travel expenses, which are assessed separately (29 CFR 1910.7(f)(2), 76 FR 10504 n.5).

In the existing fee schedule, OSHA calculates the fee for each core service activity by multiplying an equivalent average cost per hour rate (ECR) by the time it takes to perform that activity: Fee for Activity = ECR × Time for Activity (76 FR 10504). In 2000, when OSHA began assessing fees for services, OSHA explained that it derived that fee schedule's ECR by dividing TPC by the total available annual work hours of the NRTL Program and legal staff that perform the services (TAW) (*Id.*). Accordingly, ECR2000 = TPC2000/TAW2000. The approach used in 2000 resulted in fees that recouped the costs only of the time spent actually performing individualized audits and application processing, which is only a portion of TAW, and did not recoup the costs of the time associated with running the program and providing other benefits shared among all NRTLs (*Id.*).

To account for the costs associated with these shared benefits, OSHA adopted a new approach for calculating ECR (ECR2011) in the existing fee schedule (*Id.*). Under the new approach, OSHA divides the estimated total cost of the NRTL Program (TPC2011) by the total annual service hours (TAS2011) (*Id.*). This latter term equals the total estimated work hours that the NRTL Program staff spend on the core service activities for which OSHA would bill NRTLs; accordingly, ECR2011 = TPC2011/TAS2011 (*Id.*). By way of comparison with the 2000 fee schedule, TAS equals TAW minus estimated hours spent on ancillary activities (AH) and leave (LH) (*i.e.,* TAS = TAW − AH − LH) (*Id.*). By continuing to include the full program costs in the numerator (TPC2011), but including in the denominator (TAS2011) only the amount of time spent on providing ''billable'' core services, OSHA believed the revised ECR would more accurately represent the total work hours spent on those core activities than the 2000 equation [3] (*Id.*).

*B. Explanation of Proposed Revision of Fee Schedule*

OSHA has reviewed its existing fee schedule and, based on that review, proposes to revise its fee schedule. This proposed fee schedule would more accurately reflect the full cost of performing the activities for which OSHA charges fees.

OSHA proposes the following:

1. OSHA proposes a new grouping of fees for each of the core activities for which OSHA charges fees to NRTLs (*i.e.,* ''[p]rocessing of applications for initial recognition, expansion of recognition, or renewal of recognition, including on-site reviews; review and evaluation of the applications; and preparation of reports, evaluations and **Federal Register** notices;'' and ''[a]udits of sites'' (29 CFR 1910.7(f)(1)). Under the existing fee schedule, OSHA groups these activities under the terms Application Processing, Audits, and Miscellaneous (76 FR 10508). Under OSHA's proposed fee schedule, shown below in Table A, OSHA would group these activities under the terms: Administrative Evaluation, Technical Evaluation, Assessments, **Federal Register** Notices, and Miscellaneous (which includes late fees and other activities not specifically described). OSHA proposes these new groupings to align its fee schedule with the proposed streamlined procedures for accepting and reviewing applications, described above. OSHA also believes that the times it proposes estimating for completion of these activities (see Tables 2 thru 5, below) more accurately represent the actual time it takes to complete the core activities for which OSHA charges fees. Therefore, adoption of the proposed groupings would more accurately reflect the full cost of the services for which fees are assessed.

2. OSHA proposes to revise the approach it uses to calculate ECR. Again, under the existing approach, OSHA calculates ECR by dividing TPC by the total estimated work hours that the NRTL Program staff and legal staff spend on the core service activities for which OSHA bills NRTLs (or TAS) (76 FR 10504).

The existing approach depends, in large measure, on OSHA estimating an accurate TAS (*i.e.,* number of ''billable'' core hours). If this estimate is accurate, the ECR (*i.e.,* the hourly rate OSHA charges for services) will accurately reflect the full cost of services (because ECR = TPC/TAS). But OSHA's estimate has not been accurate in practice. Due in part to insufficient program staffing and other uncontrollable factors, the staff has been unable to work the number of estimated billable hours. This has resulted in an hourly rate charged by OSHA that results in fees that are far lower than the fees OSHA would be charging if its estimate had been accurate.

OSHA could reassess TAS on a regular basis to achieve a more accurate estimate. However, due to the changing nature of the staff's workload, OSHA likely would need to make such calculation adjustments, and thus publish fee schedules, more than once within a given year to ensure an accurate estimate. OSHA likely could not make such adjustments in a timely manner, largely due to the length of the process for issuing fee schedules.

OSHA proposes to simplify the existing calculation; for the purpose of the fees proposed in this notice, OSHA would assume that certain NRTL Program staff (which OSHA calls ''direct staff'' in this notice) work exclusively on core billable activities, and that other NRTL Program staff (which OSHA calls ''indirect staff'' in this notice) work exclusively on ancillary activities. Under the proposal, OSHA would calculate the ECR (ECR2015) by dividing TPC by total direct staff annual paid (*i.e.,* compensable) hours, or simply, direct staff annual hours (DSH).

Because of the difficulties of implementing the existing approach, OSHA believes the proposed change in approach (replacing TAS with DSH) would, on average *and* in practice, more accurately reflect the full cost of services for which OSHA charges fees than the existing approach. The accuracy of the DSH approach also does not depend on the variable workload of staff, and would therefore be simpler to implement than the existing approach.

OSHA estimates for the proposal that four full-time NRTL Program staff members are direct staff and the other full-time NRTL Program staff member is indirect staff. OSHA believes the estimate of four full-time direct staff is reasonable because OSHA projects a significant increase in the number of applications the NRTL Program will process and audits the NRTL Program will perform (*i.e.,* a significant increase

[3] The existing fee schedule was supposed to have been phased in over a three-year phase-in period. (76 FR 10508). OSHA implemented the first phase on March 28, 2011. However, due to other priorities and factors, OSHA was unable to implement the second and third phases of the increase, as planned. The revised fee schedule OSHA proposes in the current notice would render moot the implementation of the second and third phases.

in the time NRTL Program staff will spend on core activities).

For the purposes of the proposed fee calculation, DSH would equal 8,352 hours. This is derived by multiplying 2,088, the regular annual paid hours for one full-time staff, by the number of full-time direct staff [4] (again, currently four).

3. OSHA proposes to break out the fees for the legal review of **Federal Register** notices associated with initial, renewal, and expansion applications from the general fees it charges for preparation of these **Federal Register** notices by NRTL Program staff. Under the existing fee structure, OSHA charges one general fee that covers both preparation and legal review of a Final Report and **Federal Register** notice (76 FR 10505–10511).[5]

OSHA proposes this revision to more accurately reflect the portion of the fees attributed to legal review. Under the existing fee structure, OSHA charges a single hourly rate for core activities, regardless of whether the time charged is attorney time or NRTL Program staff time (76 FR 10505). Under the proposed fee structure, OSHA calculates a separate hourly rate for core activities performed by legal staff to reflect that certain ancillary costs, such as Web site development and maintenance, which are properly incorporated into the hourly rate for NRTL Program staff, should not be incorporated into the hourly rate for legal services. OSHA would continue to incorporate in the hourly rate for legal costs those indirect costs that tie directly into the salary of legal staff, such as fringe benefits. As a result of the proposed change, the hourly rate for legal fees, shown in Table 5, would be less than the rate for NRTL Program staff fees, shown in Table 1.

OSHA notes that the Department of Labor incurs legal costs in connection with the NRTL Program other than costs associated with the legal review of **Federal Register** notices associated with initial, renewal, and expansion applications. These other legal costs are included in the existing fee schedule (See 76 FR 10504 n.5), and would continue to be included in the proposed fee schedule, as elements in TPC, and therefore, as elements of the calculation of the hourly rate for NRTL Program staff.

4. OSHA proposes to revise the manner it calculates the salaries of NRTL Program staff and Solicitor of Labor staff for the purpose of calculating TPC. For the existing fee schedule, OSHA calculates staff costs using actual staff salaries, which can vary, sometimes significantly, over time due to changes in personnel and positions. OSHA proposes to calculate salaries using midpoint salaries. These midpoint salaries are the Step 5 amounts shown for a particular grade (*e.g.,* grade 13) in the Office of Personnel Management (OPM) General Schedule (GS) salary table for 2015, called the ''Salary Table 2015–DCB,'' which pertains to federal workers who have duty stations located mostly in Washington, D.C, Maryland, and Virginia. (See Office of Personnel Management 2015 General Schedule (GS) Locality Pay Tables at *www.opm.gov*.) These midpoint salaries may differ from actual staff salaries, which depend on the actual grade and step for each staff. However, using these midpoint figures would simplify the calculation of the staff costs and provide a consistent fee that OSHA expects will reflect, on average, actual staff salaries over time. Because OPM adjusts its salary tables annually, OSHA would monitor the adjustments to determine if their magnitude requires modification of the fee schedule.

Also, to include an amount for regular fringe benefits, OSHA would multiply the midpoint salaries by a fringe benefit rate. OSHA proposes to use a 29% rate, and bases this rate on the one the Agency uses to estimate fringe costs of other OSHA activities.

5. OSHA proposes to revise the manner in which it calculates ancillary (or indirect) costs. Under the existing fee schedule, OSHA includes, in its calculation of ancillary (or indirect) costs, equipment, training, and space of the staff. Under the proposed fee schedule, OSHA would not include these items in its calculation of ancillary costs because NRTLs do not derive a special benefit from these cost items. For example, training costs for the program staff currently consist of general training available to all employees. OSHA would include such costs in future fee schedules if it determines that NRTLs do derive special benefits from the items. OSHA believes the proposed revision to the fee schedule would more accurately reflect the full costs of performing the activities for which OSHA charges fees.

6. OSHA proposes to not charge fees for determining whether proposed test standards are appropriate test standards under the NRTL Program. OSHA charges such fees under the existing fee schedule. However, OSHA recently updated its process whereby it incorporates new test standards into the NRTL Program's list of appropriate test standards (the scope of an appropriate test standard must cover products for which OSHA requires NRTL approval and must meet the requirements of 29 CFR 1910.7(c)(1)). Under the updated policy, OSHA adds new test standards when it is made aware of new test standards and determines them appropriate (79 FR 17188). It is therefore no longer necessary to charge NRTLs specific fees in connection with the incorporation of standards into the list of appropriate test standards. OSHA notes, however, that the costs associated with the incorporation of test standards would be ancillary costs under the proposed fee schedule, and would therefore be an element in the calculation of the fees OSHA proposes to assess.

### *C. Basis and Derivation of Proposed Fee Amounts*

Table 1, below, shows the direct and indirect program costs (TPC), direct staff annual hours (DSH), and hourly rate OSHA proposes to use to calculate the revised fees.

TABLE 1—NRTL PROGRAM STAFF—HOURLY RATE CALCULATION

| Description | |
|---|---|
| OSHA Direct Costs | $579,383 |
| OSHA Ancillary Costs | 287,541 |
| *OSHA Total Costs of NRTL Program, excluding travel (TPC)* | *866,924* |
| *OSHA Direct Staff Annual Hours (DSH)* | *8,352* |

[4] This figure is the number of compensable hours in a fiscal year, which is used to determine full-time equivalents (FTE) (*i.e.,* full-time staffing levels) for purposes of the Federal Budget. See Office and Management and Budget (OMB) Circular A–11, Preparation, Submission, and Execution of the Budget, Section 85—Estimating Employment Levels and the Employment Summary (Schedule Q), 2015 (available at *http://www.whitehouse.gov/sites/default/files/omb/assets/a11_current_year/s85.pdf*).

[5] Although OSHA did not state explicitly in the 2011 notice that the Final Report and **Federal Register** notice fee included legal review, the hours used for calculating this fee did in fact include the legal staff's time for this review.

TABLE 1—NRTL PROGRAM STAFF—HOURLY RATE CALCULATION—Continued

| Description | |
|---|---|
| OSHA Hourly rate (TPC divided by DSH) | 104 |

Tables 2 to 5, below, describe the fees OSHA proposes to adopt in conjunction with the core services for which OSHA charges fees. OSHA would calculate each fee (with the exception of fees for legal review of **Federal Register** notices) by multiplying the NRTL Program staff hourly rate of $104 (see Table 1, above) by the time OSHA estimates it takes NRTL Program staff to perform the activity at issue, on average (*i.e.,* fee for activity = NRTL Program staff hourly rate ($104) X estimated time for activity). OSHA would calculate the fees for legal review of **Federal Register** notices by multiplying the hourly rate for legal services of $89 (see Table 5, below) by the time OSHA estimates its takes legal staff to perform the activity at issue, on average (*i.e.,* fee for activity = legal staff hourly rate ($89) X estimated time for activity). OSHA notes that it rounds the proposed fees down to the lower multiple of ten.

OSHA's proposed (and existing) fee for travel related to assessments is based on actual travel expenses, and thus OSHA does not derive a fee to charge for travel.

TABLE 2—PROPOSED FEES FOR ADMINISTRATIVE EVALUATION

| Program component | Average hours | Fee |
|---|---|---|
| Initial Application—Limited review (per application) | 40 | $4,160 |
| Expansion Application—Limited review (per application) | 24 | 2,490 |
| Renewal request review | 16 | 1,660 |

TABLE 3—PROPOSED FEES FOR TECHNICAL EVALUATION

| Program Component | Average Hours | Fee |
|---|---|---|
| Initial Application—Management Procedures review (per application) | 80 | $8,320 |
| Initial or Expansion Application—Testing capability review (per standard) | 24 | 2,490 |
| Initial or Expansion Application—Site capability review (per site) | 24 | 2,490 |

TABLE 4—PROPOSED FEES FOR ASSESSMENTS

| Program component | Average hours | Fee |
|---|---|---|
| Assessment preparation and close out (per lead auditor) | 54 | $5,610 |
| Assessment preparation and close out (per assistant auditor) | 32 | 3,320 |
| Each day on-site or at office (per auditor) | 8 | 830 |

TABLE 5. PROPOSED FEES FOR **Federal Register** NOTICES

| Program component | Average hours | Fee |
|---|---|---|
| Initial Application **Federal Register** notice preparation (per application)** | 20 | $4,080 |
| Initial Application **Federal Register** notice legal review (per application) | 16 | 1,420 |
| Total for Initial Application **Federal Register** notices | 36 | 5,500 |
| Renewal or Expansion Application **Federal Register** notice preparation (per application)** | 16 | 2,470 |
| Renewal or Expansion Application **Federal Register** notice legal review (per application) | 8 | 710 |
| Total for Renewal or Expansion Application **Federal Register** notices | 24 | 3,180 |

Includes estimated Office of **Federal Register** (OFR) processing fees: $2,000 per initial application notice, or $810 per expansion and renewal notice, as applicable.[6]

*D. Proposed Fee Schedule and Description of Fees*

OSHA proposes the adjusted fee schedule shown below in Table A.

TABLE A—PROPOSED NRTL PROGRAM FEE SCHEDULE

| Fee category | Fee activity | Fee* |
|---|---|---|
| Administrative Evaluation | Initial application—Limited review | $4,160. |
| | Expansion application—Limited review | 2,490. |

[6] The OFR charges Federal agencies a per column rate for publishing **Federal Register** notices. See *http://www.archives.gov/federal-register/write/conference/publishing-billing.pdf.* OSHA derived an estimated average processing fee based on the number of columns in typical **Federal Register** notices published for the NRTL Program.

TABLE A—PROPOSED NRTL PROGRAM FEE SCHEDULE—Continued

| Fee category | Fee activity | Fee * |
|---|---|---|
| | Renewal request review | 1,660. |
| Technical Evaluation | Initial application—Detailed management procedures review | 8,300. |
| | Initial or Expansion application—Testing capability review (per standard). | 2,490. |
| | Initial or Expansion application—Site capability review (per site) | 2,490. |
| Assessment | Assessment preparation and close out (per lead auditor, per site) | 5,610. |
| | Assessment preparation and close out (per assistant auditor, per site) | 3,320. |
| | Assessment—per day at office, on-site, or on travel (per auditor, per site). | 830 plus travel expenses. |
| **Federal Register** Notices | **Federal Register** notices—initial application | 5,500. |
| | **Federal Register** notices—renewal or expansion application | 3,180. |
| Miscellaneous | Late Fees | 210. |
| | Other activities or services not specifically described (per hour) | 104. |

* All fees must be paid in advance of activity or service.

General Information Regarding the Fees

1. Explanation of Fees

• The Administrative Evaluation fee covers an administrative review of the application packet to ensure completeness. It also covers creating the docket and addition of the application to the docket. An applicant must submit this fee with the application.

• The Technical Evaluation fee covers a detailed examination of the application packet to determine the applicant's ability to meet the requirements of the requested recognition/expansion. An applicant must submit this fee with the application.

• On-site or office assessment fees are calculated based on estimated staff time and, if applicable, actual travel expenses. Travel expenses include expenses for hotel, air transportation, ground transportation, and per diem. The assessment preparation and close-out fees (per lead and assistant auditor, as applicable) include staff time to make travel arrangements and file travel reimbursement claims. At the conclusion of the assessment, actual travel expenses are calculated based on the government per diem and other travel rules. OSHA will bill or refund the difference between the prepaid and the actual travel amounts.

• The fees for ''Other activities or services not specifically described'' cover application- or assessment-related activities that are not specifically covered by the other fee categories. One example would be the technical review of a revised application that an applicant submits to OSHA in response to OSHA's negative finding on an applicant's original application.

2. Refunds

• If an application is withdrawn before OSHA commences the Technical Evaluation, or the application is rejected after OSHA completes the Administrative Evaluation, OSHA will refund the Technical Evaluation fee.

• If an application is withdrawn before OSHA commences travel to a site to perform an on-site assessment, the Agency will refund any prepaid assessment fees.

3. Late Fees/Failure to Pay. If an invoice is not paid in full by the due date, the Late Payment fee will be assessed. If payment for an application is not received within 30 days of the invoice's original due date, the application will be rejected. If payment for an assessment is not received within 30 days of the invoice's original due date, OSHA will commence the process to revoke the NRTL's recognition (see 29 CFR 1910.7, App. A.II.E). OSHA notes that NRTLs or applicants may be subject to collection procedures under U.S. Federal law for unpaid fees.

4. Changes to Fee Schedule. The effective date of this fee schedule is thirty days after the publication of the Assistant Secretary's final decision in the **Federal Register**. An NRTL or applicant pays fees according to the fee schedule in effect on the date the Agency receives an application or commences an on-site assessment.

*E. Comparison of Current and Proposed Fees*

The following table shows the differences between the existing fee schedule and the proposed fee schedule shown in Table A, above.

TABLE 6—DIFFERENCES BETWEEN PLANNED 2013 FEES AND THE PROPOSED FEE AMOUNTS

| Current activity or category | Planned 2013 fee amount * | Proposed activity or category | Proposed fee amount. |
|---|---|---|---|
| Initial application review | $17,750 | Initial application—Limited review | $4,160. |
| | | Initial application—Detailed management procedures review. | 8,300. |
| | | Initial or Expansion application—Site capability review (assuming one site—add $2,490 for each additional site). | 2,490. |
| | | Subtotal Initial | 14,950. |
| Expansion-application review (per additional site) | 8,280 | Expansion application—Limited review | 2,490. |
| | | Initial or Expansion application—Site capability review (assuming one site—add $2,490 for each additional site). | 2,490. |
| | | Subtotal Expansion | 4,980. |
| Renewal or expansion (other) application review | 300 | Renewal request review | 1,660. |
| | | Expansion application—Limited review | 2,490. |
| Renewal information review fee | 2,370 | None | 0. |

TABLE 6—DIFFERENCES BETWEEN PLANNED 2013 FEES AND THE PROPOSED FEE AMOUNTS—Continued

| Current activity or category | Planned 2013 fee amount * | Proposed activity or category | Proposed fee amount. |
|---|---|---|---|
| Additional review—initial application (if the application requires substantial revision, submit one-half of initial-application review fee). | 2,370 | None | 0. |
| Additional review—renewal or expansion application | 730 | None | 0. |
| Limited review—initial application | 3,550 | Initial application—Limited review | 4,160. |
| Assessment—initial application (per person, per site—first day). | 4,440 plus travel expenses. | Assessment preparation and close out (per lead auditor, per site). | 5,610. |
| Assessment—renewal application (per person, per site—first day). | 4,140 plus travel expenses.. | | |
| Assessment—expansion application (additional site) (per person, per site—first day). | 3,550 plus travel expenses.. | | |
| Assessment—expansion application (other) (per person, per site—first day). | 2,960 plus travel expenses.. | | |
| None | NA | Assessment preparation and close out (per assistant auditor, per site). | 3,320. |
| Assessment—each additional day or each day on travel (per person, per site). | 1,180 plus travel expenses. | Assessment—per day at office, on-site, or on travel (per auditor, per site). | 830 plus travel expenses. |
| Review and evaluation ($30 per standard if already recognized for NRTLs and requires minimal review; otherwise, $296 per standard). | 30 per standard OR 296 per standard. | Initial or Expansion application—Testing capability review (per standard). | 2,490. |
| Final report and **Federal Register** notice—initial application. | 19,520 | **Federal Register** notices—initial application | 5,500. |
| Final report and **Federal Register** notice—renewal or expansion application (if OSHA performs on-site assessment). | 7,390 | **Federal Register** notices—renewal or expansion application. | 3,180. |
| Final report and **Federal Register** notice—renewal or expansion application (if OSHA performs no on-site assessment). | 4,440 | | |
| On-site audit (per person, per site, first day) nonconformances). | 7,400 plus travel expenses. | Assessment preparation and close out (per lead auditor, per site). | 5,610. |
| On-site audit (per person, per site, first day) | 7,400 plus travel expenses. | Assessment preparation and close out (per assistant auditor, per site). | 3,320. |
| On-site audit—each additional day (on-site or on travel) (per person, per site); or review of revised audit response—per on-site or office audit. | 1,180 plus travel expenses. | Assessment—per day at office, on-site, or on travel (per auditor, per site). | 830 plus travel Expenses. |
| Office audit (per person, per site, per day) (lower fee applies if no nonconformances). | 1,180 or 2,370 | Assessment preparation and close out (per lead auditor, per site). | 5,610. |
| Supplemental travel (per site—for sites located outside the 48 contiguous U.S. states or the District of Columbia). | 1,000 | None | 0. |
| Supplemental program review (per program requested). | 590 | None | 0. |
| Invoice processing fee (per application or audit) | 300 | Included in Assessment preparation and close out (per lead auditor, per site). | 0. |
| Travel document processing (4 hours, per application or audit). | 590 | Included in Assessment preparation and close out | 0. |
| Late payment | 150 | Late payment | 210. |
| Compensatory time for travel (per hour) | 56.40 | Included in Assessment—per day at office, on site, or on travel (per auditor, per hour). | None. |

* These fee amounts represent fees that were to have been associated with phase 3 of the fee increase authorized by OSHA's February 2011 final rule pertaining to NRTL Program fees (see footnote 3, above).

As the Table shows, the proposed fees for individual core service activities are often significantly less than the analogous existing fees for such services. These changes arise from the change in the way that OSHA is proposing to calculate the ECR (which excludes some previously included indirect costs but increases the number of direct staff hours) and streamlined review procedures (which decrease the amount of staff hours needed for some tasks in the process). OSHA nonetheless estimates that fees collected under the proposed fee schedule will, *in toto,* approximate the full costs of administering the NRTL Program because, as stated above, OSHA estimates a significant increase in the number of applications the NRTL Program will process and audits the NRTL Program will perform (*i.e.,* a significant increase in the time NRTL Program staff will spend on core service activities).

## V. Proposed Decision

OSHA performed its periodic review of the fees it currently charges to NRTLs, as provided under 29 CFR 1910.7(f). Based on this review, OSHA preliminarily determined that the existing fee schedule warrants adjustment, as detailed in this notice. As a result, OSHA proposes to replace the existing fee schedule with the proposed fee schedule shown in Table A, above. OSHA also proposes to adopt new streamlined procedures for accepting and reviewing applications of organizations seeking to obtain, renew, or expand NRTL recognition, as described above.

OSHA welcomes public comments on this notice. Comments should consist of

pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. Commenters must submit comments or requests for extensions by the due dates, and follow all instructions for submitting comments and requests for extensions, specified in the DATES and **ADDRESSES** sections of this notice. OSHA will limit any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an extension if the request is not adequately justified.

OSHA staff will review all timely-submitted comments to the docket and, after addressing the issues raised by timely-submitted comments, will recommend to the Assistant Secretary for Occupational Safety and Health whether to adopt the proposed NRTL Program fee schedule and new streamlined procedures for accepting and reviewing applications. The Agency will publish a final fee schedule in the **Federal Register**, as provided under 29 CFR 1910.7, as well as a final decision on whether to adopt the new streamlined procedures for accepting and reviewing applications. The final fee schedule would become effective 30 days after the date of publication of the schedule in the **Federal Register**, and the final streamlined procedures for accepting and reviewing applications would become effective on the date of publication of the procedures in the **Federal Register**.

### Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on September 16, 2015.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2015–24107 Filed 9–21–15; 8:45 am]

**BILLING CODE 4510–26–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 23, 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 September 16, 2015.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2015–24100 Filed 9–21–15; 8:45 am]

**BILLING CODE 4510–26–P**

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

**[Docket No. OSHA–2009–0026]**

### Curtis-Straus LLC: Application for Expansion of Recognition

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces the application of Curtis-Straus LLC for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the Agency's preliminary finding to grant the application.

**DATES:** Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before October 7, 2015.

**ADDRESSES:** Submit comments by any of the following methods:

1. *Electronically:* Submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

2. *Facsimile:* If submissions, including attachments, are not longer than 10 pages, commenters may fax them to the OSHA Docket Office at (202) 693–1648.

3. *Regular or express mail, hand delivery, or messenger (courier) service:*

Submit comments, requests, and any attachments to the OSHA Docket Office, Docket No. OSHA–2009–0026, Technical Data Center, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–2625, Washington, DC 20210; telephone: (202) 693–2350 (TTY number: (877) 889–5627). Note that security procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express mail, hand delivery, or messenger service. The hours of operation for the OSHA Docket Office are 8:15 a.m.—4:45 p.m., e.t.

4. *Instructions:* All submissions must include the Agency name and the OSHA docket number (OSHA–2009–0026). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials will be available online at *http://www.regulations.gov.* Therefore, the Agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

5. *Docket:* To read or download submissions or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

6. *Extension of comment period:* Submit requests for an extension of the comment period on or before October 7, 2015 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210, or by fax to (202) 693–1644.

**FOR FURTHER INFORMATION CONTACT:** Information regarding this notice is available from the following sources:

*Press inquiries:* Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3647, Washington, DC 20210; telephone: (202) 693–1999; email: *Meilinger.francis2@dol.gov.*

*General and technical information:* Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; phone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Notice of the Application for Expansion

The Occupational Safety and Health Administration is providing notice that Curtis-Straus LLC (CSL) is applying for expansion of its current recognition as an NRTL. CSL requests the addition of five test standards to its NRTL scope of recognition.

OSHA recognition of an NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The Agency processes applications by an NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational Web page for each NRTL, including CSL, which details the NRTL's scope of recognition. These pages are available from the OSHA Web site at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

CSL currently has one facility (site) recognized by OSHA for product testing and certification, with its headquarters located at: Curtis-Straus LLC, One Distribution Center Circle, Suite #1, Littleton, Massachusetts 01460. A complete list of CSL's scope of recognition is available at *http://www.osha.gov/dts/otpca/nrtl/csl.html.*

## II. General Background on the Application

CSL submitted an application, dated November 3, 2014, (CSL Exhibit 3—Expansion Application for Five Standards), to expand its recognition to include five additional test standards. OSHA staff performed a comparability analysis and reviewed other pertinent information. OSHA performed an on-site review in relation to this application on January 27, 2015 to January 28, 2015.

Table 1 below lists the appropriate test standards found in CSL's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED APPROPRIATE TEST STANDARD FOR INCLUSION IN CSL'S NRTL SCOPE OF RECOGNITION

| Test standard | Test standard title |
|---|---|
| UL 507 | Standard for Electric Fans. |
| UL 1026 | Standard for Electric Household Cooking and Food-Serving Appliances. |
| UL 1082 | Standard for Household Electric Coffee Makers and Brewing-Type Appliances. |
| UL 60335–1 | Safety of Household and Similar Electrical Appliances, Part 1: General Requirements. |
| UL 60335–2–8 | Standard for Safety for Household and Similar Electrical Appliances, Part 2: Particular Requirements for Electric Shavers, Hair Clippers and Similar Appliances. |

### III. Preliminary Findings on the Application

CSL submitted an acceptable application for expansion of its scope of recognition. OSHA's review of the application file and on-site review indicate that CSL can meet the requirements prescribed by 29 CFR 1910.7 for expanding its recognition to include the addition of the test standards for NRTL testing and certification listed above. This preliminary finding does not constitute an interim or temporary approval of CSL's application.

OSHA welcomes public comment as to whether CSL meets the requirements of 29 CFR 1910.7 for expansion of its recognition as an NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. Commenters must submit the written request for an extension by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an extension if the request is not adequately justified. To obtain or review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Room N–2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. These materials also are available online at *http://www.regulations.gov* under Docket No. OSHA–2009–0026.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will recommend to the Assistant Secretary for Occupational Safety and Health whether to grant CSL's application for expansion of its scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of its final decision in the **Federal Register**.

### Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on September 16, 2015.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2015–24065 Filed 9–21–15; 8:45 am]

**BILLING CODE 4510–26–P**

## DEPARTMENT OF LABOR

### Wage and Hour Division

### Agency Information Collection Activities; Comment Request; Information Collections Work Study Program of the Child Labor Regulations

**AGENCY:** Wage and Hour Division, Department of Labor.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is soliciting comments concerning a proposed revision to the information collection request (ICR) titled, ''Work-Study Program of the Child Labor Regulations.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.*

This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. A copy of the proposed information request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before November 23, 2015.

**ADDRESSES:** You may submit comments identified by Control Number 1235–0024, by either one of the following methods: *Email: WHDPRAComments@dol.gov; Mail, Hand Delivery, Courier:* Division of Regulations, Legislation, and Interpretation, Wage and Hour, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW., Washington, DC 20210. *Instructions:* Please submit one copy of your comments by only one method. All submissions received must include the agency name and Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for Office of Management and Budget (OMB) approval of the information collection request.

**FOR FURTHER INFORMATION CONTACT:** Robert Waterman, Acting Director, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number). Copies of this notice may be obtained in alternative formats (Large Print, Braille, Audio Tape, or Disc), upon request, by calling (202) 693–0023 (not a toll-free number). TTY/TTD callers may dial toll-free (877) 889–5627 to obtain information or request materials in alternative formats.

**SUPPLEMENTARY INFORMATION:**

### I. Background

The Wage and Hour Division (WHD) of the Department of Labor administers the Fair Labor Standards Act (FLSA). Section 3(l) of the Act establishes a minimum age of 16 years for most nonagricultural employment, but allows the employment of 14- and 15-year olds in occupations other than manufacturing and mining if the Secretary of Labor determines such employment is confined to: (1) Periods that will not interfere with the minor's schooling; and (2) conditions that will not interfere with the minor's health and well-being. FLSA section 11(c) requires all covered employers to make, keep, and preserve records of their employees' wages, hours, and other conditions and practices of employment. Section 11(c) authorizes the Secretary of Labor to prescribe the recordkeeping and reporting requirements for these records. The regulations set forth reporting requirements that include a Work Study Program application and written participation agreement. In order to utilize the child labor work study provisions, § 570.35(b) requires a local public or private school system to file with the Wage and Hour Division Administrator an application for approval of a Work Study Program as one that does not interfere with the schooling or health and well-being of the minors involved. The regulations also require preparation of a written

participation agreement for each student participating in a Work Study Program and that the teacher-coordinator, employer, and student each sign the agreement..

**II. Review Focus**

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Enhance the quality, utility, and clarity of the information to be collected;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

**III. Current Actions**

The Department of Labor seeks an approval for the extension of this information collection in order to ensure effective administration of the child labor programs.

*Type of Review:* Extension.

*Agency:* Wage and Hour Division.

*Title:* Work-Study Program of the Child Labor Regulations.

*OMB Number:* 1235–0024.

*Affected Public:* Business or other for-profit, Not-for-profit institutions, Farms, State, Local, or Tribal Government.

*Total Respondents:* WSP Applications: 10; Written Participation Agreements: 500.

*Total Annual Responses:* WSP Applications: 10; Written Participation Agreements: 1,000.

*Estimated Total Burden Hours:* 1,529.

*Estimated Time per Response:* WSP Application: 121 minutes; Written Participation Agreement: 31 minutes.

*Frequency:* On occasion.

*Total Burden Cost (capital/startup):* $0.

*Total Burden Cost (operation/maintenance):* $13,350.

Dated: September 15, 2015.

**Mary Ziegler,**

*Assistant Administrator for Policy.*

[FR Doc. 2015–24103 Filed 9–21–15; 8:45 am]

**BILLING CODE 4510–27–P**

## LEGAL SERVICES CORPORATION

### Notice of Availability of Calendar Year 2016 Competitive Grant Funds

**AGENCY:** Legal Services Corporation.

**ACTION:** Solicitation for Proposals for the Provision of Civil Legal Services in Southeastern Michigan.

**SUMMARY:** The Legal Services Corporation (LSC) is the national organization charged with administering federal funds provided for civil legal services to low-income people.

LSC is reopening the competitive bidding process for FY 2016 funding for service area MI–13 in Michigan. Service area MI–13 is comprised of Macomb, Oakland, and Wayne Counties in Michigan. LSC is soliciting grant proposals from interested parties who are qualified to provide effective, efficient, and high quality civil legal services to the eligible client population in service area MI–13.

While the exact amount of congressionally appropriated funds and the date and terms of availability for calendar year 2016 are not known yet, LSC anticipates that the funding amount will be similar to calendar year 2015 funding, which is $4,368,810.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for grants competition dates.

**ADDRESSES:** Legal Services Corporation—Competitive Grants, 3333 K Street NW., Third Floor, Washington, DC 20007–3522.

**FOR FURTHER INFORMATION CONTACT:** The Office of Program Performance by email at *competition@lsc.gov,* or visit the grants competition Web site at *http://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant.*

**SUPPLEMENTARY INFORMATION:** The Request for Proposals (RFP) is available at *http://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant.* Applicants are required to use the ''Standard RFP Narrative Instruction'' to prepare the grant proposal. Applicants must file a Notice of Intent to Compete (NIC) to participate in the competitive grants process. Applicants must file the NIC by September 30, 2015, 5:00 p.m., E.T. Applicants must submit grant proposals by October 23, 2015, 5:00 p.m., E.T. The dates in this notice supersede the dates contained in the RFP.

LSC is seeking proposals from: (1) Non-profit organizations that have as a purpose the provision of legal assistance to eligible clients; (2) private attorneys; (3) groups of private attorneys or law firms; (4) state or local governments; and (5) sub-state regional planning and coordination agencies that are composed of sub-state areas and whose governing boards are controlled by locally elected officials.

The RFP, containing the NIC and grant application, guidelines, proposal content requirements, service area descriptions, and specific selection criteria, is available from *http://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant.*

LSC will post all updates and/or changes to this notice at *http://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant.*

Interested parties are asked to visit *http://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant* regularly for updates on the LSC competitive grants process.

Dated: September 17, 2015.

**Stefanie K. Davis,**

*Assistant General Counsel.*

[FR Doc. 2015–24022 Filed 9–21–15; 8:45 am]

**BILLING CODE 7050–01–P**

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Humanities

### Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

**AGENCY:** National Endowment for the Humanities, National Foundation on the Arts and the Humanities.

**ACTION:** 30-day notice of NEH's submission of information collection approval to the Office of Management and Budget and request for comments.

**SUMMARY:** As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, the National Endowment for the Humanities (NEH) has submitted a Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et. seq.*).

**DATES:** Comments on this information collection must be submitted on or before October 22, 2015.

**ADDRESSES:** Mail comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Humanities, Office of Management and Budget, Room

10235, Washington, DC 20503; (202) 395–7316.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael McDonald, General Counsel at *gencounsel@neh.gov* or by mail to 400 7th Street SW., 4th Floor, Washington, DC 20506.

**SUPPLEMENTARY INFORMATION:**

*Title:* Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

*Abstract:* NEH is submitting a new information collection—in the form of a generic clearance—that will allow NEH to receive fast-track approval from OMB when NEH wishes to seek feedback from the public about NEH events and programs. With this generic clearance NEH will be able to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery by Federal agencies to the public. By qualitative feedback we mean information that provides useful insights on people's opinions of NEH programs, events, publications, products and other services NEH provides to the public. This qualitative feedback will:

- Provide NEH with insights into customer or stakeholder perceptions, experiences and expectations,
- Provide NEH with an early warning of issues with service, and
- Focus agency attention on areas where communication, training or changes in operations might improve delivery of NEH products or services.

NEH will solicit feedback in areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. NEH will use the responses to plan and to improve the quality of service and programs offered to the public.

For every customer survey or other information collection under this generic clearance, NEH will use the information gathered internally only for general service improvement and program management purposes and does not intend to release the information outside of the agency. NEH will not gather information for the purpose of substantially informing influential policy decisions. NEH will only gather data in a way designed to yield qualitative information, not statistically reliable results or results meant to be generalizable to the population of study.

NEH received no comments in response to the 60-day notice published in the **Federal Register** on July 2, 2015 (80 FR 38235).

*Current Actions:* New collection of information.

*Type of Review:* New Collection.

*Affected Public:* Individuals and Households, Businesses and Organizations, State, Local or Tribal Governments.

Below we provide NEH's projected average estimates for the next three years. The formula used to calculate the total burden hours is ''estimated average time per responses'' times ''annual responses.''

*Average Expected Annual Number of Activities:* 4.

*Estimated Number of Respondents:* 10,000.

*Estimated Annual Number of Responses per Respondent:* Once per request.

*Estimated Total Annual Responses:* 10,000.

*Estimated Average Time per Response:* 15 minutes (0.25 hours).

*Estimated Total Annual Burden Hours:* 2,500 hours.

NEH is requesting OMB approval for three years. There are no costs to respondents other than their time.

Dated: September 16, 2015.

**Margaret F. Plympton,**

*Deputy Chairman.*

[FR Doc. 2015–24091 Filed 9–21–15; 8:45 am]

**BILLING CODE 7536–01–P**

## NATIONAL SCIENCE FOUNDATION

### Advisory Committee for Engineering; 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 Engineering #1170.

**DATE/TIME:** October 21, 2015: 12:00 p.m. to 5:15 p.m. October 22, 2015: 8:30 a.m. to 12:45 p.m.

**PLACE:** National Science Foundation, 4201 Wilson Boulevard, Suite 1235, Arlington, Virginia 22230.

**TYPE OF MEETING:** OPEN.

**CONTACT PERSON:** Evette Rollins, National Science Foundation, 4201 Wilson Boulevard, Suite 505, Arlington, Virginia 22230; 703–292–8300.

**PURPOSE OF MEETING:** To provide advice, recommendations and counsel on major goals and policies pertaining to engineering programs and activities.

**Agenda**

*Wednesday, October 21, 2015*

- Directorate for Engineering Report
- Civil, Mechanical and Manufacturing Innovation Overview
- CMMI Committee of Visitors Report
- Engineering Education and Revolutionizing Engineering Departments Update
- Broader Impacts

*Thursday, April 16, 2015*

- Perspectives from the Office of the Director
- The Future of Center-scale Multidisciplinary Engineering Research
- Chemical, Bioengineering, Environmental and Transport Systems Overview
- CBET Committee of Visitors Report
- Roundtable on ENG Strategic Activities and Recommendations

Dated: September 17, 2015.

**Crystal Robinson,**

*Committee Management Officer.*

[FR Doc. 2015–24018 Filed 9–21–15; 8:45 am]

**BILLING CODE 7555–01–P**

## NATIONAL SCIENCE FOUNDATION

### Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

**AGENCY:** National Science Foundation.

**ACTION:** Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996 (Pub. L. 104–227).

**SUMMARY:** The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at title 45 part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

**DATES:** Interested parties are invited to submit written data, comments, or views with respect to this permit application by October 22, 2015. This application may be inspected by interested parties at the Permit Office, address below.

**ADDRESSES:** Comments should be addressed to Permit Office, Room 755, Division of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

**FOR FURTHER INFORMATION CONTACT:** Polly A. Penhale, Environmental Officer, at the above address or *ACApermits@nsf.gov* or (703) 292–7149.

**SUPPLEMENTARY INFORMATION:** The National Science Foundation, as

directed by the Antarctic Conservation Act of 1978 (Public Law 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

**Application Details**

*Permit Application: 2015–012*

1. *Applicant:* Dr. Stephanie Jenourvrier, Woods Hole Oceanographic Institution, Woods Hole, MA 02453.

*Activity for Which Permit is Requested:* The applicant intends to collect a multi-scale and temporal baseline data set on the largest cluster of Adelie penguin breeding colonies in the Antarctic Peninsula (AP). The area near the Danger Islands in the Weddell Sea (eastern AP) may account for half of the total breeding population of Adelie penguins in the AP, yet these colonies are little known. Penguin population shifts have been documented in the western AP and this study will help reduce uncertainty for the eastern AP populations.

*Take, Import, Enter Antarctic Specially Protected Areas:* The applicant intends to obtain small samples of blood, tissue, feathers, and eggshells from Macaroni, Gentoo, Chinstrap, and Adélie penguin colonies the Antarctic Peninsula. Organic remains in soil samples will also be collected. Samples taken at the sites will be sent back to the United States and the United Kingdom for analysis. The breeding sites will be censused by ground or by a hexacopters-based aerial photography system.

*Location:* The focus of the study is the penguin colonies in the Danger Islands, Antarctic Sounds, Antarctic Peninsula. Should weather conditions preclude this area, the focus will shift to Elephant Island and vicinity, Low Island and vicinity and/or the South Shetland Islands. Visits may include the following ASPA's: ASPA No. 151, Lions Rump, King George Is; ASPA No. 126, Byers Peninsula, Livingston Island; ASPA No. 152, West Bransfield, Low Island; ASPA No. 132, Potter Peninsula; ASPA No. 128, West Admiralty Bay; ASPA No. 150, Ardley Island; ASPA No. 133, Harmony Point; and ASPA No. 149, Cape Shirreff.

*Dates:* 1 December 2015 through 30 June 2016.

**Nadene G. Kennedy,**

*Polar Coordination Specialist, Division of Polar Programs.*

[FR Doc. 2015–24005 Filed 9–21–15; 8:45 am]

**BILLING CODE 7555–01–P**

## NATIONAL SCIENCE FOUNDATION

### Notice of Permit Modification Received Under the Antarctic Conservation Act of 1978

**AGENCY:** National Science Foundation.

**ACTION:** Notice of Permit Modification Request Received and Permit Issued under the Antarctic Conservation Act of 1978, Public Law 95–541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish a notice of requests to modify permits issued to conduct activities regulated and permits issued under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 671 of the Code of Federal Regulations. This is the required notice of a requested permit modification and permit issued.

**DATES:** September 16, 2015 to March 15, 2016.

**FOR FURTHER INFORMATION CONTACT:** Li Ling Hamady, ACA Permit Officer, Division of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Or by email: *ACApermits@nsf.gov*

**SUPPLEMENTARY INFORMATION:** The Foundation issued a permit (ACA 2012–WM–001) to Dr. George Watters on September 29, 2011. The issued permit allows the applicant to run a field camp including deployment of instruments (radio tags on animals) and use of hazardous materials including radio isotopes. A recent modification to this permit, dated December 21, 2013, permitted the applicant to install up to 12 remote, autonomous, and easily removable camera systems near breeding aggregations of Adélie, gentoo, and chinstrap penguins throughout ASPA #128 on King George Island. The cameras will provide time-lapse photography during breeding and non-breeding seasons to estimate key monitoring parameters such as arrival timing, reproductive chronology and success, chick production, overwinter attendance, and census data. Now the applicant proposes a permit modification to install up to 22 of these cameras within ASPA 128 The Environmental Officer has reviewed the modification request and has determined that the amendment is not a material change to the permit, and it will have a less than a minor or transitory impact.

The permit modification was issued on September 16, 2015.

**Nadene G. Kennedy,**

*Polar Coordination Specialist, Division of Polar Programs.*

[FR Doc. 2015–24000 Filed 9–21–15; 8:45 am]

**BILLING CODE 7555–01–P**

## NATIONAL SCIENCE FOUNDATION

### Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

**AGENCY:** National Science Foundation.

**ACTION:** Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996 (Pub. L. 104–227).

**SUMMARY:** The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 671 of the Code of Federal Regulations. This is the required notice of permit applications received.

**DATES:** Interested parties are invited to submit written data, comments, or views with respect to this permit application by October 22, 2015. This application may be inspected by interested parties at the Permit Office, address below.

**ADDRESS:** Comments should be addressed to Permit Office, Room 755, Division of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

**FOR FURTHER INFORMATION CONTACT:** Polly A. Penhale, Environmental Officer, at the above address or *ACApermits@nsf.gov* or (703) 292–7149.

**SUPPLEMENTARY INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996 (Pub. L. 104–227), has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit

system to designate Antarctic Specially Protected Areas.

**Application Details**

*Permit Application: 2016–011*

1. *Applicant:* Stephanie Jenourvrier, Woods Hole Oceanographic Institution, Woods Hole, MA 02453.

*Activity for Which Permit is Requested:* The applicant intends to collect a multi-scale and temporal baseline data set on the largest cluster of Adelie penguin breeding colonies in the Antarctic Peninsula (AP). The area near the Danger Islands in the Weddell Sea (eastern AP) may account for half of the total breeding population of Adelie penguins in the AP, yet these colonies are little known. Penguin population shifts have been documented in the western AP and this study will help reduce uncertainty for the eastern AP populations. Should the weather preclude reaching the site, alternative study sites have been identified.

*Unmanned Aerial Vehicle (UAV) Filming:* The applicant wishes to fly a small, battery operated, remotely-controlled quadrotor Unmanned Aerial Vehicle (UAV) in order to photograph penguin colonies as part of a multiscale spatial survey of penguin colonies. The primary flight mode for the vehicles will be automatic take off, landing, and waypoint using ground station software. The secondary/emergency mode is remote control operation of the UAV by a trained pilot on the ground. In both flight modes the quadcopter will always be flown within visible sight of the pilot and designated observers. Operations will only be conducted inside the 10m/s maximum wind speed estimate. The UAV will only be flown in visual meteorological conditions. Flights will be flown between 50 and 200 ft. above the colonies in keeping with previous experience by other researcher engaged in similar UAV-based surveys of wildlife in the Antarctic. A risk analysis and mitigation measures should reduce the risk of loss the UAV. The UAV pilots will be trained to the standard of ground school training provide for a private pilot's license and training on simulators and significant flight time with the UAVs will be conducted before deployment. The applicant is seeking a Waste Permit to cover any accidental releases that may result from flying a UAV.

*Remote Cameras:* The applicant wishes to deploy a network of four solar-powered, satellite-linked remote cameras to examine penguin vital rates. The time-lapse cameras, specially designed for this application, have been field tested over the winter at other sites in the Antarctica. The cameras will be mounted on a scaffold pole supported by an aluminum tripod. No malfunctions or adverse effects were seen in previous deployments. The instruments also record air temperature. The cameras are intended to remain in situ and operate remotely for five seasons. The units are completely weatherproof and are powered by batteries that are charged via a solar cell.

*Dates:* 1 December 2015 through 1 January 2016.

**Nadene G. Kennedy,**

*Polar Coordination Specialist, Division of Polar Programs.*

[FR Doc. 2015–24004 Filed 9–21–15; 8:45 am]

**BILLING CODE 7555–01–P**

## NATIONAL SCIENCE FOUNDATION

### Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

**AGENCY:** National Science Foundation

**ACTION:** Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Public Law 95–541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

**DATES:** Interested parties are invited to submit written data, comments, or views with respect to this permit application by October 22, 2015. This application may be inspected by interested parties at the Permit Office, address below.

**ADDRESSES:** Comments should be addressed to Permit Office, Room 755, Division of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

**FOR FURTHER INFORMATION CONTACT:** Li Ling Hamady, ACA Permit Officer, at the above address or *ACApermits@nsf.gov* or (703) 292–7149.

**SUPPLEMENTARY INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Public Law 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

**APPLICATION DETAILS:**

1. *Applicant*

Brent S. Stewart, Ph.D., J.D., 3889 Creststone Place, San Diego, CA

Permit Application: 2016–010

**Activity for Which Permit Is Requested**

Take; Applicant desires to visit sites accessible by IAATTO registered tourist vessels and utilize a miniature (<1kg mass), multi-rotor (<20 cm rotor arm radius), remotely operated, battery powered (electric motor) UAS (Unmanned Aerial System) equipped with a small high resolution camera. The project will photo document Antarctic landscapes and the distribution and abundance of birds that occur at those sites. Bird species may include rockhopper, chinstrap, Adelie, and emperor penguins, and skuas, sheathbills, kelp gulls, and giant petrels, and birds may be roosting and/or breeding. ''Take'' would be unintended and unexpected incidental, brief, minor disturbance to 50 or less individual birds of each species (depending on the species, as noted in the application) during aerial vehicle flights at 25 to 60m in altitude, no further than 200m lateral distance away from the human operator, for no longer than 25 minutes in duration. The applicant has successfully deployed the equipment array over 75 times in various temperate, tropical and sub-polar environments, without wildlife disturbance.

**Location**

Various sites visited by IAATO registered vessels at Sub-Antarctic Islands, South Orkney Islands, South Shetland Islands, and the Antarctic Peninsula.

**Dates**

October 15, 2015–October 14, 2020

**Nadene G. Kennedy,**

*Polar Coordination Specialist, Division of Polar Programs.*

[FR Doc. 2015–23999 Filed 9–21–15; 8:45 am]

**BILLING CODE 7555–01–P**

## NATIONAL SCIENCE FOUNDATION

### Notice of Permit Modification Received Under the Antarctic Conservation Act of 1978

**AGENCY:** National Science Foundation.

**ACTION:** Notice of Permit Modification Request Received and Permit Issued

under the Antarctic Conservation Act of 1978, Public Law 95–541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish a notice of requests to modify permits issued to conduct activities regulated and permits issued under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 671 of the Code of Federal Regulations. This is the required notice of a requested permit modification and permit issued.

**FOR FURTHER INFORMATION CONTACT:** Li Ling Hamady, ACA Permit Officer, Division of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Or by email: *ACApermits@nsf.gov.*

**SUPPLEMENTARY INFORMATION:** The Foundation issued a permit (ACA 2012–WM–002) to Dr. George Watters on September 29, 2011. The issued permit allows the applicant to operate a remote field camp in ASPA 149 Cape Shirreff, Livingston Island.

Now the applicant proposes a permit modification to install up to 10 remote, autonomous, and easily removable camera systems at the U.S. AMLR study sites within ASPA 149 to breeding aggregations of gentoo and chinstrap penguins and Antarctic fur seals and other pinnipeds. The cameras would provide time-lapse photography during breeding and non-breeding seasons to estimate key monitoring parameters such as arrival timing, reproductive chronology and success, young production, overwinter attendance, and census data. The camera deployment at this site would be identical in nature to the camera deployment already approved for the applicant within ASPA 128, at Copacabana, King George Island. The Environmental Officer has reviewed the modification request and has determined that the amendment is not a material change to the permit, and it will have a less than a minor or transitory impact.

**DATES:** September 16, 2015 to April 1, 2016.

The permit modification was issued on September 16, 2015.

**Nadene G. Kennedy,**

*Polar Coordination Specialist, Division of Polar Programs.*

[FR Doc. 2015–24001 Filed 9–21–15; 8:45 am]

**BILLING CODE 7555–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 52–024; NRC–2008–0233]**

### Entergy Operations, Inc.; Grand Gulf, Unit 3

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Application for combined license; withdrawal.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is withdrawing an application for a combined license (COL) for a single unit of the Economic Simplified Boiling-Water Reactor (ESBWR). This reactor would be identified as Grand Gulf Nuclear Station, Unit 3 (GGNS3) and is located adjacent to the current Grand Gulf Nuclear Station site in Claiborne County, Mississippi.

**DATES:** The effective date of the withdrawal of the application for combined license is September 22, 2015.

**ADDRESSES:** Please refer to Docket ID NRC–2008–0233 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for docket ID NRC–2008–0233. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that the 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:** Adrian Muñiz, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC, 20555–0001; telephone: 301–415–4093; email: *Adrian.Muniz@nrc.gov.*

**SUPPLEMENTARY INFORMATION:** A notice of receipt and availability of this application was previously published in the **Federal Register** (73 FR 14849) on March 19, 2008. On April 24, 2008, a subsequent notice was published in the **Federal Register** (73 FR 22180) announcing the acceptance of the GGNS3 COL application for docketing in accordance with part 2 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Agency Rules of Practice and Procedure,'' and 10 CFR part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants.'' The docket number established for this application is 52–024.

By letter dated January 9, 2009, Entergy Operations, Inc. (EOI) requested that the NRC temporarily suspend the COL application review, including any supporting reviews by external agencies, until further notice (ADAMS Accession No. ML090130174). The NRC granted the suspension request (ADAMS Accession No. ML090080523). By letter dated February 9, 2015, EOI requested the NRC to withdraw the GGNS3 COL application, including the Safeguards/Security Part, from the docket (ADAMS Accession No. ML15040A078). Pursuant to the requirements in 10 CFR part 2, the Commission grants EOI its request to withdraw the GGNS3 COL application.

Dated at Rockville, Maryland, this 15th day of September, 2015.

For the Nuclear Regulatory Commission.

**Francis M. Akstulewicz,**

*Director, Division of New Reactor Licensing, Office of New Reactors.*

[FR Doc. 2015–24032 Filed 9–21–15; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on the Medical Uses of Isotopes; Meeting Notice

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) will convene a teleconference meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on December 18, 2015, to discuss the draft report of the ACMUI Rulemaking Subcommittee that was formed to provide comments to the NRC staff on the draft final rule for title

10 of the *Code of Federal Regulations* (10 CFR), part 35, ''Medical Use of Byproduct Material.'' Meeting information, including a copy of the agenda and the subcommittee's draft report, will be available at *http://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2015.html* no later than December 4, 2015. The agenda and handouts may also be obtained by contacting Ms. Sophie Holiday using the information below.

**DATES:** The teleconference meeting will be held on Monday, December 18, 2015, 1:00 p.m. to 3:00 p.m. Eastern Standard Time.

*Public Participation:* Any member of the public who wishes to participate in the teleconference should contact Ms. Holiday using the contact information below.

**FOR FURTHER INFORMATION CONTACT:** Sophie Holiday, email: *Sophie.Holiday@nrc.gov,* telephone: (404) 997–4691.

**Conduct of the Meeting**

Dr. Philip Alderson, ACMUI Vice Chairman, will preside over the meeting. Dr. Alderson will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit an electronic copy to Ms. Holiday at the contact information listed above. All submittals must be received by December 15, 2015, three business days prior to the meeting, and must pertain to the subcommittee's draft report. Staff is not soliciting public comment on the draft final rule itself.

2. Questions and comments from members of the public will be permitted during the meetings, at the discretion of the Vice Chairman.

3. The draft transcript and meeting summary will be available on ACMUI's Web site *http://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2015.html* on or about February 1, 2016.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in 10 CFR part 7.

Dated at Rockville, Maryland, this 16th day of September, 2015.

For the Nuclear Regulatory Commission.

**Andrew L. Bates,**

*Advisory Committee Management Officer.*

[FR Doc. 2015–24034 Filed 9–21–15; 8:45 am]

**BILLING CODE 7590–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–75932; File No. SR–MSRB–2015–09]**

## Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing of a Proposed Rule Change Consisting of Proposed Amendments to Rule G–20, on Gifts, Gratuities and Non-Cash Compensation, and Rule G–8, on Books and Records To Be Made by Brokers, Dealers, Municipal Securities Dealers, and Municipal Advisors, and the Deletion of Prior Interpretive Guidance

September 16, 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 September 2, 2015, the Municipal Securities Rulemaking Board (the ''MSRB'' or ''Board'') filed with the Securities and Exchange Commission (the ''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the MSRB. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The MSRB filed with the Commission a proposed rule change consisting of proposed amendments to Rule G–20 (with amendments, ''proposed amended Rule G–20''), on gifts, gratuities and non-cash compensation, proposed amendments to Rule G–8, on books and records to be made by brokers, dealers, municipal securities dealers, and municipal advisors, and the deletion of prior interpretive guidance that would be codified by proposed amended Rule G–20 (the ''proposed rule change''). The MSRB requested that the proposed rule change be approved with an implementation date six months after the Commission approval date for all changes.

The text of the proposed rule change is available on the MSRB's Web site at *www.msrb.org/Rules-and-Interpretations/SEC-Filings/2015-Filings.aspx*, at the MSRB's principal office, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(i).

[2] 17 CFR 240.19b–4.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the MSRB included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The MSRB has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

Following the financial crisis of 2008, Congress enacted the Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act'').[3] The Dodd-Frank Act amended Section 15B of the Exchange Act to establish a new federal regulatory regime requiring municipal advisors to register with the Commission, deeming them to owe a fiduciary duty to their municipal entity clients and granting the MSRB rulemaking authority over them. The MSRB, in the exercise of that rulemaking authority, has been developing a comprehensive regulatory framework for municipal advisors and their associated persons.[4] Important elements of that regulatory framework are the proposed amendments to Rules G–20 [5] and G–8.

The proposed rule change would further the purposes of the Exchange Act, as amended by the Dodd-Frank Act, by addressing improprieties and conflicts that may arise when municipal advisors and/or their associated persons

[3] Publix Law 111–203, 124 Stat. 1376 (2010).

[4] MSRB Rule D–11 defines ''associated persons'' as follows:

Unless the context otherwise requires or a rule of the Board otherwise specifically provides, the terms ''broker,'' ''dealer,'' ''municipal securities broker,'' ''municipal securities dealer,'' ''bank dealer,'' and ''municipal advisor'' shall refer to and include their respective associated persons. Unless otherwise specified, persons whose functions are solely clerical or ministerial shall not be considered associated persons for purposes of the Board's rules.

[5] Existing Rule G–20 is designed, in part, to minimize the conflicts of interest that arise when a dealer attempts to induce organizations active in the municipal securities market to engage in business with such dealers by means of personal gifts or gratuities given to employees of such organizations. Rule G–20 helps to ensure that a dealer's municipal securities activities are undertaken in arm's length, merit-based transactions in which conflicts of interest are minimized. *See* MSRB Notice 2004–17 (Jun. 15, 2004).

give gifts or gratuities to employees who may influence the award of municipal advisory business. Extending the policies embodied in existing Rule G–20 to municipal advisors through proposed amended Rule G–20 would ensure common standards for brokers, dealers, and municipal securities dealers (''dealers'') and municipal advisors (dealers, together with municipal advisors, ''regulated entities'') that all operate in the municipal securities market.[6]

Proposed Amended Rule G–20

In summary, the proposed amendments to Rule G–20 would:

- Extend the relevant existing provisions of the rule to municipal advisors and their associated persons and to gifts given in relation to municipal advisory activities;
- Consolidate and codify interpretive guidance, including interpretive guidance published by the Financial Industry Regulatory Authority, Inc. (''FINRA'') and adopted by the MSRB, to ease the compliance burden on regulated entities that must understand and comply with these obligations, and delete prior interpretive guidance that would be codified by proposed amended Rule G–20; and
- Add a new provision to prohibit the seeking or obtaining of reimbursement by a regulated entity of certain entertainment expenses from the proceeds of an offering of municipal securities.

Further, proposed amended Rule G–20 would include several revisions that are designed to assist regulated entities and their associated persons with their understanding of and compliance with the rule. Those revisions include the definition of additional key terms and the addition of a paragraph that sets forth the purpose of the rule. Proposed amended Rule G–20 is discussed below.

A. Extension of Rule G–20 to Municipal Advisors and Municipal Advisory Activities and Clarifying Amendments

Proposed amended Rule G–20 would extend to municipal advisors and their associated persons: (i) The general dealer prohibition of gifts or gratuities in excess of $100 per person per year in relation to the municipal securities activities of the recipient's employer (the ''$100 limit''); (ii) the exclusions contained in the existing rule from that general prohibition (including certain consolidations and the codifications of prior interpretive guidance) and the addition of bereavement gifts to those exclusions; and (iii) the existing exclusion relating to contracts of employment or compensation for services. Proposed section (g), on non-cash compensation in connection with primary offerings, would not be extended to municipal advisors or to associated persons thereof.

(i) General Prohibition of Gifts or Gratuities in Excess of $100 per Year

Proposed section (c) (based on section (a) of existing Rule G–20) would extend to a municipal advisor and its associated persons the provision that currently prohibits a dealer and its associated persons, in certain circumstances, from giving directly or indirectly any thing or service of value, including gratuities (''gifts''), in excess of $100 per year to a person (other than an employee of the dealer). As proposed, the prohibited payments or services by a dealer or municipal advisor or associated persons would be those provided in relation to the municipal securities activities or municipal advisory activities of the employer of the recipient (other than an employee of the regulated entity).

(ii) Exclusions From the $100 Limit

Proposed section (d) (based on section (b) of existing Rule G–20) would extend to a municipal advisor and its associated persons the provision that excludes certain gifts from the $100 limit of proposed section (c) as long as the conditions articulated by proposed section (d) and the relevant subsection, as applicable, are met. Proposed section (d) also would state that gifts, in order to be excluded from the $100 limit, must not give rise to any apparent or actual material conflict of interest.

Proposed section (d) would include proposed subsections (d)(i) through (d)(iv) and (d)(vi) that would consolidate and codify interpretive guidance that the MSRB provided in MSRB Notice 2007–06 (the ''2007 MSRB Gifts Notice'').[7] That notice encouraged dealers to adhere to the highest ethical standards and reminded dealers that Rule G–20 was designed to ''avoid conflicts of interest.''[8] The 2007 MSRB Gifts Notice's interpretive guidance also included FINRA guidance that the MSRB had adopted by reference.[9] Further, proposed subsection (d)(v) would codify FINRA interpretive guidance relating to bereavement gifts that the MSRB previously had not adopted.[10] The MSRB believes that these proposed codifications will (i) enhance the understanding of the interpretive guidance applicable to the exclusions, (ii) foster compliance with the rule, and (iii) enhance efficiencies for regulated entities and regulatory enforcement agencies. A more detailed discussion of the subsections to proposed section (d) is provided below.

Proposed subsection (d)(i) would exclude, as is currently the case for dealers under existing Rule G–20, a gift of meals or tickets to theatrical, sporting, and other entertainment given by a regulated entity or its associated persons from the $100 limit if they are a ''normal business dealing.'' The regulated entity or its associated persons would be required to host the gifted event, as is currently the case for dealers. If the regulated entity or its associated persons were to fail to host gifts of these types, then those gifts would be subject to the $100 limit. In addition, the regulated entity would be excluded from the $100 limit if it were to sponsor legitimate business functions that are recognized by the Internal Revenue Service as deductible business expenses. Finally, municipal advisors and their associated persons would be held to the same standard as dealers, in that gifts would not qualify as ''normal business dealings'' if they were ''so frequent or so extensive as to raise any question of propriety.''

Proposed subsections (d)(ii) through (iv) would establish three categories of

[6] MSRB Rule G–17 is the MSRB's fundamental fair-dealing rule. It provides that a dealer or municipal advisor, in the conduct of its municipal securities activities or municipal advisory activities, shall deal fairly with all persons and shall not engage in any deceptive, dishonest, or unfair practice. As frequently previously stated, Rule G–17 may apply regardless of whether Rule G–20 or any other MSRB rule also may be applicable to a particular set of facts and circumstances. *See, e.g., Interpretative Notice Concerning the Application of MSRB Rule G–17 to Underwriters of Municipal Securities* (Aug. 2, 2012) (reminding underwriters of the application of Rule G–20, in addition to their obligations under Rule G–17).

[7] *See* Dealer Payments in Connection with the Municipal Issuance Process, MSRB Notice 2007–06 (Jan. 29, 2007).

[8] *Id.*

[9] *See* 2007 MSRB Gifts Notice (reminding dealers of the application of Rule G–20 and Rule G–17 in connection with certain payments made and expenses reimbursed during the municipal bond issuance process, and stating that the National Association of Securities Dealers, Inc.'s (''NASD'') guidance provided in NASD Notice to Members 06–69 (Dec. 2006) to assist dealers in complying with NASD Rule 3060 applies as well to comparable provisions of Rule G–20).

[10] *See* FINRA Letter to Amal Aly, SIFMA (Reasonable and Customary Bereavement Gifts), dated December 17, 2007 (stating that FINRA staff agrees that reasonable and customary bereavement gifts (*e.g.,* appropriate flowers, food platter for the mourners, perishable items intended to comfort the recipient or recipient's family) are not ''in relation to the business of the employer of the recipient'' under FINRA Rule 3060, but that bereavement gifts beyond what is reasonable and customary would be deemed to be gifts in relation to the business of the employer of the recipient and subject to the $100 limit of Rule 3060) (''FINRA bereavement gift guidance'').

gifts that previously were excluded from the $100 limit under the category of ''reminder advertising'' in the rule language regarding ''normal business dealings'' in existing section (b) of Rule G–20. The MSRB believes that these more specific categories in the proposed new subsections will assist regulated entities with their compliance obligations by providing additional guidance on the types of gifts that constitute reminder advertising under the existing rule. Those more specific categories are:

- Gifts commemorative of a business transaction, such as a desk ornament or Lucite tombstone (proposed subsection (d)(ii));
- de minimis gifts, such as pens and notepads (proposed subsection (d)(iii)); and
- promotional gifts of nominal value that bear an entity's corporate or other business logo and that are substantially below the $100 limit (proposed subsection (d)(iv)).

Proposed subsection (d)(v) would exclude bereavement gifts from the $100 limit. That proposed subsection would consolidate and codify the FINRA bereavement gift guidance currently applicable to dealers that exempts customary and reasonable bereavement gifts from the $100 limit. Under proposed subsection (d)(v), the bereavement gift would be required to be reasonable and customary for the circumstances.

Finally, proposed subsection (d)(vi) would exclude personal gifts given upon the occurrence of infrequent life events, such as a wedding gift or a congratulatory gift for the birth of a child. Similar to proposed subsection (d)(v), proposed subsection (d)(vi) would consolidate and codify the FINRA personal gift guidance currently applicable to dealers. That guidance exempts personal gifts that are not ''in relation to the business of the employer of the recipient'' [11] from the $100 limit. Proposed paragraph .04 of the Supplementary Material, discussed below, would provide guidance as to types of personal gifts that generally would not be subject to the $100 limit.

With regard to proposed subsections (d)(ii) through (vi), the ''frequency'' and ''extensiveness'' limitations applicable to proposed subsection (d)(i) would not apply. The MSRB is proposing to modify those limitations to better reflect the characteristics of the gifts described in proposed subsections (d)(ii) through (vi). Gifts described in those subsections would be gifts that are not subject to the $100 limit, and, typically would not give rise to a conflict of interest that Rule G–20 was designed to address. Transaction-commemorative gifts, de minimis gifts, promotional gifts, bereavement gifts, and personal gifts, as described in the proposed rule change, by their nature, are given infrequently and/or are of such nominal value that retaining the requirement that such gifts be ''not so frequent or extensive'' would be unnecessarily duplicative of the description of these gifts and could result in confusion.

To assist regulated entities with their understanding of the rule's exclusions and with their compliance with the rule, the proposed rule change would provide guidance regarding promotional gifts and ''other business logos'' (proposed paragraph .03 of the Supplementary Material) and personal gifts (proposed paragraph .04 of the Supplementary Material). Specifically, proposed paragraph .03 would clarify that the logos of a product or service being offered by a regulated entity, for or on behalf of a client or an affiliate of the regulated entity, would constitute an ''other business logo'' under proposed subsection (d)(iv). The promotional items bearing such logos, therefore, would be excluded from the $100 limit so long as they meet all of the other terms of proposed section (d) and proposed subsection (d)(iv), including the requirement that the promotional items not give rise to any apparent or actual material conflict of interest.[12] These items would qualify as excluded promotional gifts because they are as unlikely to result in improper influence as items that previously have been excluded (*i.e.,* those items bearing the corporate or other business logo of the regulated entity itself).

Proposed paragraph .04 of the Supplementary Material regarding personal gifts would state that a number of factors should be considered when determining whether a gift is in relation to the municipal securities or municipal advisory activities of the employer of the recipient. Those factors would include, but would not be limited to, the nature of any pre-existing personal or family relationship between the associated person giving the gift and the recipient and whether the associated person or the regulated entity with which he or she is associated paid for the gift.[13] Proposed paragraph .04 would also state that a gift would be presumed to be given in relation to the municipal securities or municipal advisory activities, as applicable, of the employer of the recipient when a regulated entity bears the cost of a gift, either directly or indirectly by reimbursing an associated person.

(iii) Exclusion for Compensation Paid as a Result of Contracts of Employment or Compensation for Services

Proposed section (f) would extend to municipal advisors the exclusion from the $100 limit in existing Rule G–20(c) for contracts of employment with or compensation for services that are rendered pursuant to a prior written agreement meeting certain content requirements. However, proposed section (f) would clarify that the type of payment that would be excluded from the general limitation of proposed section (c) is ''*compensation paid as a result of* contracts of employment,'' and not, simply, ''contracts of employment'' (emphasis added). The MSRB is proposing this amendment to clarify that the exclusion in proposed section (f) from the limitation of proposed section (c) does not apply to the existence or creation of employment contracts. Rather, that exclusion would apply to the compensation paid as a result of certain employment contracts. This amendment is only a clarification and would not alter the requirements currently applicable to dealers.

B. Consolidation and Codification of MSRB and FINRA Interpretive Guidance

As discussed above under ''Extension of Rule G–20 to Municipal Advisors and Municipal Advisory Activities and Clarifying Amendments,'' the proposed amendments would consolidate and codify existing FINRA interpretive guidance previously adopted by the MSRB and incorporate additional relevant FINRA interpretive guidance that has not previously been adopted by the MSRB. The interpretive guidance codified by the proposed amendments would provide that gifts and gratuities that generally would not be subject to the $100 limit would include: transaction-commemorating,[14] de

[11] NASD Notice to Members 06–69 (Dec. 2006).

[12] The logo of a 529 college savings plan (''529 plan'') for which a dealer is acting as a distributor would likely constitute an ''other business logo'' under proposed paragraph .03 of the Supplementary Material. For purposes of determining the applicability of proposed amended Rule G–20 and the exclusion from the $100 limit under proposed subsection (d)(iv), the analysis would ''look through'' to the ultimate recipient of the gift. For example, a state issuer arranges to have a box of 200 tee shirts containing the logo of its 529 advisor-sold plan delivered to the 529 plan's primary distributor. That distributor, in turn, provides the box of tee shirts to a selling firm. Registered representatives of that selling firm then distribute one tee shirt to each of 200 school children. Each gift of a tee shirt would constitute one gift to each school child.

[13] *See supra* n.11.

[14] Proposed subsection (d)(ii), on transaction-commemorative gifts.

minimis,[15] promotional,[16] bereavement [17] and personal gifts [18] discussed above.

The substance of the statement in the 2007 MSRB Gifts Notice, which provides that certain portions of the NASD Notice to Members 06–69 apply as well to comparable provisions of MSRB Rule G–20, would be codified in the proposed rule change, That portion of the interpretative guidance, accordingly, would be deleted. While FINRA's interpretive guidance regarding bereavement gifts was not formerly adopted by the MSRB, the MSRB believes that this guidance will be appropriate for regulated entities as it would be consistent with the purpose and scope of proposed amended Rule G–20. Further, the MSRB believes that the consolidation and codification of applicable interpretive guidance will foster compliance with the rule as well as create efficiencies for regulated entities and regulatory enforcement agencies.

In addition to the interpretive guidance discussed above, proposed paragraphs .01, .02, and .05 of the Supplementary Material would provide guidance relating to the valuation and the aggregation of gifts and to the applicability of state laws. Proposed paragraph .01 of the Supplementary Material would state that a gift's value should be determined generally according to the higher of its cost or market value. Proposed paragraph .02 of the Supplementary Material would state that regulated entities must aggregate all gifts that are subject to the $100 limit given by the regulated entity and each associated person of the regulated entity to a particular recipient over the course of a year however ''year'' is selected to be defined by the regulated entity (*i.e.,* calendar year or fiscal year, or rolling basis). Proposed paragraphs .01 and .02 reflect existing FINRA interpretive guidance regarding the aggregation of gifts for purposes of its gift rules, which the MSRB has previously adopted.[19]

Proposed paragraph .05 of the Supplementary Material would remind regulated entities that, in addition to all the requirements of proposed amended Rule G–20, regulated entities may also be subject to other duties, restrictions, or obligations under state or other laws. In addition, proposed paragraph .05 would provide that proposed amended Rule G–20 would not supersede any more restrictive provisions of state or other laws applicable to regulated entities or their associated persons. As applied to many municipal advisors previously unregistered with, and unregulated by, the MSRB and their associated persons, the provision would serve to directly alert or remind municipal advisors that additional laws and regulations may apply in this area.[20]

C. Prohibition of Reimbursement for Entertainment Expenses

Proposed section (e) of Rule G–20 would provide that a regulated entity is prohibited from requesting or obtaining reimbursement for certain entertainment expenses from the proceeds of an offering of municipal securities. This provision would address a matter highlighted by a recent FINRA enforcement action.[21] Specifically, proposed section (e) would provide that a regulated entity that engages in municipal securities or municipal advisory activities for or on behalf of a municipal entity or obligated person in connection with an offering of municipal securities is prohibited from requesting or obtaining reimbursement of its costs and expenses related to the entertainment of any person, including, but not limited to, any official or other personnel of the municipal entity or personnel of the obligated person, from the proceeds of such offering of municipal securities.

Proposed section (e), however, limits what would constitute an entertainment expense. Specifically, the term ''entertainment expenses'' would exclude ''ordinary and reasonable expenses for meals hosted by the regulated entity and directly related to the offering for which the regulated entity was retained.'' Proposed subsection (e) also would be intended to allow the continuation of the generally accepted market practice of a regulated entity advancing normal travel costs (*e.g.,* reasonable airfare and hotel accommodations) to personnel of a municipal entity or obligated person for business travel related to a municipal securities issuance, such as bond rating trips and obtaining reimbursement for such costs. Some examples of prohibited entertainment expenses that would, for purposes of proposed section (e), be included are tickets to theater, sporting or other recreational spectator events, sightseeing tours, and transportation related to attending such entertainment events.

D. Additional Proposed Amendments to Rule G–20

In addition to the previously discussed proposed amendments to Rule G–20, the MSRB also is proposing several amendments to assist readers with their understanding of and compliance with Rule G–20. These proposed amendments include (i) a revised rule title, (ii) a new provision stating the rule's purpose, and (iii) a re-ordering of existing provisions and additional defined terms.

(i) Amendment to Title

To better reflect the content of proposed amended Rule G–20, the title of the rule would be amended to include the phrase ''Expenses of Issuance.'' This amendment would alert readers that the rule addresses expenses that are related to the issuance of municipal securities and that the reader should consult the rule if a question arises regarding such a matter.

(ii) Addition of Purpose Section

Proposed section (a) would set forth the purpose of Rule G–20. It would include a brief synopsis of the rule's scope and function.

(iii) Re-ordering and Definitions of Terms

To assist readers with their understanding of the rule, proposed section (b), at the beginning of the proposed amended rule, would define terms that currently are included in the last section of existing Rule G–20, section (e).

The MSRB is also proposing to include three additional defined terms solely for the purposes of proposed amended Rule G–20: ''person,'' ''municipal advisor'' and ''regulated entity.'' ''Regulated entity'' would mean a broker, dealer, municipal securities dealer or municipal advisor, but would exclude the associated persons of such

[15] Proposed subsection (d)(iii), on de minimis gifts.

[16] Proposed subsection (d)(iv), on promotional gifts.

[17] Proposed subsection (d)(v), on bereavement gifts.

[18] Proposed subsection (d)(vi), on personal gifts.

[19] NASD Notice to Members 06–69 (Dec. 2006); 2007 MSRB Gifts Notice.

[20] The MSRB previously had provided this alert or reminder through interpretative guidance. *See* 2007 MSRB Gifts Notice (noting that state and local laws also may limit or proscribe activities of the type addressed in this notice).

[21] *Department of Enforcement* v. *Gardnyr Michael Capital, Inc. (CRD No. 30520) and Pfilip Gardnyr Hunt, Jr., FINRA Disciplinary Proceeding No. 2011026664301* (Jan. 28, 2014) (concluding that, while the hearing panel did not ''endorse the practice of municipal securities firms seeking and obtaining reimbursement for entertainment expenses incurred in bond rating trips,'' neither the MSRB's rules nor interpretive guidance put the dealer on fair notice that such conduct would be unlawful); *see* 2007 MSRB Gifts Notice (stating that ''dealers should consider carefully whether payments they make in regard to expenses of issuer personnel in the course of the bond issuance process, including in particular but not limited to payments for which dealers seek reimbursement from bond proceeds, comport with the requirements of'' Rules G–20 and G–17).

entities. Incorporation of this term into the rule would simplify and shorten the text of proposed amended Rule G–20 as it would replace applicable references within proposed amended Rule G–20 to dealers while also including municipal advisors. The term ''municipal advisor'' would have the same meaning as in Section 15B(e)(4) of the Exchange Act.[22] The MSRB included that term to clarify that proposed amended Rule G–20 would apply to municipal advisors that are such on the basis of providing advice and also that are such on the basis of undertaking a solicitation.[23] ''Person'' would mean a natural person, codifying the MSRB's existing interpretive guidance stating the same.[24]

Proposed Amendments to Rule G–8

Proposed amendments to Rule G–8 would extend to municipal advisors the recordkeeping requirements related to Rule G–20 that currently apply to dealers.[25] Those recordkeeping requirements would be set forth under proposed paragraphs (h)(ii)(A) and (B) of Rule G–8. Municipal advisors would be required to make and retain records of (i) all gifts and gratuities that are subject to the $100 limit and (ii) all agreements of employment or for compensation for services rendered and records of all compensation paid as a result of those agreements. Municipal advisor recordkeeping requirements would be identical to the recordkeeping requirements to which dealers would be subject in proposed amended Rule G–8(a)(xvii)(A) and (B) (discussed below). The MSRB believes that the proposed amendments to Rule G–8 will ensure common standards for municipal advisors and dealers, and will assist in the enforcement of proposed amended Rule G–20 by requiring that regulated entities, including municipal advisors, create and maintain records to document their compliance with proposed amended Rule G–20.

Further, the Board is proposing to amend the rule language contained in Rule G–8(a)(xvii)(A), (B), and (C) applicable to dealers, to reflect the revisions to proposed amended Rule G–20. Specifically, proposed amended paragraph (a)(xvii)(A) would provide that a separate record of any gift or gratuity *subject to the general limitation of* proposed amended Rule G–20(c) must be made and kept by dealers (emphasis added to amended rule text). The proposed amendments to paragraph (a)(xvii)(A) would track the reordering of sections in proposed amended Rule G–20 (replacing the reference to Rule G–20(a) with a reference to Rule G–20(c)) and would provide greater specificity as to the records that a dealer must maintain by referencing the terms used in proposed amended Rule G–20(c). Paragraph (a)(xvii)(B) would be amended to clarify that dealers must make and keep records of all agreements referred to in proposed amended Rule G–20(f) and *records of* all compensation paid as a result of those agreements (emphasis added to proposed amended rule text). Similar to paragraph (a)(xvii)(A), the proposed amendments to paragraph (a)(xvii)(B) would track the reordering of sections in proposed amended Rule G–20 (replacing the reference to Rule G–20(c) with a reference to proposed amended Rule G–20(f)) and would provide greater specificity as to the types of records that a dealer must maintain by referencing the terms used in proposed amended Rule G–20(f). Paragraph (a)(xvii)(C) also would be amended to track the reordering of sections in proposed amended Rule G–20 (replacing the references to Rule G–20(d) with references to proposed amended Rule G–20(g)).

2. Statutory Basis

Section 15B(b)(2) of the Exchange Act[26] provides that

> [t]he Board shall propose and adopt rules to effect the purposes of this title with respect to transactions in municipal securities effected by brokers, dealers, and municipal securities dealers and advice provided to or on behalf of municipal entities or obligated persons by brokers, dealers, municipal securities dealers, and municipal advisors with respect to municipal financial products, the issuance of municipal securities, and solicitations of municipal entities or obligated persons undertaken by brokers, dealers, municipal securities dealers, and municipal advisors.

Section 15B(b)(2)(C) of the Exchange Act[27] provides that the MSRB's rules shall be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities and municipal financial products, to remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, and, in general, to protect investors, municipal entities, obligated persons, and the public interest.

The MSRB believes that the proposed rule change is consistent with Section 15B(b)(2) and Section 15B(b)(2)(C) of the Exchange Act. The proposed rule change would help prevent fraudulent and manipulative practices, promote just and equitable principles of trade and protect investors, municipal entities, obligated persons and the public interest by reducing, or at least exposing, the potential for conflicts of interest in municipal advisory activities by extending the relevant provisions of existing Rule G–20 to municipal advisors and their associated persons. Proposed amended Rule G–20 would help ensure that engagements of municipal advisors, as well as engagements of dealers, are awarded on the basis of merit and not as a result of gifts made to employees controlling the award of such business. By expressly prohibiting the seeking of reimbursement from the proceeds of issuance expenses for the entertainment of any person, including any official or other municipal entity personnel or obligated person personnel, proposed amended Rule G–20 would serve as an effective means of curtailing such practices by providing regulated entities with clear notice and guidance regarding the existing MSRB regulations of such matters. Further, proposed amended Rule G–20 would enhance compliance with Rule G–20 by codifying certain MSRB interpretive guidance and by adopting and codifying certain FINRA interpretive guidance. This codification not only will heighten regulated entity compliance and efficiency (and heighten regulatory enforcement efficiency), but will help prevent inadvertent violations of Rule G–20.

In addition, the proposed amendments to Rule G–8 would assist in the enforcement of Rule G–20 by extending the relevant existing recordkeeping requirements of Rule G–8 that currently are applicable to dealers to municipal advisors. Regulated

[22] 15 U.S.C. 78*o*–4(e)(4).

[23] *Id.*

[24] *See* MSRB Interpretive Letter ''Person'' (Mar. 19, 1980).

[25] The MSRB solicited comments regarding possible amendments to Rule G–9 in its Request for Comment on Draft Amendments to MSRB Rule G–20, on Gifts, Gratuities and Non-Cash Compensation, to Extend its Provisions to Municipal Advisors, MSRB Notice 2014–18 (Oct. 23, 2014). However, the MSRB omitted those amendments from this proposed rule change because their substance subsequently was addressed by a separate rulemaking initiative. *See* Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, Consisting of Proposed New Rule G–44, on Supervisory and Compliance Obligations of Municipal Advisors; Proposed Amendments to Rule G–8, on Books and Records to be Made by Brokers, Dealers and Municipal Securities Dealers; and Proposed Amendments to Rule G–9, on Preservation of Records, Exchange Act Release No. 73415 (Oct. 23, 2014), 79 FR 64423 (Oct. 29, 2014) (File No. SR–MSRB–2014–06).

[26] 15 U.S.C. 78*o*–4(b)(2).

[27] 15 U.S.C. 78*o*–4(b)(2)(C).

entities, in a consistent and congruent manner, would be required to create and maintain records of (i) any gifts subject to the $100 limit in proposed amended Rule G–20(c) and (ii) all agreements for services referred to in proposed amended Rule G–20(f), along with the compensation paid as a result of such agreements. The MSRB believes that the requirement that all regulated entities create and retain the documents required by proposed amended Rule G–8 will allow organizations that examine regulated entities to more precisely monitor and promote compliance with the proposed rule change. Increased compliance with the proposed rule change would likely reduce the frequency and magnitude of conflicts of interests that could potentially result in harm to investors, municipal entities, or obligated persons, or undermine the public's confidence in the municipal securities market.

Section 15B(b)(2)(L)(iv) of the Exchange Act [28] requires that rules adopted by the Board:

> not impose a regulatory burden on small municipal advisors that is not necessary or appropriate in the public interest and for the protection of investors, municipal entities, and obligated persons, provided that there is robust protection of investors against fraud.

The MSRB believes that while the proposed rule change will affect all municipal advisors, it is a necessary regulatory burden because it will curb practices that could harm municipal entities and obligated persons. Specifically, the MSRB believes the proposed rule change will lessen the frequency and severity of violations of the public trust by elected officials and others involved in the issuance of municipal securities that might otherwise have their decisions regarding the awarding of municipal advisory business influenced by the gifts given by regulated entities and their associated persons. While the proposed rule change would burden some small municipal advisors, the MSRB believes that any such burden is outweighed by the need to maintain the integrity of the municipal securities market and to preserve investor and public confidence in the municipal securities market, including the bond issuance process.

The MSRB also believes that the proposed rule change is consistent with Section 15B(b)(2)(G) of the Exchange Act,[29] which provides that the MSRB's rules shall

> prescribe records to be made and kept by municipal securities brokers, municipal securities dealers, and municipal advisors and the periods for which such records shall be preserved.

The proposed rule change would extend the provisions of existing Rule G–8 to require that municipal advisors as well as dealers make and keep records of: gifts given that are subject to the $100 limit; and all agreements referred to in proposed section (f) (on compensation for services) and records of compensation paid as a result of those agreements. The MSRB believes that the proposed amendments to Rule G–8 related to books and records will promote compliance with and facilitate enforcement of proposed amended Rule G–20, other MSRB rules such as Rule G–17, and other applicable securities laws and regulations.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

Section 15B(b)(2)(C) of the Exchange Act [30] requires that MSRB rules not be designed to impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act. In addition, Section 15B(b)(2)(L)(iv) of the Exchange Act provides that MSRB rules may not impose a regulatory burden on small municipal advisors that is not necessary or appropriate in the public interest and for the protection of investors, municipal entities, and obligated persons provided that there is robust protection of investors against fraud.[31]

In determining whether these standards have been met, the MSRB was guided by the Board's Policy on the Use of Economic Analysis in MSRB Rulemaking.[32] In accordance with this policy, the Board has evaluated the potential impacts on competition of the proposed rule change, including in comparison to reasonable alternative regulatory approaches, relative to the baseline. The MSRB also considered other economic impacts of the proposed rule change and has addressed any comments relevant to these impacts in other sections of this document.

The MSRB does not believe that the proposed rule change will impose any additional burdens on competition, relative to the baseline, that are not necessary or appropriate in furtherance of the purposes of the Exchange Act. To the contrary, the MSRB believes that the proposed rule change is likely to increase competition.

Extending the relevant current restrictions to municipal advisors and their municipal advisory activities will, the MSRB believes, promote merit-based (*e.g.,* the quality of advice, level of expertise and services offered by the municipal advisor) and price-based competition for municipal advisory services and curb or limit the selection or retention of a municipal advisor based on the receipt of gifts. A market in which the participants compete on the basis of price and quality is more likely to represent a ''level playing field'' for existing providers and encourage the entry of well-qualified new providers. Of particular note is the positive impact the proposed changes are likely to have on dealers that are also municipal advisors that may currently be at a competitive disadvantage vis-à-vis municipal advisors that are not subject to any of the current restrictions of Rule G–20 or the associated requirements of Rule G–8.

The proposed prohibition against the use of offering proceeds to pay certain entertainment expenses, which would apply to all regulated entities, is also, for the reasons stated above, likely to have no negative impact on competition and, to the contrary, may foster greater competition among all regulated entities.

The MSRB considered whether costs associated with the proposed rule change, relative to the baseline, could affect the competitive landscape. The MSRB recognizes that the compliance, supervisory and recordkeeping requirements associated with the proposed rule change may impose costs and that those costs may disproportionately affect municipal advisors that are not also broker-dealers or that have not otherwise previously been regulated in this area and have not already established compliance programs to comply with the current requirements of Rule G–20 or the associated requirements of Rule G–8 and MSRB Rule G–27. During the comment period, the MSRB sought information that would support quantitative estimates of these costs, but did not receive any relevant data.

For those municipal advisors with no Rule G–20 compliance program or relevant experience, however, the MSRB believes the existing requirements of MSRB Rule G–44 provide a foundation upon which Rule G–20 specific compliance activities can be built and likely significantly reduces the marginal cost of complying with the proposed changes to Rule G–20. To further reduce

[28] 15 U.S.C. 78*o*–4(b)(2)(L)(iv).

[29] 15 U.S.C. 78*o*–4(b)(2)(G).

[30] 15 U.S.C. 78*o*–4(b)(2)(C).

[31] 15 U.S.C. 78*o*–4(b)(2)(L)(iv).

[32] Policy on the Use of Economic Analysis in MSRB Rulemaking, available at, *http://www.msrb.org/About-MSRB/Financial-and-Other-Information/Financial-Policies/Economic-Analysis-Policy.aspx.*

compliance costs and reduce inadvertent violations of Rule G–20, the MSRB has distilled and incorporated additional interpretive guidance that was not previously included in the draft amendments and clarified specific points. The MSRB believes these refinements will help minimize costs that could affect the competitive landscape and will particularly benefit smaller firms.

Nonetheless, the MSRB recognizes that small municipal advisors and sole proprietors may not employ full-time compliance staff and that the cost of ensuring compliance with the requirements of the proposed rule change may be proportionally higher for these smaller firms, potentially leading to exit from the industry or consolidation. However, as the SEC recognized in its Order Adopting the SEC Final Rule, the market for municipal advisory services is likely to remain competitive despite the potential exit of some municipal advisors (including small entity municipal advisors) or the consolidation of municipal advisors.[33]

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The MSRB received eight comment letters [34] in response to the Request for Comment on the draft amendments to Rules G–20 and G–8. Many commenters expressed support for the draft amendments. NAMA welcomed the amendments and their attempt to limit the gaining of influence through the giving of gifts and gratuities. BDA and SIFMA expressed their general support of extending Rule G–20's requirements to municipal advisors as each believed the amendments would promote a level-playing field for the regulation of municipal advisors and dealers acting in the municipal securities and municipal advisory marketplace. Several commenters, however, expressed concerns or suggested changes to the draft amendments. The comment letters are summarized and addressed below by topic.

A. $100 Limit

NAMA and PFM expressed concerns that the $100 limit would not adequately apply to gifts given to certain recipients that, in their opinion, should be subject to the $100 limit of proposed amended Rule G–20. Further, NAMA and Anonymous suggested revisions to the amount of the $100 limit.

(i) Application of Proposed Amended Rule G–20(c) to Certain Recipients

NAMA believed the $100 limit would not apply to gifts given to employees or officials of municipal entities or obligated persons.[35] In NAMA's view, such persons, for the most part, do not engage in ''municipal advisory activities'' or ''municipal securities business'' as such business is proposed to be defined in amended MSRB Rule G–37, on political contributions and prohibitions on municipal securities business.

The MSRB has determined not to revise proposed amended Rule G–20(c) in response to NAMA's concerns. Even if employees or officials of municipal entities or obligated persons generally do not engage in ''municipal advisory activities,'' the MSRB has made clear in existing interpretive guidance regarding Rule G–20 that issuer personnel are considered to engage in ''municipal securities activities.'' [36] The language of both existing Rule G–20 and proposed amended Rule G–20 applies to gifts given in relation to this broad term, ''municipal securities activities,'' and not the narrower term, ''municipal securities business,'' which was developed for the particular purposes of MSRB Rule G–37.

PFM believed that section (c) of proposed amended Rule G–20 would not apply to gifts given to elected or appointed issuer officials, because the government, in its view, is not their ''employer.'' Existing Rule G–20(a), however, which would be retained as proposed amended Rule G–20(c), broadly defines ''employer'' to include ''a principal for whom the recipient of a payment or service is acting as agent or representative.'' [37] Thus, for purposes of existing and proposed amended Rule G–20, elected and appointed officials are considered employees of the governmental entity on behalf of which they act as agent or representative.

(ii) Changing the Amount of the $100 Limit

NAMA and Anonymous submitted comments regarding changing the amount of the $100 limit. NAMA proposed that the $100 limit be raised to $250 per person per year, believing this would strike the appropriate balance of allowing reasonable and customary gift giving while also limiting conflicts of interest, and would align Rule G–20 with MSRB Rule G–37. NAMA stated that, in Rule G–37, the MSRB determined that the contribution level of $250 (without the exceptions in Rule G–20) was sufficient to address the needs of individuals seeking to give political contributions while not allowing those contributions to be so excessive as to allow the contributor to gain undue influence. NAMA proposed that supplementary material be added to state, in effect, that occasional gifts of meals or tickets to theatrical, sporting, and other entertainments that are hosted by the regulated entity would be presumed to be so extensive as to raise a question of propriety if they exceed $250 in any year in conjunction with any gifts provided under Rule G–20(c). NAMA asserted that because the purposes of Rule G–20 and Rule G–37 are united in their attempt to limit a dealer's or a municipal advisor's ability to gain undue influence through the

[33] Exchange Act Release No. 70462 (Sept. 20, 2013) 78 FR 67468, 67608 (Nov. 12, 2013).

[34] Comments were received in response to the Request for Comment from: An anonymous attorney (''Anonymous''), Bond Dealers of America: Letter from Michael Nicholas, Chief Executive Officer, dated December 8, 2014 (''BDA''); Chris Taylor, dated October 23, 2014 (''Taylor''); FCS Group: Letter from Taree Bollinger, dated October 24, 2014 (''FCS''); Investment Company Institute: Letter from Tamara K. Salmon, Senior Associate Counsel, dated December 5, 2014 (''ICI''); National Association of Municipal Advisors: Letter from Terri Heaton, President, dated December 8, 2014 (''NAMA'') (formerly, National Association of Independent Public Finance Advisors); The PFM Group: Letter from Joseph J. Connolly, Counsel, dated November 7, 2014 (''PFM''); and Securities Industry and Financial Markets Association: Letter from Leslie M. Norwood, Managing Director and Associate General Counsel, dated December 8, 2014 (''SIFMA'').

[35] NAMA stated that the term ''municipal securities activities'' is not defined by the proposed rule change, but did not provide any explanation of its statement or reason for its statement. The term ''municipal securities activities'' is a term that is used in existing Rule G–20 and frequently throughout the MSRB Rule Book.

[36] *See, e.g.,* 2007 MSRB Gifts Notice (stating that dealers should consider carefully whether payments of expenses they make in regard to expenses of issuer personnel, in the course of the bond issuance process, comport with Rules G–20 and G–17). The MSRB does not suggest that it has relevant regulatory authority over municipal entities or obligated persons; rather, the MSRB can appropriately regulate the conduct of dealers and municipal advisors in the giving of gifts to personnel of municipal entities and obligated persons.

[37] *See, e.g.,* First Fidelity Securities Group, Exchange Act Release No. 36694, Administrative Proceeding File No. 3–8917 (Jan. 9, 1996) (finding violations of Rule G–20 based on payments to financial consultants of issuer, concluding they were ''agent[s] or representative[s]'' of issuer within the meaning of the rule). *See* Self-Regulatory Organizations; Order Approving A Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to Recordkeeping & Record Retention Requirements Concerning Gifts & Gratuities, Exchange Act Release No. 34372 (July 13, 1994) (File No. SR–MSRB–94–7) (''Rule G–20 is intended to prevent fraud and inappropriate influence in the municipal securities market by limiting the amount of gifts or gratuities from municipal securities dealers to persons not employed by the dealers, including issuer officials and employees of other dealers, in relation to municipal securities activities.'' (citation omitted)).

giving of gifts or contributions, that the rules should be written similarly.

Anonymous suggested that the MSRB set a $20 or less per gift limit and lower the $100 limit to $50 per year to level the playing field among all types of municipal advisors and to attain broader compatibility with various federal, state and local regulations regarding gifts. Anonymous further stated that the effective limit to a municipal advisor who also is registered as an investment adviser and subject to the requirements of the Investment Advisers Act of 1940 (the ''Advisers Act'') (a ''municipal advisor/investment adviser''), even in the absence of proposed amended G–20 generally would be zero because, in its view, a municipal advisor/investment adviser is subject to Advisers Act Rule 206(4)–5 (the Advisers Act ''pay to play'' rule) in its municipal advisory activities.[38] Anonymous stated that Rule 206(4)–5 defines payments as ''any gift, subscription, loan, advance, or deposit of money or anything of value,'' and contains no *de minimis* exception.

Rule G–37 is designed to address potential political corruption that may result from pay-to-play practices,[39] and as such, is tailored in light constitutional First Amendment concerns. Existing Rule G–20, on the other hand, is designed to address commercial bribery by minimizing the conflicts of interest that arise when a dealer attempts to induce organizations active in the municipal securities market to engage in business with such dealers by means of gifts or gratuities given to employees of such organizations.[40] Rules G–37 and G–20 thus address substantially different regulatory needs in different legal contexts, and the dollar thresholds used in those rules currently differ on that basis. The MSRB believes that the mere purported alignment with Rule G–37 is an insufficient justification for raising the $100 limit.

Further, the parallel that Anonymous draws between proposed amended Rule G–20 and the SEC's regulation of political contributions by certain investment advisors under Advisers Act Rule 206(4)–5 fails to account for the difference in the scope of each regulation. Specifically, Anonymous' interpretation of the regulations fails to recognize the much broader application of proposed amended Rule G–20. Proposed amended Rule G–20 would apply to any gifts given in relation to any of the municipal securities or municipal advisory activities of the recipient's employer. Advisers Act Rule 206(4)–5, on the other hand, is much narrower in application—it restricts only payments for a solicitation of a government entity for investment advisory services.[41] Also, proposed amended Rule G–20 would explicitly apply to gifts given to many regulated persons (*e.g.,* associated persons of dealers and municipal advisors). By contrast, the complete prohibition Anonymous cites from Advisers Act Rule 206(4)–5 does not apply to payments to defined regulated persons. While it may be appropriate to limit payment for a solicitation to zero unless certain conditions are met, this is not a sufficient rationale to reduce the $100 limit for gifts in proposed amended Rule G–20(c). Adopting Anonymous' recommendation would likely result in an overly and unnecessarily restrictive prohibition that would not allow for appropriate social interactions between regulated entities and their prospective and/or actual business associates. The MSRB, at this time, has determined not to decrease the $100 limit for gifts set forth in proposed amended Rule G–20(c).

B. Gifts Not Subject to the $100 Limit

(i) ''Normal Business Dealings''

NAMA expressed concern that proposed amended Rule G–20(d), which sets forth the exclusions from the $100 limit, leaves open opportunities for abuse particularly because the associated books and records requirement does not require the maintenance of records of excluded gifts. NAMA expressed concern in particular regarding proposed subsection (d)(i), which would, under certain circumstances, exclude from the $100 limit the giving of occasional meals or tickets to theatrical, sporting or entertainment events. In NAMA's view, regulated entities would be able to engage in otherwise impermissible gift giving under the guise of ''normal business dealings,'' and such gift giving likely would result in the improper influence that Rule G–20 was designed to curtail. NAMA suggested modifying the amended rule to impose an aggregate limit of $250 on all gifts given as part of ''normal business dealings,'' believing the aggregate limit would be consistent with the dollar threshold used in MSRB Rule G–37.

The MSRB, like NAMA, is concerned that the exclusions from the $100 limit not be abused. For this reason, proposed amended Rule G–20 would place important conditions on the several types of excluded gifts, including those in the category of ''normal business dealings.'' All of the gifts described in proposed section (d) would be excluded only if they do not ''give rise to any apparent or actual material conflict of interest,'' and, under proposed section (d)(i), ''normal business dealing'' gifts would be excluded only if they are not ''so frequent or so extensive as to raise any question of propriety.'' Moreover, dealers and municipal advisors are subject to the fundamental fair-dealing obligations of MSRB Rule G–17. Rule G–17 likely addresses at least some of the concerns raised by NAMA by prohibiting regulated entities from characterizing excessive or lavish expenses for the personal benefit of issuer personnel as an expense of the issue, as such behavior could possibly constitute a deceptive, dishonest or unfair practice.[42] The MSRB has determined at this juncture not to further revise proposed amended Rule G–20 because the MSRB believes the proposed rule change adequately addresses the concerns raised by NAMA relating to excluded gifts generally and ''normal business dealings'' in particular.

(ii) Nominal Value Standard for Promotional Gifts

ICI expressed concern regarding proposed amended Rule G–20(d)(iv), which provides that promotional gifts generally would not be subject to the $100 limit if such gifts are of nominal value, *i.e.,* ''substantially below the general $100 limit.'' ICI stated that this standard is too vague, would be difficult to comply with, and that the resulting ambiguity would permit the MSRB to second guess a regulated entity's good faith effort to comply with the rule. ICI stated that deleting the phrase would better align Rule G–20 with FINRA's comparable non-cash compensation rule for investment company securities, and would facilitate registrants' compliance with such rules.

Since 2007, the MSRB has used the ''substantially below the general $100 limit'' standard by way of its

[38] 17 CFR 275.206(4)–5.

[39] Exchange Act Release No. 33868, 59 FR 17621, 17624 (Apr. 13, 1994) (File No. SR–MSRB–1994–02).

Pay-to-play practices typically involve a person making a cash or in-kind political contribution (or soliciting or coordinating with others to make such contributions) in an attempt to influence the selection of the contributor to engage in municipal securities activities or municipal advisory activities.

[40] *See supra* n.5.

[41] 17 CFR 275.206(4)–5.

[42] *See* 2007 MSRB Gifts Notice (stating that a dealer should be aware that characterizing excessive or lavish expenses for the personal benefit of issuer personnel as an expense of the issue, may, depending on all the facts and circumstances, constitute a deceptive, dishonest, or unfair practice in violation of Rule G–17).

interpretive guidance, which incorporates FINRA guidance to the same effect under the FINRA gift and non-cash compensation rules.[43] The MSRB believes that it is appropriate at this time to retain this standard for determining whether a promotional gift is of nominal value because, among other reasons, the current standard is harmonized with more analogous FINRA regulation, ICI's concern about consequences from perceived vagueness is speculative, and a bright-line limit could distort behavior resulting in increased gift giving at or near any bright-line limit.

(iii) Gifts of Promotional Items and ''Other Business Logos''

ICI requested clarification regarding the application of proposed amended Rule G–20 to promotional gifts that display the brand or logo of the product for which the regulated entity is acting as a distributor, such as a 529 college savings plan, and not the brand or logo of the regulated entity itself. ICI stated its belief that Rule G–20 would not appear to be triggered when a regulated entity utilizes promotional gifts that display the logo of a client or product of a regulated entity, such as a logo for a 529 college savings plan, because such gifts do not promote that regulated entity's brand or logo. ICI recommended that the MSRB clarify that proposed amended Rule G–20(c) does not apply at all in such instances, and that the regulated entity therefore need not rely on an exclusion for the giving of such promotional gifts.

The restrictions of proposed Rule G–20 are not, as suggested by ICI, triggered because a gift given by a regulated entity or its associated person promotes that regulated entity's brand or logo. Rather, proposed amended Rule G–20 has potential application to the giving of ''*any* thing or service of value'' in relation to the recipient's employer's municipal securities or municipal advisory activities (emphasis added). The proposed amended rule provides for exclusions of certain gifts, including the exclusion for promotional gifts ''displaying the regulated entity's corporate or other business logo.'' As such, if the gift items described by ICI meet all of the requirements to qualify for an exclusion as described in proposed section (d) and proposed subsection (d)(iv), then the restrictions of proposed amended Rule G–20(c) would not apply. Proposed paragraph .03 to the Supplementary Material would provide this guidance regarding promotional gifts, and due to the apparent misapprehension of the scope of the rule in the commentary, would clarify that such gifts are potentially subject to the $100 limit of proposed amended section (c).

C. Incorporation of Applicable FINRA Interpretive Guidance

NAMA commented that the MSRB should codify all applicable FINRA guidance on gifts and gratuities into the rule language of Rule G–20. NAMA noted that many municipal advisors are not FINRA members and stated that regulated entities (particularly non-FINRA members) should not be expected to review FINRA interpretive guidance to fully understand their obligations under Rule G–20.

The MSRB generally agrees with NAMA. In addition, the MSRB recognizes that some municipal advisors may be establishing compliance programs to comply with MSRB rules for the first time. The MSRB further believes that it will be more efficient for all regulated entities and regulatory enforcement agencies if additional applicable FINRA interpretive guidance is codified in proposed amended Rule G–20. As such, the MSRB has distilled and included in proposed amended Rule G–20 the substance of additional portions of the interpretive guidance contained in NASD Notice to Members 06–69 addressing the valuation and aggregation of gifts. As previously noted, proposed paragraph .01 of the Supplementary Material would state that a gift's value should be determined by regulated entities generally according to the higher of cost or market value. Proposed paragraph .02 of the Supplementary Material would state that regulated entities must aggregate all gifts that are subject to the $100 limit given by the regulated entity and each associated person of the regulated entity to a particular recipient over the course of a year.

D. Alignment With FINRA Rules

ICI commented that it is supportive of the MSRB's rulemaking effort to align, when appropriate, MSRB rules with congruent FINRA rules, and that the comments ICI submitted were intended to foster additional alignment with FINRA rules. In particular, ICI stated that the MSRB should consider how it might better align Rule G–20 with FINRA's comparable rules, including NASD Rule 2830(l)(5) since that rule was not addressed in the MSRB's Request for Comment. In addition, ICI suggested that the MSRB should monitor FINRA's retrospective review relating to gifts, gratuities and non-cash compensation and consider making conforming amendments to its rules to keep in line with any amendments that FINRA might adopt.

As part of the MSRB's rulemaking process, the MSRB considers the appropriateness and implications of harmonization between MSRB and FINRA rules that address similar subject matters. The MSRB believes that such harmonization, when practicable, can facilitate compliance and reduce the cost of compliance for regulated entities.

As discussed above, the MSRB has consolidated and proposed to codify a significant portion of FINRA's interpretive guidance set forth in NASD Notice to Members 06–69 on gifts and gratuities in proposed amended Rule G–20. In addition, portions of proposed amended Rule G–20 and existing Rule G–20 are substantially similar to other applicable NASD and FINRA rules, including NASD Rule 2830(l)(5), Investment Company Securities, and FINRA Rule 2320(g)(4), Variable Contracts of an Insurance Company. With regard to FINRA's retrospective review of its gifts, gratuities and non-cash compensation rules, the MSRB has monitored from the beginning of this rulemaking initiative, and continues to monitor, FINRA's activities in this area, and may consider further potential harmonization if FINRA proposes or adopts any amendments to its relevant rules.

E. Entertainment Expenses and Bond Proceeds

(i) Definition of Entertainment Expenses

BDA, NAMA, SIFMA, and Anonymous requested clarification regarding the expenses that would be subject to the prohibition in proposed amended Rule G–20(e). BDA requested that the MSRB clarify ''entertainment expenses'' versus expenses for ''normal and necessary meals'' and ''normal travel costs.'' BDA also suggested that the MSRB treat a regulated entity's meals with clients that are generally part of travel separately from items like tickets to sporting or theatrical events, which BDA believed was clearly entertainment. BDA requested that, if the MSRB were to not amend proposed amended Rule G–20(e) itself, that the MSRB should provide interpretive guidance to clarify the issue.

NAMA commented that the entertainment expense reimbursement prohibition was appropriate and suitably tailored. Nevertheless, NAMA believed that it would be clearer if entertainment expenses were defined as ''necessary expenses for meals that comply with the expense guidelines of the municipal entity for their personnel

[43] FINRA Rules 3220 and 2320; NASD Rule 2820.

(any amounts in excess would not be reimbursable and subject to limitation).''

SIFMA commented that ''entertainment expenses'' should not include expenses ''reasonably related to a legitimate business purpose.'' SIFMA stated that such a revision to the draft rule language would improve the clarity of the rule and would aid in compliance with the rule. Further, SIFMA suggested that the entertainment expense provision might be clearer if the provision stated that meals that are ''a fair and reasonable amount, indexed to inflation, such as not to exceed $100 per person'' are not, for purposes of the provision, entertainment expenses and therefore not subject to the prohibition.

Anonymous suggested that the MSRB modify proposed section (e) to clarify that the prohibition is not intended to unnecessarily restrict how a regulated entity may appropriately use the fees it earns from its clients when the fees are paid from the proceeds of an offering of municipal securities.

After careful consideration of these comments, the MSRB has included a clarification in the proposed entertainment expense provision to conform proposed amended Rule G–20(e) to a standard used in tax law for analogous purposes. That tax law standard is used to identify a legitimate connection to business activity and avoid excess expenses in relation to that activity. The modification replaces the phrase ''reasonable and necessary expenses for meals'' with ''*ordinary and reasonable* expenses for meals'' (emphasis added) hosted by the regulated entity and directly related to the offering for which the regulated entity was retained. Beyond this modification, the MSRB believes that the proposed entertainment expense provision, including with respect to its scope, is sufficiently clear. The MSRB believes that the inclusion of a discrete dollar limit or other more prescriptive language as suggested by some commenters would result in an overly inflexible rule. Further, the MSRB believes that making the scope of the prohibition turn on the existence and parameters of client entertainment and gift policies, as suggested by NAMA, would result in a lack of uniformity and potential confusion among market participants.

(ii) Other Comments Regarding Entertainment Expenses and Bond Proceeds

SIFMA stated that it agreed with the intent of the prohibition of seeking or obtaining reimbursement for entertainment expenses from the proceeds of an issuance of municipal securities. Nonetheless, SIFMA commented that it was concerned: (i) About the ''function and interpretation of the prohibition;'' (ii) that the entertainment expense provision would prohibit a practice which is currently not prohibited by MSRB rules; [44] (iii) that regulated entities should be able to accommodate clients that would like entertainment expenses to be paid for and reimbursed to the dealer out of the proceeds of the offering; [45] and (iv) that the provision augurs ''federal regulatory creep'' over state and local issuers, which would ''become another area where regulators will hold dealers responsible indirectly for state and local issuer behavior that they cannot regulate directly.'' Anonymous stated that it believed the entertainment prohibition provision would prohibit an investment adviser registered under the Advisers Act (''RIA'') employed by firms that also employ municipal advisors from obtaining reimbursement for appropriate business expenses (such as an RIA taking a commercial client of their investment advisory business out to lunch to discuss business) because it construed the firm's funds (which were earned municipal advisory fees paid to the firm from bond proceeds) as retaining their character as ''bond proceeds.''

Proposed amended Rule G–20(e) would address a concern of the MSRB that reimbursement of certain expenses from bond proceeds may violate MSRB rules, including Rules G–20 and G–17.[46] The MSRB has provided guidance that obtaining reimbursement for expenses from bond proceeds, even ''if thought to be a common industry practice'' may raise a question under applicable MSRB rules depending on ''the character, nature and extent of expenses paid by dealers or reimbursed as an expense of the issue.'' [47] The MSRB believes that proposed amended Rule G–20(e) will promote just and equitable principles of trade.

Further, the proposed reimbursement prohibition is explicitly limited in its application to the conduct of dealers and municipal advisors. It would not prohibit a municipal entity from using bond proceeds to pay for entertainment costs, though other laws or regulations outside of MSRB rules may apply. The proposed prohibition also would not preclude dealers and municipal advisors from providing business entertainment—*i.e.,* items or services of value—that is within the scope of ''normal business dealing,'' which would include, for example, meals or tickets to theatrical, sporting or other entertainments, subject to the conditions of proposed amended Rule G–20(d)(i) (the provision on normal business dealings).

Accordingly, the MSRB has determined not to revise proposed amended Rule G–20, at this time, in response to the comments from SIFMA or Anonymous relating to the entertainment expense reimbursement prohibition.

F. Application of Non-Cash Compensation Provisions to Municipal Advisors

In response to the Request for Comment, NAMA commented that the provisions of draft amended section (g), which would have extended the non-cash compensation provisions in connection with primary offerings that currently apply to dealers to municipal advisors and their associated persons, appeared to be inapplicable to non-dealer municipal advisors. Anonymous supported the extension of such provisions to municipal advisors.

After carefully considering the comments, the MSRB believes, at this juncture, that extending the requirements of proposed section (g) to a municipal advisor and any associated person thereof is not necessary. However, the MSRB intends to monitor the activities of municipal advisors in relation to its rules, and may revisit this matter at a future date.

G. Potential Regulatory Alternatives

Anonymous suggested that the MSRB consider two alternatives to proposed amended Rule G–20. According to Anonymous, to ensure that municipal advisors/investment advisers are not unduly disadvantaged by the ability of non-RIAs to give gifts, the MSRB should incorporate Advisers Act Rule 206(4)–5 into Rule G–20 and clarify that Rule 206(4)–5 also applies to municipal advisory activities of any MSRB-regulated entity. Anonymous believed that because Rule 206(4)–5 already applies to municipal advisors/investment advisers, the incorporation of that rule into Rule G–20 would reduce duplicative rulemaking and would increase regulatory certainty.

[44] SIFMA stated that it understood that such practices may be permitted or prohibited depending on state or local laws.

[45] The MSRB believes that SIFMA's recommendation would circumvent the purpose of the proposed entertainment expense provision because it would allow dealers to seek or obtain reimbursement for entertainment expenses from an issuer by including such expenses in the underwriter's discount. The MSRB believes that SIFMA's suggested change would be contrary to the intent of the proposed entertainment expense provision.

[46] *See supra* n. 21.

[47] *Id.*

Alternatively, Anonymous suggested that the MSRB recommend to the SEC that it adjust Rule 206(4)–5 to be more compatible with proposed amended Rule G–20 as to the municipal advisory activities of municipal advisors/investment advisers.

The MSRB believes that Anonymous's concerns are addressed by other MSRB rules or rule provisions that the MSRB has already proposed. Advisers Act Rule 206(4)–5 prohibits an investment adviser from providing or agreeing to provide, directly or indirectly, payments to solicit a government entity for investment advisory services unless such person is a defined regulated person. MSRB Rule G–38, solicitation of municipal securities business, flatly prohibits a dealer, directly or indirectly, from paying any person who is not an affiliated person of the dealer for a solicitation of municipal securities business on behalf of such dealer. In addition, proposed MSRB Rule G–42, on duties of non-solicitor advisors, currently pending with the SEC for approval or disapproval, would generally prohibit payments for solicitations with certain limited exceptions that would include allowing payments that constitute ''normal business dealings'' as defined in Rule G–20, reasonable fees paid to another registered municipal adviser, and payments to an affiliate. The MSRB therefore believes that it is unnecessary to incorporate Advisers Act Rule 206(4)–5 into Rule G–20 to address Anonymous's concerns.

H. Recordkeeping Requirements

(i) Recordkeeping for Certain Gifts Not Subject to $100 Limit

NAMA commented that a regulated entity should be required to maintain records for gifts that are subject to either the normal business dealing exclusion under proposed amended Rule G–20(d)(i) or the personal gift exclusion under proposed amended Rule G–20(d)(vi). NAMA noted that gifts that constitute normal business dealings within proposed amended Rule G–20(d)(i) require recordkeeping to comply with certain requirements of the Internal Revenue Service and of various municipalities, such as in California. Therefore, according to NAMA, imposing a recordkeeping requirement would not be an entirely new burden, would provide protection against pay-to-play activities and would provide a means to determine whether such gifts give rise to questions of impropriety or conflicts of interest. NAMA also commented that, to afford meaningful enforcement, the MSRB should require a regulated entity to keep records of any personal gifts given pursuant to proposed amended Rule G–20(d)(iv) that were paid for, directly or indirectly, by the regulated entity.

After carefully considering the comments, the MSRB continues to believe that the recordkeeping requirements of Rule G–8(h) that relate to Rule G–20 should be limited to items that are subject to the $100 limit. The MSRB believes this approach to recordkeeping under Rule G–20 will continue to harmonize with existing FINRA recordkeeping requirements for dealers. Moreover, significant safeguards that are provided by other MSRB rules, including Rules G–27, G–44, and G–17, weigh against imposing the additional recordkeeping burdens on regulated entities suggested by NAMA. As the MSRB reminded dealers in its 2007 MSRB Gifts Notice on Rule G–20, dealers are required to have supervisory policies and procedures in place under Rule G–27 that are reasonably designed to prevent and detect violations of Rule G–20 (and of other applicable securities laws).[48] Recently adopted Rule G–44, on supervision and compliance obligations of municipal advisors, imposes similar supervisory requirements on municipal advisors. Further, and also as the MSRB reminded dealers in 2007 in particular contexts, the making of payments that might not otherwise be subject to Rule G–20 could constitute separate violations of Rule G–17, which currently applies to municipal advisors and dealers.[49]

(ii) Recordkeeping of Services Agreements

PFM objected to the draft amendment to Rule G–8(h)(ii)(B) that would require municipal advisors to keep all agreements referred to in draft amended G–20(f), on compensation for services. PFM stated that this requirement would be a substantial and unjustified burden on municipal advisors due to the large number of transactions for which, it believed, they would need to maintain records. Furthermore, PFM believed that the MSRB does not have statutory authority to require recordkeeping of contracts for services of a non-securities related nature and stated that it believed that Rule G–8(h)(ii)(B) would require such recordkeeping. PFM suggested that draft amended Rule G–8(h)(ii)(B) be revised to limit the required agreements to those ''relied upon by the registrant pursuant to Rule G–20(c)'' rather than those ''referred to in Rule G–20(f).'' FCS requested clarification as to whether Rule G–8(h)(ii)(B) would require a municipal advisor to keep a record of every contract the municipal advisor enters into ''for municipal advisory services whether or not any gifts [were] given.''

The comments from PFM and FCS appear to be predicated on a misunderstanding of the types of agreements that are referred to in proposed section (f). The proposed section provides that the $100 limit does not apply to compensation for services that are rendered pursuant to a prior written agreement meeting certain content requirements. Thus, the agreements referred to in proposed section (f) are those under which compensation would otherwise be subject to the $100 limit (*i.e.,* compensation in relation to the municipal securities or municipal advisory activities of the employer of the recipient). As such, agreements of a non-securities related nature, about which PFM expressed concern, would not be required to be kept by proposed amended Rule G–8(h)(ii)(B).

(iii) Recordkeeping by Registered Investment Advisers

Anonymous commented that it believed that while the draft recordkeeping requirements were relevant, such requirements were unnecessary for municipal advisors/investment advisers because, according to Anonymous, RIAs are required to keep such records under the Advisers Act Rule 206(4)–3.[50] Anonymous suggested that the MSRB consider exempting municipal advisors/investment advisers from the recordkeeping requirements associated with Rule G–20.

To help ensure a level playing field as well as to enhance compliance and enforcement, the MSRB believes that all regulated entities, including municipal advisors/investment advisers, should be subject to substantially identical recordkeeping requirements associated with Rule G–20. Therefore, regardless of whether a regulated entity also may be subject to a comparable requirement under other federal securities laws, that regulated entity would be required to comply with Rule G–20's associated recordkeeping requirements.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period of

[48] 2007 MSRB Gifts Notice.

[49] *Id.*

[50] 17 CFR 275.206(4)–3.

up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–MSRB–2015–09 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–MSRB–2015–09. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the MSRB. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MSRB–2015–09 and should be submitted on or before October 13, 2015.

For the Commission, pursuant to delegated authority.[51]

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2015–23975 Filed 9–21–15; 8:45 am]

**BILLING CODE 8011–01P**

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–75930; File No. SR–NYSEArca–2015–73]**

## Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, Relating to Listing and Trading of Shares of the Guggenheim Total Return Bond ETF Under NYSE Arca Equities Rule 8.600

September 16, 2015.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on September 1, 2015, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') 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 self-regulatory organization. On September 15, 2015, the Exchange filed Amendment No. 1 to the proposed rule change.[4] The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the following under NYSE Arca Equities Rule 8.600 (''Managed Fund Shares''): Guggenheim Total Return Bond ETF. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of the Guggenheim Total Return Bond ETF (the ''Fund'') under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares.[5] The Shares will be offered by the Claymore Exchange-Traded Fund Trust 2 (the ''Trust''),[6] a statutory trust organized under the laws of the State of Delaware and registered with the Commission as an open-end management investment company.[7]

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[51] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Amendment No. 1 replaces and supersedes the original filing in its entirety.

[5] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Equities Rule 5.2(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[6] The Trust is registered under the 1940 Act. On November 25, 2014, the Trust filed with the Commission an amendment to its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) (''Securities Act'') and the 1940 Act relating to the Fund (File Nos. 333–135105 and 811–21910) (the ''Registration Statement''). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 29271 (May 18, 2010) (File No. 812–13534) (''Exemptive Order'').

[7] The Commission previously approved listing and trading on the Exchange of the following actively managed funds under Rule 8.600. *See* Securities Exchange Act Release Nos. 57801 (May 8, 2008), 73 FR 27878 (May 14, 2008) (SR–NYSEArca–2008–31) (order approving Exchange listing and trading of twelve actively-managed

Continued

The investment adviser for the Fund is Guggenheim Partners Investment Management, LLC (''Adviser''). The Bank of New York Mellon is the custodian and transfer agent for the Fund. Guggenheim Funds Distributors, LLC is the distributor for the Fund.[8]

Commentary .06 to Rule 8.600 provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[9] In addition, Commentary .06 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the open-end fund's portfolio. The Adviser is affiliated with a broker-dealer and has represented that it has implemented a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio. In the event (a) the Adviser or any sub-adviser becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser becomes affiliated with a broker-dealer, it will implement a fire wall with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

## Principal Investment Strategies

According to the Registration Statement, the Fund's investment objective is to seek maximum total return, comprised of income and capital appreciation. The Fund will normally[10] invest at least 80% of its assets in ''Fixed-Income Instruments'' (as defined below) of varying maturities and of any credit quality, which may be represented by certain derivative instruments as discussed below,[11] and exchange-traded funds (''ETFs'')[12] and exchange-traded and over-the-counter (''OTC'') closed-end funds (''CEFs'') (which may include ETFs and CEFs affiliated with the Fund) that invest substantially all of their assets in Fixed-Income Instruments (the ''80% Policy''). The Fixed-Income Instruments in which the Fund will invest, as described further below, are the following. bonds, including corporate bonds;[13] other debt securities[14] of U.S. and non-U.S. issuers; securities issued by the U.S. government or its agencies, instrumentalities or sponsored corporations (including those not backed by the full faith and credit of the U.S. government); agency and non-agency mortgage-backed securities (''MBS'') and asset-backed securities (''ABS'');[15] U.S. agency mortgage pass-through securities;[16] repurchase agreements; reverse repurchase agreements; convertible securities;[17]

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funds of the WisdomTree Trust); 60981 (November 10, 2009), 74 FR 59594 (November 18, 2009) (SR–NYSEArca–2009–79) (order approving listing of five fixed income funds of the PIMCO ETF Trust); 63329 (November 17, 2010), 75 FR 71760 (November 24, 2010) (SR–NYSEArca–2010–86) (order approving listing of Peritus High Yield ETF) ; 64550 (May 26, 2011), 76 FR 32005 (June 2, 2011) (SR–NYSEArca–2011–11) (order approving listing of Guggenheim Enhanced Core Bond ETF and Guggenheim Enhanced Ultra-Short Bond ETF).

[8] The Commission has previously approved a proposed rule change relating to listing and trading of shares of the Guggenheim Enhanced Total Return ETF under NYSE Arca Equities Rule 8.600. *See* Securities Exchange Act Release Nos. 68488 (December 20, 2012), 77 FR 76326 (December 27, 2012) (SR–NYSEArca–2012–142) (notice of filing of proposed rule change regarding listing and trading of shares of the Guggenheim Enhanced Total Return ETF under NYSE Arca Equities Rule 8.600) (the ''Prior Notice''); 68863 (February 7, 2013), 78 FR 10222 (February 13, 2013) (SR–NYSEArca–2012–142) (order approving proposed rule change relating to listing and trading of shares of the Guggenheim Enhanced Total Return ETF under NYSE Arca Equities Rule 8.600) (the ''Prior Order'' and, together with the Prior Notice, the ''Prior Release'')). Shares of the Guggenheim Enhanced Total Return ETF have not commenced Exchange listing and trading. The Guggenheim Total Return Bond ETF would replace the Guggenheim Enhanced Total Return ETF as approved in the Prior Release. As set forth in the Registration Statement, the Fund's investments will differ from those described in the Prior Release. This proposed rule change supersedes the Prior Release in its entirety. In addition, prior to commencement of trading of Shares of the Fund, the Trust will file an amendment to its Registration Statement to change the name of the Guggenheim Enhanced Total Return ETF to the Guggenheim Total Return Bond ETF.

[9] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[10] The term ''normally'' includes, but is not limited to, the absence of extreme volatility or trading halts in the securities markets or the financial markets generally; circumstances under which the Fund's investments are made for temporary defensive purposes; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

[11] *See* ''The Fund's Use of Derivatives,'' *infra.* The Fund will invest in the following derivative instruments on Fixed-Income Securities: Foreign exchange forward contracts, exchange-traded futures on securities, indices, currencies and other investments; exchange-traded and OTC options; exchange-traded and OTC options on futures contracts; exchange-traded and OTC interest rate swaps, cross-currency swaps, total return swaps, inflation swaps, and credit default swaps; and options on such swaps.

[12] For purposes of this filing, ETFs consist of Investment Company Units (as described in NYSE Arca Equities Rule 5.2(j)(3)), Portfolio Depositary Receipts (as described in NYSE Arca Equities Rule 8.100; and Managed Fund Shares (as described in NYSE Arca Equities Rule 8.600). All ETFs will be listed and traded in the U.S. on a national securities exchange. While the Fund may invest in inverse ETFs, the Fund will not invest in leveraged (*e.g.,* 2X, -2X, 3X or -3X) ETFs.

[13] The Adviser expects that normally the Fund generally will seek to invest at least 75% of its corporate bond assets in issuances that have at least $100,000,000 par amount outstanding in developed countries or at least $200,000,000 par amount outstanding in emerging market countries.

[14] Debt securities and other similar instruments may be of varying maturities and of any credit quality rating.

[15] The MBS in which the Fund may invest may also include residential mortgage-backed securities (''RMBS''), collateralized mortgage obligations (''CMOs'') and commercial mortgage-backed securities (''CMBS''). The ABS in which the Fund may invest include collateralized debt obligations (''CDOs''). CDOs include collateralized bond obligations (''CBOs''), collateralized loan obligations (''CLOs'') and other similarly structured securities. A CBO is a trust which is backed by a diversified pool of high risk, below investment grade fixed income securities. A CLO is a trust typically collateralized by a pool of loans, which may include domestic and foreign senior secured loans, senior unsecured loans, and subordinate corporate loans, including loans that may be rated below investment grade or equivalent unrated loans.

[16] The Fund will seek to obtain exposure to U.S. agency mortgage pass-through securities primarily through the use of ''to-be-announced'' or ''TBA transactions.'' ''TBA'' refers to a commonly used mechanism for the forward settlement of U.S. agency mortgage pass-through securities, and not to a separate type of mortgage-backed security. Most transactions in mortgage pass-through securities occur through the use of TBA transactions. TBA transactions generally are conducted in accordance with widely-accepted guidelines which establish commonly observed terms and conditions for execution, settlement and delivery.

[17] According to the Registration Statement, convertible securities include bonds, debentures, notes, preferred stocks and other securities that may be converted into a prescribed amount of common stock or other equity securities at a specified price and time.

commercial instruments;[18] variable or floating rate instruments and variable rate demand instruments;[19] zero-coupon and pay-in-kind securities;[20] bank instruments, including certificates of deposit (''CDs''), time deposits and bankers' acceptances from U.S. banks;[21] and participations in and assignments of bank loans or corporate loans, which loans include senior loans, syndicated bank loans, junior loans, bridge loans,[22] unfunded commitments,[23] revolving credit facilities (''revolvers''),[24] and participation interests.[25]

With respect to Fixed Income Instrument investments, the Fund may invest in restricted securities (Rule 144A securities), which are subject to legal restrictions on their sale. The Fund has no target duration for its investment portfolio.

In addition, with respect to Fixed Income Instrument investments, the Fund may, without limitation, seek to obtain market exposure to the securities in which it primarily invests by entering into a series of purchase and sale contracts or by using other investment techniques (such as buy backs or dollar rolls).

The Fund may also use leverage to the extent permitted under the 1940 Act by entering into reverse repurchase agreements and borrowing transactions (principally lines of credit) for investment purposes. The Fund's exposure to reverse repurchase agreements will be covered by securities having a value equal to or greater than such commitments. Under the 1940 Act, reverse repurchase agreements are considered borrowings. Although there is no limit on the percentage of Fund assets that can be used in connection with reverse repurchase agreements, the Portfolio does not expect to engage, under normal circumstances, in reverse repurchase agreements with respect to more than 331/3% of its assets.

Other Investments

While the Fund normally will invest at least 80% of its assets in the securities and financial instruments described above, the Fund may invest its remaining assets in the securities and financial instruments described below.

According to the Registration Statement, the Fund may invest in exchange-traded and OTC hybrid instruments, which combine a traditional stock, bond, or commodity with an option or forward contract. Generally, the principal amount, amount payable upon maturity or redemption, or interest rate of a hybrid is tied (positively or negatively) to the price of some commodity, currency or securities index or another interest rate or some other economic factor (''underlying benchmark'').[26]

According to the Registration Statement, the Fund is permitted to invest in structured notes, which are debt obligations that also contain an embedded derivative component with characteristics that adjust the obligation's risk/return profile. Generally, the performance of a structured note will track that of the underlying debt obligation and the derivative embedded within it.

According to the Registration Statement, the Fund may invest in credit-linked notes, which are a type of structured note. The difference between a credit default swap and a credit-linked note is that the seller of a credit-linked note receives the principal payment from the buyer at the time the contract is originated. Through the purchase of a credit-linked note, the buyer assumes the risk of the reference asset and funds this exposure through the purchase of the note. The buyer takes on the exposure to the seller to the full amount of the funding it has provided. The seller has hedged its risk on the reference asset without acquiring any additional credit exposure. The Fund has the right to receive periodic interest payments from the issuer of the credit-linked note at an agreed-upon interest rate and a return of principal at the maturity date.

According to the Registration Statement, the Fund may invest in risk-linked securities (''RLS''), which are a form of derivative issued by insurance companies and insurance-related special purpose vehicles that apply securitization techniques to catastrophic property and casualty damages.[27]

[18] Commercial instruments include commercial paper, master notes, asset-backed commercial paper and other short-term corporate instruments. Commercial paper normally represents short-term unsecured promissory notes issued in bearer form by banks or bank holding companies, corporations, finance companies and other issuers. Commercial paper may be traded in the secondary market after its issuance. Master notes are demand notes that permit the investment of fluctuating amounts of money at varying rates of interest pursuant to arrangements with issuers who meet the quality criteria of the Fund. Master notes are generally illiquid and therefore subject to the Fund's percentage limitations for investments in illiquid securities. Asset-backed commercial paper is issued by a special purpose entity that is organized to issue the commercial paper and to purchase trade receivables or other financial assets.

[19] Variable or floating rate instruments and variable rate demand instruments, including variable amount master demand notes, will normally involve industrial development or revenue bonds that provide that the rate of interest is set as a specific percentage of a designated base rate (such as the prime rate) at a major commercial bank. In addition, the interest rate on these securities may be reset daily, weekly or on some other reset period and may have a floor or ceiling on interest rate changes. The Adviser will monitor the pricing, quality and liquidity of the variable or floating rate securities held by the Fund.

[20] Zero-coupon and pay-in-kind securities are debt securities that do not make regular cash interest payments. Zero-coupon securities are sold at a deep discount to their face value. Pay-in-kind securities pay interest through the issuance of additional securities.

[21] A bankers' acceptance is a bill of exchange or time draft drawn on and accepted by a commercial bank. A CD is a negotiable interest-bearing instrument with a specific maturity.

[22] Bridge loans are short-term loan arrangements (*e.g.,* maturities that are generally less than one year) typically made by a borrower following the failure of the borrower to secure other intermediate-term or long-term permanent financing. A bridge loan remains outstanding until more permanent financing, often in the form of high yield notes, can be obtained. Most bridge loans have a step-up provision under which the interest rate increases incrementally the longer the loan remains outstanding so as to incentivize the borrower to refinance as quickly as possible. In exchange for entering into a bridge loan, the Fund typically will receive a commitment fee and interest payable under the bridge loan and may also have other expenses reimbursed by the borrower. Bridge loans may be subordinate to other debt and generally are unsecured.

[23] Unfunded commitments are contractual obligations pursuant to which the Fund agrees in writing to make one or more loans up to a specified amount at one or more future dates. The underlying loan documentation sets out the terms and conditions of the lender's obligation to make the loans as well as the economic terms of such loans. The portion of the amount committed by a lender that the borrower has not drawn down is referred to as ''unfunded.'' Loan commitments may be traded in the secondary market through dealer desks at large commercial and investment banks although these markets are generally not considered liquid.

[24] Revolving credit facilities (''revolvers'') are borrowing arrangements in which the lender agrees to make loans up to a maximum amount upon demand by the borrower during a specified term. As the borrower repays the loan, an amount equal to the repayment may be borrowed again during the term of the revolver. Revolvers usually provide for floating or variable rates of interest.

[25] All or a significant portion of the loans in which the Fund will invest may be below investment grade quality. There will be no minimum par amount outstanding with respect to loans in which the Fund may invest.

[26] According to the Registration Statement, certain hybrid instruments may provide exposure to the commodities markets. These are derivative securities with one or more commodity-linked components that have payment features similar to commodity futures contracts, commodity options, or similar instruments. Commodity-linked hybrid instruments may be either equity or debt securities, and are considered hybrid instruments because they have both security and commodity-like characteristics. A portion of the value of these instruments may be derived from the value of a commodity, futures contract, index or other economic variable. The Fund would only invest in commodity-linked hybrid instruments that qualify, under applicable rules of the Commodity Futures Trading Commission, for an exemption from the provisions of the Commodity Exchange Act (7 U.S.C. 1).

[27] RLS are typically debt obligations for which the return of principal and the payment of interest are contingent on the non-occurrence of a pre-defined ''trigger event.'' Depending on the specific terms

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The Fund may invest a portion of its assets in high-quality money market instruments on an ongoing basis to provide liquidity.

The Fund may invest in U.S. and foreign common stocks, both exchange-listed and OTC.

The Fund may gain exposure to commodities through the use of investments in exchange-traded products (''ETPs'') [28] and exchange-traded notes (''ETNs'').[29]

The Fund may invest in the securities of exchange-traded and OTC real estate investment trusts (''REITs'').

Investment Restrictions

The Fund may invest up to 20% of its total assets in the aggregate in MBS and ABS that are privately issued, non-agency and non-government sponsored entity (''Private MBS/ABS''), and in asset-backed commercial paper.[30] Such holdings would be subject to the respective limitations on the Fund's investments in illiquid assets and high yield securities. The liquidity of a security, especially in the case of Private MBS/ABS, will be a substantial factor in the Fund's security selection process.

The Fund may invest up to 20% of its total assets in the aggregate in junior loans, bridge loans, unfunded commitments, and revolvers. Such holdings would be subject to the respective limitations on the Fund's investments in illiquid assets and high yield securities. The liquidity of such securities will be a substantial factor in the Fund's security selection process.

The Fund may invest in debt securities and instruments that are economically tied to emerging market countries.[31]

The Fund may invest without limitation in securities denominated in foreign currencies and in U.S. dollar-denominated securities of foreign issuers.

The Fund may invest up to 33⅓% of its total assets in high yield debt securities (''junk bonds''), which are debt securities that are rated below investment grade by nationally recognized statistical rating organizations, or are unrated securities that the Adviser believes are of comparable below investment grade quality. The Fund may invest in defaulted or distressed Private MBS/ABS.

The Fund will be considered non-diversified and can invest a greater portion of assets in securities of individual issuers than a diversified fund.[32]

The Fund may not invest more than 25% of the value of its net assets in securities of issuers in any one industry or group of industries. This restriction does not apply to obligations issued or guaranteed by the U.S. Government, its agencies or instrumentalities.[33]

The Fund's investments, including investments in derivative instruments, are subject to all of the restrictions under the 1940 Act, including restrictions with respect to illiquid assets. The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities, Private MBS/ABS, master notes, loans and loan commitments deemed illiquid by the Adviser,[34] consistent with Commission guidance.[35] The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.[36]

The Fund intends to qualify for and to elect to be treated as a separate regulated investment company (''RIC'') under Subchapter M of the Internal Revenue Code.[37]

The Fund's investments will be consistent with the Fund's investment objective and will not be used to enhance leverage. That is, while the Fund will be permitted to borrow as permitted under the 1940 Act, the Fund's investments will not be used to seek performance that is the multiple or inverse multiple (*i.e.,* 2Xs and 3Xs) of the Fund's primary broad-based securities benchmark index (as defined in Form N–1A).[38]

The Fund's Use of Derivatives

The Fund proposes to seek certain exposures through derivative transactions as described below. The Fund may invest in the following derivative instruments: Foreign exchange forward contracts; exchange-traded futures on securities, indices, currencies and other investments; exchange-traded and OTC options; exchange-traded and OTC options on

and structure of the RLS, this trigger could be the result of a hurricane, earthquake or some other catastrophic event. Insurance companies securitize this risk to transfer to the capital markets the truly catastrophic part of the risk exposure. A typical RLS provides for income and return of capital similar to other fixed-income investments, but would involve full or partial default if losses resulting from a certain catastrophe exceeded a predetermined amount.

[28] Such ETPs include Trust Issued Receipts (as described in NYSE Arca Equities Rule 8.200); Commodity-Based Trust Shares (as described in NYSE Arca Equities Rule 8.201); Currency Trust Shares (as described in NYSE Arca Equities Rule 8.202); Commodity Index Trust Shares (as described in NYSE Arca Equities Rule 8.203); and Trust Units (as described in NYSE Arca Equities Rule 8.500).

[29] ETNs include Index-Linked Securities (as described in NYSE Arca Equities Rule 5.2(j)(6)).

[30] *See* note 18, supra.

[31] *See* note 13, *supra*. Generally, the Fund considers an instrument to be economically tied to an emerging market country through consideration of some or all of the following factors: (i) Whether the issuer is the government of the emerging market country (or any political subdivision, agency, authority or instrumentality of such government), or is organized under the laws of the emerging market country; (ii) amount of the issuer's revenues that are attributable to the emerging market country; (iii) the location of the issuer's management; (iv) if the security is secured or collateralized, the country in which the security or collateral is located; and/or (v) the currency in which the instrument is denominated or currency fluctuations to which the issuer is exposed.

[32] A ''non-diversified company,'' as defined in Section 5(b)(2) of the 1940 Act, means any management company other than a diversified company (as defined in Section 5(b)(1) of the 1940 Act).

[33] *See* Form N–1A, Item 9. The Commission has taken the position that a fund is concentrated if it invests more than 25% of the value of its total assets in any one industry. *See, e.g.*, Investment Company Act Release No. 9011 (October 30, 1975), 40 FR 54241 (November 21, 1975).

[34] In reaching liquidity decisions with respect to Rule 144A securities, the Adviser may consider the following factors: The frequency of trades and quotes for the security; the number of dealers willing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace in which it trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers, and the mechanics of transfer).

[35] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. See Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), footnote 34. *See also*, Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. See Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a–7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the 1933 Act).

[36] *See id.*

[37] 26 U.S.C. 851.

[38] The Fund's broad-based securities benchmark index will be identified in a future amendment to the Registration Statement following the Fund's first full calendar year of performance.

futures contracts; exchange-traded and OTC interest rate swaps, cross-currency swaps, total return swaps, inflation swaps and credit default swaps; and options on such swaps (''swaptions'').[39] Generally, derivatives are financial contracts whose value depends upon, or is derived from, the value of an underlying asset, reference rate or index, and may relate to stocks, bonds, interest rates, currencies or currency exchange rates, commodities, and related indexes. The Fund may, but is not required to, use derivative instruments for risk management purposes or as part of its investment strategies.[40] The Fund may also engage in derivative transactions for speculative purposes to enhance total return, to seek to hedge against fluctuations in securities prices, interest rates or currency rates, to change the effective duration of its portfolio, to manage certain investment risks and/or as a substitute for the purchase or sale of securities or currencies.

Investments in derivative instruments will be made in accordance with the 1940 Act and consistent with the Fund's investment objective and policies. As described further below, the Fund will typically use derivative instruments as a substitute for taking a position in the underlying asset and/or as part of a strategy designed to reduce exposure to other risks, such as interest rate or currency risk. The Fund may also use derivative instruments to enhance returns. To limit the potential risk associated with such transactions, the Fund will segregate or ''earmark'' assets determined to be liquid by the Adviser in accordance with procedures established by the Trust's Board of Trustees (the ''Board'') and in accordance with the 1940 Act (or, as permitted by applicable regulation, enter into certain offsetting positions) to cover its obligations under derivative instruments. These procedures have been adopted consistent with Section 18 of the 1940 Act and related Commission guidance. In addition, the Fund will include appropriate risk disclosure in its offering documents, including leveraging risk. Leveraging risk is the risk that certain transactions of the Fund, including the Fund's use of derivatives, may give rise to leverage, causing the Fund to be more volatile than if it had not been leveraged.[41] Because the markets for certain securities, or the securities themselves, may be unavailable or cost prohibitive as compared to derivative instruments, suitable derivative transactions may be an efficient alternative for the Fund to obtain the desired asset exposure.

The Adviser believes that derivatives can be an economically attractive substitute for an underlying physical security that the Fund would otherwise purchase. For example, the Fund could purchase Treasury futures contracts instead of physical Treasuries or could sell credit default protection on a corporate bond instead of buying a physical bond. Economic benefits include potentially lower transaction costs or attractive relative valuation of a derivative versus a physical bond (*e.g.*, differences in yields).

The Adviser further believes that derivatives can be used as a more liquid means of adjusting portfolio duration as well as targeting specific areas of yield curve exposure, with potentially lower transaction costs than the underlying securities (*e.g.*, interest rate swaps may have lower transaction costs than physical bonds). Similarly, money market futures can be used to gain exposure to short-term interest rates in order to express views on anticipated changes in central bank policy rates. In addition, derivatives can be used to protect client assets through selectively hedging downside (or ''tail risks'') in the Fund.

The Fund also can use derivatives to increase or decrease credit exposure. Index credit default swaps (CDX) can be used to gain exposure to a basket of credit risk by ''selling protection'' against default or other credit events, or to hedge broad market credit risk by ''buying protection''. Single name credit default swaps (CDS) can be used to allow the Fund to increase or decrease exposure to specific issuers, saving investor capital through lower trading costs. The Fund can use total return swap contracts to obtain the total return of a reference asset or index in exchange for paying a financing cost. A total return swap may be more efficient than buying underlying securities of an index, potentially lowering transaction costs.

The Fund may attempt to reduce foreign currency exchange rate risk by entering into contracts with banks, brokers or dealers to purchase or sell foreign currencies at a future date (''forward contracts'').[42]

The Adviser believes that the use of derivatives will allow the Fund to selectively add diversifying sources of return from selling options. Option purchases and sales can also be used to hedge specific exposures in the portfolio, and can provide access to return streams available to long-term investors such as the persistent difference between implied and realized volatility. Option strategies can generate income or improve execution prices (*i.e.*, covered calls).

In addition to the Fund's use of derivatives in connection with its 80% Policy, under the proposal the Fund would seek to invest in derivative instruments not based on Fixed-Income Instruments, consistent with the Fund's investment restrictions relating to exposure to those asset classes.

Valuation Methodology for Purposes of Determining Net Asset Value

According to the Registration Statement, the net asset value (''NAV'') of the Fund's Shares will be determined by dividing the total value of the Fund's portfolio investments and other assets, less any liabilities, by the total number of Shares outstanding. Fund Shares will be valued as of the close of regular trading (normally 4:00 p.m., Eastern time (''E.T.'')) (the ''NYSE Close'') on each day NYSE Arca is open (''Business Day''). Information that becomes known to the Fund or its agents after the NAV has been calculated on a particular day will not generally be used to retroactively adjust the price of a portfolio asset or the NAV determined earlier that day. The Fund reserves the right to change the time its NAV is calculated if the Fund closes earlier, or as permitted by the Commission.

For purposes of calculating NAV, portfolio securities and other assets for which market quotes are readily available will be valued at market value. Market value will generally be determined on the basis of last reported sales prices, or if no sales are reported,

[39] Options on swaps are traded OTC. In the future, in the event that there are exchange-traded options on swaps, the Fund may invest in these instruments.

[40] The Fund will seek, where possible, to use counterparties whose financial status is such that the risk of default is reduced; however, the risk of losses resulting from default is still possible. The Adviser will monitor the financial standing of counterparties on an ongoing basis. This monitoring may include information provided by credit agencies, as well as the Adviser's credit analysts and other team members who evaluate approved counterparties using various methods of analysis, including but not limited to earnings updates, the counterparty's reputation, the Adviser's past experience with the broker-dealer, market levels for the counterparty's debt and equity, the counterparty's liquidity and its share of market participation.

[41] To mitigate leveraging risk, the Adviser will segregate or ''earmark'' liquid assets or otherwise cover the transactions that may give rise to such risk.

[42] A foreign currency forward contract is a negotiated agreement between the contracting parties to exchange a specified amount of currency at a specified future time at a specified rate. The rate can be higher or lower than the spot rate between the currencies that are the subject of the contract.

based on quotes obtained from a quotation reporting system, established market makers, or pricing services. Domestic and foreign fixed income securities and non-exchange-traded derivatives will normally be valued on the basis of quotes obtained from brokers and dealers or pricing services using data reflecting the earlier closing of the principal markets for those assets. Prices obtained from independent pricing services use information provided by market makers or estimates of market values obtained from yield data relating to investments or securities with similar characteristics. Exchange-traded options and options on futures will generally be valued at the settlement price determined by the applicable exchange.

Derivatives for which market quotes are readily available will be valued at market value. Local closing prices will be used for all instrument valuation purposes. Futures will be valued at the last reported sale or settlement price on the day of valuation. Swaps traded on exchanges such as the Chicago Mercantile Exchange (''CME'') or the Intercontinental Exchange (''ICE–US'') will use the applicable exchange closing price where available.

Foreign currency-denominated derivatives will generally be valued as of the respective local region's market close.

With respect to specific derivatives:

- Currency spot and forward rates from major market data vendors [43] will generally be determined as of the NYSE Close.
- Exchange-traded futures will generally be valued at the settlement price of the relevant exchange.
- A total return swap on an index will be valued at the publicly available index price. The index price, in turn, is determined by the applicable index calculation agent, which generally values the securities underlying the index at the last reported sale price.
- Equity total return swaps will generally be valued using the actual underlying equity at local market closing, while bank loan total return swaps will generally be valued using the evaluated underlying bank loan price minus the strike price of the loan.
- Exchange-traded non-equity options, (for example, options on bonds, Eurodollar options and U.S. Treasury options), index options, and options on futures will generally be valued at the official settlement price determined by the relevant exchange, if available.
- OTC and exchange-traded equity options will generally be valued on a basis of quotes obtained from a quotation reporting system, established market makers, or pricing services or at the settlement price of the applicable exchange.
- OTC foreign currency (FX) options will generally be valued by pricing vendors.
- All other swaps such as interest rate swaps, inflation swaps, swaptions, credit default swaps, and CDX/CDS will generally be valued by pricing services.

Exchange-traded equity securities (including common stocks, ETPs, ETFs, ETNs, CEFs, exchange-traded convertible securities, REITs and preferred securities) will be valued at the official closing price or the last trading price on the exchange or market on which the security is primarily traded at the time of valuation. If no sales or closing prices are reported during the day, exchange-traded equity securities will generally be valued at the mean of the last available bid and ask quotation on the exchange or market on which the security is primarily traded, or using other market information obtained from quotation reporting systems, established market makers, or pricing services. Investment company securities that are not exchange-traded will be valued at NAV. Equity securities traded OTC will be valued based on price quotations obtained from a broker-dealer who makes markets in such securities or other equivalent indications of value provided by a third-party pricing service. Structured notes, exchange-traded and OTC hybrids and RLS will be valued based on prices obtained from an independent pricing vendor such as IDC or Reuters or on the basis of prices obtained from brokers and dealers. Fixed Income Instruments will generally be valued on the basis of independent pricing services or quotes obtained from brokers and dealers.

If a foreign security's value has materially changed after the close of the security's primary exchange or principal market but before the NYSE Close, the security will be valued at fair value based on procedures established and approved by the Board. Foreign securities that do not trade when the NYSE is open will also be valued at fair value.

The Board has adopted policies and procedures for the valuation of the Fund's investments (the ''Valuation Procedures''). Pursuant to the Valuation Procedures, the Board has delegated to a valuation committee, consisting of representatives from Guggenheim's investment management, fund administration, legal and compliance departments (the ''Valuation Committee''), the day-to-day responsibility for implementing the Valuation Procedures, including, under most circumstances, the responsibility for determining the fair value of the Fund's securities or other assets. Valuations of the Fund's securities are supplied primarily by pricing services appointed pursuant to the processes set forth in the Valuation Procedures. The Valuation Committee convenes monthly, or more frequently as needed and will review the valuation of all assets which have been fair valued for reasonableness. The Fund's officers, through the Valuation Committee and consistent with the monitoring and review responsibilities set forth in the Valuation Procedures, regularly review procedures used by, and valuations provided by, the pricing services.

Debt securities with a maturity of greater than 60 days at acquisition will be valued at prices that reflect broker/dealer supplied valuations or are obtained from independent pricing services, which may consider the trade activity, treasury spreads, yields or price of bonds of comparable quality, coupon, maturity, and type, as well as prices quoted by dealers who make markets in such securities. Short-term securities with remaining maturities of 60 days or less will be valued at market price, or if a market price is not available, at amortized cost, provided such amount approximates market value. Money market instruments will be valued at net asset value.

Generally, trading in foreign securities markets is substantially completed each day at various times prior to the close of the NYSE. The values of foreign securities are determined as of the close of such foreign markets or the close of the NYSE, if earlier. All investments quoted in foreign currency will be valued in U.S. dollars on the basis of the foreign currency exchange rates prevailing at the close of U.S. business at 4:00 p.m. E.T. The Valuation Committee will determine the current value of such foreign securities by taking into consideration certain factors which may include those discussed above, as well as the following factors, among others: The value of the securities traded on other foreign markets, closed-end fund trading, foreign currency exchange activity, and the trading prices of financial products that are tied to foreign securities. In addition, under the Valuation Procedures, the Valuation Committee and the Adviser are authorized to use prices and other information supplied

[43] Major market data vendors may include, but are not limited to: Thomson Reuters, JPMorgan Chase PricingDirect Inc., Markit Group Limited, Bloomberg, Interactive Data Corporation or other major data vendors.

by a third party pricing vendor in valuing foreign securities.

Investments for which market quotations are not readily available will be fair valued as determined in good faith by the Adviser, subject to review by the Valuation Committee, pursuant to methods established or ratified by the Board. Valuations in accordance with these methods are intended to reflect each security's (or asset's) ''fair value.'' Each such determination will be based on a consideration of all relevant factors, which are likely to vary from one pricing context to another. Examples of such factors may include, but are not limited to: (i) The type of security, (ii) the initial cost of the security, (iii) the existence of any contractual restrictions on the security's disposition, (iv) the price and extent of public trading in similar securities of the issuer or of comparable companies, (v) quotations or evaluated prices from broker-dealers and/or pricing services, (vi) information obtained from the issuer, analysts, and/or the appropriate stock exchange (for exchange traded securities), (vii) an analysis of the company's financial statements, and (viii) an evaluation of the forces that influence the issuer and the market(s) in which the security is purchased and sold (*e.g.*, the existence of pending merger activity, public offerings or tender offers that might affect the value of the security).

Investments initially valued in currencies other than the U.S. dollar will be converted to the U.S. dollar using exchange rates obtained from pricing services. As a result, the NAV of the Fund's Shares may be affected by changes in the value of currencies in relation to the U.S. dollar. The value of securities traded in markets outside the United States or denominated in currencies other than the U.S. dollar may be affected significantly on a day that the NYSE is closed. As a result, to the extent that the Fund holds foreign (non-U.S.) securities, the NAV of the Fund's Shares may change when an investor cannot purchase, redeem or exchange shares.

Derivatives Valuation Methodology for Purposes of Determining Intra-Day Indicative Value

On each Business Day, before commencement of trading in Fund Shares on NYSE Arca, the Fund will disclose on its Web site the identities and quantities of the portfolio instruments and other assets held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the Business Day.

In order to provide additional information regarding the intra-day value of Shares of the Fund, the NYSE Arca or a market data vendor will disseminate every 15 seconds through the facilities of the Consolidated Tape Association or other widely disseminated means an updated Intra-day Indicative Value (''IIV'') for the Fund as calculated by a third party market data provider.

A third party market data provider will calculate the IIV for the Fund. For the purposes of determining the IIV, the third party market data provider's valuation of derivatives is expected to be similar to their valuation of all securities. The third party market data provider may use market quotes if available or may fair value securities against proxies (such as swap or yield curves).

With respect to specific derivatives:

- Foreign currency derivatives may be valued intraday using market quotes, or another proxy as determined to be appropriate by the third party market data provider.
- Futures may be valued intraday using the relevant futures exchange data, or another proxy as determined to be appropriate by the third party market data provider.
- Interest rate swaps and cross-currency swaps may be mapped to a swap curve and valued intraday based on changes of the swap curve, or another proxy as determined to be appropriate by the third party market data provider.
- Index credit default swaps (such as, CDX/CDS) may be valued using intraday data from market vendors, or based on underlying asset price, or another proxy as determined to be appropriate by the third party market data provider.
- Total return swaps may be valued intraday using the underlying asset price, or another proxy as determined to be appropriate by the third party market data provider.
- Exchange listed options may be valued intraday using the relevant exchange data, or another proxy as determined to be appropriate by the third party market data provider.
- OTC options and swaptions may be valued intraday through option valuation models (*e.g.*, Black-Scholes) or using exchange traded options as a proxy, or another proxy as determined to be appropriate by the third party market data provider.

Disclosed Portfolio

The Fund's disclosure of derivative positions in the Disclosed Portfolio will include information that market participants can use to value these positions intraday. On a daily basis, the Adviser will disclose on the Fund's Web site the following information regarding each portfolio holding, as applicable to the type of holding: Ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding, such as the type of swap); the identity of the security, commodity, index or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holding in the Fund's portfolio. The Web site information will be publicly available at no charge.

Impact on Arbitrage Mechanism

The Adviser believes there will be minimal, if any, impact to the arbitrage mechanism as a result of the use of derivatives. Market makers and participants should be able to value derivatives as long as the positions are disclosed with relevant information. The Adviser believes that the price at which Shares trade will continue to be disciplined by arbitrage opportunities created by the ability to purchase or redeem creation Shares at their NAV, which should ensure that Shares will not trade at a material discount or premium in relation to their NAV.

The Adviser does not believe there will be any significant impacts to the settlement or operational aspects of the Fund's arbitrage mechanism due to the use of derivatives. Because derivatives generally are not eligible for in-kind transfer, they will typically be substituted with a ''cash in lieu'' amount when the Fund processes purchases or redemptions of creation units in-kind.

Creations and Redemptions of Shares

Investors may create or redeem in Creation Unit size of 100,000 Shares or aggregations thereof (''Creation Unit'') through an Authorized Participant, as described in the Registration Statement. The size of a Creation Unit is subject to change. In order to purchase Creation Units of the Fund, an investor must generally deposit a designated portfolio of securities (the ''Deposit Securities'') (and/or an amount in cash in lieu of some or all of the Deposit Securities) per each Creation Unit constituting a substantial replication, or representation, of the securities included in the Fund's portfolio as selected by the Adviser (''Fund Securities'') and generally make a cash

payment referred to as the ''Cash Component.'' The list of the names and the amounts of the Deposit Securities will be made available by the Fund's custodian through the facilities of the National Securities Clearing Corporation (''NSCC'') immediately prior to the opening of the NYSE Arca Core Trading Session (9:30 a.m. to 4:00 p.m. E.T. The Cash Component will represent the difference between the NAV of a Creation Unit and the market value of the Deposit Securities.

Shares may be redeemed only in Creation Unit size at their NAV on a day the NYSE Arca is open for business. The Fund's custodian will make available immediately prior to the opening of the NYSE Arca Core Trading Session, through the facilities of NSCC, the list of the names and the amounts of the Fund Securities that will be applicable that day to redemption requests in proper form. Fund Securities received on redemption may not be identical to Deposit Securities which are applicable to purchases of Creation Units. The creation/redemption order cut-off time for the Fund will be 4:00 p.m. E.T.

Availability of Information

The Fund's Web site (*www.guggenheiminvestments.com*), which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may be downloaded. The Fund's Web site will include additional quantitative information updated on a daily basis, including, for the Fund, (1) daily trading volume, the prior Business Day's reported closing price, NAV and mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[44] and a calculation of the premium and discount of the Bid/Ask Price against the NAV, and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each Business Day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio as defined in NYSE Arca Equities Rule 8.600(c)(2) that will form the basis for the Fund's calculation of NAV at the end of the Business Day.[45]

In addition, a basket composition file, which will include the security names and share quantities required to be delivered in exchange for Fund Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the NYSE via NSCC. The basket represents one Creation Unit of the Fund.

Investors can also obtain the Trust's Statement of Additional Information (''SAI''), the Fund's Shareholder Reports, and Form N–CSR and Form N–SAR, filed twice a year. The Trust's SAI and Shareholder Reports are available free upon request from the Trust, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov.* Information regarding market price and trading volume for the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares, U.S. exchange-traded common stocks, hybrid instruments, REITs, CEFs, ETFs, ETPs and ETNs will be available via the Consolidated Tape Association (''CTA'') high-speed line. Price information for OTC REITs, OTC common stocks, OTC CEFs, OTC options, money market instruments, forwards, structured notes, RLS, OTC derivative instruments and OTC hybrid instruments will be available from major market data vendors. Intra-day and closing price information for exchange-traded options and futures will be available from the applicable exchange and from major market data vendors. In addition, price information for U.S. exchange-traded options is available from the Options Price Reporting Authority. Quotation information from brokers and dealers or independent pricing services will be available for Fixed Income Instruments. In addition, the Portfolio Indicative Value, as defined in NYSE Arca Equities Rule 8.600(c)(3), will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Core Trading Session.[46] The dissemination of the Portfolio Indicative Value, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of the Fund on a daily basis and provide a close estimate of that value throughout the trading day.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund.[47] Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments comprising the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4 a.m. to 8 p.m. E.T. in accordance with NYSE Arca Equities Rule 7.34 (Opening, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, Commentary .03, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600. The Exchange represents that, for initial and/or continued listing, the Fund will be in compliance with Rule 10A–3[48] under the Act, as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares of the Fund will be outstanding at the commencement of

[44] The Bid/Ask Price of Shares of the Fund will be determined using the mid-point of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[45] Under accounting procedures to be followed by the Fund, trades made on the prior Business Day (''T'') will be booked and reflected in NAV on the current Business Day (''T+1''). Accordingly, the Fund will be able to disclose at the beginning of the Business Day the portfolio that will form the basis for the NAV calculation at the end of the Business Day.

[46] Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available Portfolio Indicative Values taken from CTA or other data feeds.

[47] *See* NYSE Arca Equities Rule 7.12, Commentary .04.

[48] 17 CFR 240.10A–3.

trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.[49]

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, certain exchange-traded options and futures, certain exchange-traded equities (including ETFs, ETPs. ETNs, CEFs, certain common stocks and certain REITs) with other markets or other entities that are members of the Intermarket Surveillance Group (''ISG''),[50] and FINRA may obtain trading information regarding trading in the Shares, certain exchange-traded options and futures, certain exchange-traded equities (including ETFs, ETPs. ETNs, CEFs, certain common stocks and certain REITs) from such markets or entities. In addition, the Exchange may obtain information regarding trading in the Shares, certain exchange-traded options and futures, certain exchange-traded equities (including ETFs, ETPs. ETNs, CEFs, certain common stocks and certain REITs) from markets or other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[51] FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's Trade Reporting and Compliance Engine (''TRACE'').

Not more than 10% of the net assets of the Fund in the aggregate invested in equity securities (other than non-exchange-traded investment company securities) shall consist of equity securities whose principal market is not a member of the ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement. Furthermore, not more than 10% of the net assets of the Fund in the aggregate invested in futures contracts or exchange-traded options contracts shall consist of futures contracts or exchange-traded options contracts whose principal market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit (''ETP'') Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated Portfolio Indicative Value will not be calculated or publicly disseminated; (4) how information regarding the Portfolio Indicative Value and the Disclosed Portfolio is disseminated; (5) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Bulletin will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4:00 p.m. E.T. each trading day.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[52] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.600. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Adviser is affiliated with a broker-dealer and has represented that it has implemented a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, certain exchange-traded options and futures, certain exchange-traded equities (including ETFs, ETPs. ETNs, CEFs, certain common stocks and certain REITs) with other markets or other entities that are members of the ISG, and FINRA may obtain trading information regarding trading in the Shares, certain exchange-traded options and futures, certain exchange-traded equities (including

[49] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[50] For a list of the current members of ISG, *see www.isgportal.org.* The Exchange notes that not all components of the Disclosed Portfolio may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[51] Certain of the exchange-traded equity securities in which the Fund may invest may trade in markets that are not members of ISG.

[52] 15 U.S.C. 78f(b)(5).

ETFs, ETPs. ETNs, CEFs, certain common stocks and certain REITs) from such markets or entities. In addition, the Exchange may obtain information regarding trading in the Shares, certain exchange-traded options and futures, certain exchange-traded equities (including ETFs, ETPs. ETNs, CEFs, certain common stocks and certain REITs) from markets or other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's TRACE.

The Fund's disclosure of derivative positions in the Disclosed Portfolio will include information that market participants can use to value these positions intraday. On a daily basis, the Fund will disclose on the Fund's Web site the following information regarding each portfolio holding, as applicable to the type of holding: Ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding, such as the type of swap); the identity of the security, commodity, index or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holding in the Fund's portfolio. Price information for the debt and equity securities held by the Fund will be available through major market data vendors and on the applicable securities exchanges on which such securities are listed and traded. In addition, a large amount of information will be publicly available regarding the Fund and the Shares, thereby promoting market transparency. Moreover, the Portfolio Indicative Value will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session. On each Business Day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio that will form the basis for the Fund's calculation of NAV at the end of the Business Day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information will be available via the CTA high-speed line. The Web site for the Fund will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Moreover, prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the Portfolio Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. Not more than 10% of the net assets of the Fund in the aggregate invested in equity securities (other than non-exchange-traded investment company securities) shall consist of equity securities whose principal market is not a member of the ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement. Furthermore, not more than 10% of the net assets of the Fund in the aggregate invested in futures contracts or exchange-traded options contracts shall consist of futures contracts or exchange-traded options contracts whose principal market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the Portfolio Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that primarily holds fixed income securities, which may be represented by certain derivative instruments as discussed above, which will enhance competition among market participants, to the benefit of investors and the marketplace.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as modified by Amendment No. 1, is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2015–73 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities

and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca-2015–73. 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 Section, 100 F Street NE., Washington, DC 20549 on official business days between 10 a.m. and 3 p.m. Copies of the filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2015–73 and should be submitted on or before October 13, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[53]

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2015–23973 Filed 9–21–15; 8:45 am]

**BILLING CODE 8011–01–P**

[53] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–75925; File No. 10–222]**

## Investors' Exchange, LLC; Notice of Filing of Application, as Amended, for Registration as a National Securities Exchange Under Section 6 of the Securities Exchange Act of 1934

September 15, 2015.

On August 21, 2015, Investors' Exchange, LLC (''IEX'') submitted to the Securities and Exchange Commission (''Commission'') a Form 1 application under the Securities Exchange Act of 1934 (''Exchange Act''), seeking registration as a national securities exchange under Section 6 of the Exchange Act.[1] On September 9, 2015, IEX submitted Amendment No. 1 to its Form 1 application.[2] IEX's Form 1 application, as amended, provides detailed information on how it proposes to satisfy the requirements of the Exchange Act.

The Commission is publishing this notice to solicit comments on IEX's Form 1 application, as amended. The Commission will take any comments it receives into consideration in making its determination about whether to grant IEX's request to register as a national securities exchange. The Commission will grant the registration if it finds that the requirements of the Exchange Act and the rules and regulations thereunder with respect to IEX are satisfied.[3]

IEX currently operates an alternative trading system (''ATS'') for the trading of equity securities. If the Commission approves IEX's application to become a national securities exchange, IEX would transition trading in each symbol to the exchange and ultimately close its ATS. IEX would operate a fully automated electronic book for orders to buy or sell securities with a continuous, automated matching function. IEX would not have a physical trading floor. Liquidity would be derived from orders to buy and orders to sell submitted to IEX electronically by its registered broker-dealer members from remote locations, as well as from quotes submitted electronically by members that chose to register under IEX rules as market makers on IEX and be subject to certain specified requirements and obligations. One notable feature of IEX's proposed trading rules is the proposed ''Midpoint Price Constraint'' price sliding process for non-displayed orders, which would prevent non-displayed limit orders from posting at a price more aggressive than the midpoint of the national best bid and offer.[4] In addition, IEX is proposing a discretionary peg order type, which, if unexecuted upon entry, would post non-displayed and would exercise discretion only when IEX does not consider that the national best bid or national best offer for a particular security is in the process of changing based on a pre-determined set of conditions described in IEX's proposed rule.[5]

IEX would be wholly owned by its parent company, IEX Group, Inc. (''IEXG''), which would appoint IEX's initial Board of Directors. If approved by the Commission, within 90 days after the date of its approval to operate as a national securities exchange, IEX would undertake a petition process by which members could elect Member Representative Directors to the Board, as specified in the proposed Amended and Restated Operating Agreement of IEX.[6]

A description of the manner of operation of IEX's proposed system can be found in Exhibit E to IEX's Form 1 application. The proposed rulebook for the proposed IEX exchange can be found in Exhibit B to IEX's Form 1 application, and the governing documents for both IEX and IEXG can be found in Exhibits A and C, respectively. A listing of the officers and directors of IEX can be found in Exhibit J to IEX's Form 1 application. IEX's Form 1 application, as amended, including all of the Exhibits referenced above, is available online at *www.sec.gov/rules/other.shtml* as well as at the Commission's Public Reference Room.

Interested persons are invited to submit written data, views, and arguments concerning IEX's Form 1, as amended, including whether the application is consistent with the Exchange Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number 10–222 on the subject line.

[1] 15 U.S.C. 78s(f).

[2] In Amendment No. 1, IEX submitted updated portions of its Form 1 application, including revised exhibits, a revised version of the proposed IEX Rule Book, and revised Addenda C–2, C–3, C–4, D–1, D–2, F–1, F–2, F–3, F–4, F–5, F–6, F–7, F–8, F–9, F–10, F–11, F–12, F–13.

[3] *See* 15 U.S.C. 78s(a). Alternatively, if the Commission does not grant the registration, it will institute proceedings to determine whether registration should be approved or denied. *See* 15 U.S.C. 78s(a)(1)(B).

[4] *See* proposed IEX Rule 11.190(h)(2). *See also* Exhibit E to IEX's Form 1 submission, at 17. Specifically, a non-displayed order on IEX with a limit price more aggressive than the midpoint of the NBBO would be priced at the midpoint, and the price would automatically be adjusted in response to changes in the NBBO to be equal to the less aggressive of the order's limit price or the midpoint of the NBBO. *See also* proposed IEX Rule 11.230(a)(4)(D) (concerning the ''Book Recheck'' functionality), and Exhibit E to IEX's Form 1 submission, at 19 (describing the ''Book Recheck'' functionality).

[5] *See* proposed IEX Rule 11.190(b)(10) (concerning the discretionary peg order type) and 11.190(g) (concerning quote stability). *See also* Exhibit E to IEX's Form 1 submission, at 14–15.

[6] *See* IEX Amended and Restated Operating Agreement Article III, Section 4(g). *See also* Exhibit J to IEX's Form 1 submission, at 37.

*Paper Comments*

• Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number 10–222. 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/other.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to IEX's Form 1 filed with the Commission, and all written communications relating to the application 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. 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 publicly available. All submissions should refer to File Number 10–222 and should be submitted on or before November 6, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2015–23972 Filed 9–21–15; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–75931; File No. SR–NASDAQ–2015–109]**

## Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Chapter XV, Section 2 Entitled ''NASDAQ Options Market—Fees and Rebates''

September 16, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 3, 2015, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Chapter XV, entitled ''Options Pricing,'' at Section 2, which governs pricing for NASDAQ members using the NASDAQ Options Market (''NOM''), NASDAQ's facility for executing and routing standardized equity and index options, to remove references to options on the Nasdaq-100 Index traded under the symbol NDX (''NDX'').

While the changes proposed herein are effective upon filing, the Exchange has designated the amendments become operative on October 1, 2015.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend Chapter XV, Section 2, ''NASDAQ Options Market—Fees and Rebates'' to remove references to NDX, as this index will be delisted on or before September 30, 2015.

Today, the Exchange assesses fees and pays rebates related to the NASDAQ OMX PHLX LLC NDX proprietary index listed on NOM. The Exchange assesses the following Non-Penny Pilot fees for NDX:

| | Customer | Professional | Firm | Non-NOM market maker | NOM market maker | Broker-dealer |
|---|---|---|---|---|---|---|
| Non-Penny Pilot Options (including NDX [1]): | | | | | | |
| Fee for Adding Liquidity | N/A | $0.45 | $0.45 | $0.45 | $0.35 | $0.45 |
| Fee for Removing Liquidity | 0.85 | 0.94 | 0.94 | 0.94 | 0.94 | 0.94 |
| Rebate to Add Liquidity | 0.84 | N/A | N/A | N/A | N/A | |

Additionally, for transactions in NDX, a surcharge of $0.15 per contract is added to the Fee for Adding Liquidity and the Fee for Removing Liquidity in Non-Penny Pilot Options, except for a Customer who will not be assessed a surcharge.

The Exchange will delist this proprietary index and will no longer assess the above-referenced fees or pay rebates for NDX. The Exchange proposes to remove references to NDX from the fee schedule, including current note 1 in the fee schedule at Chapter XV, Section 2(1), which relates to NDX transactions. The NDX surcharge of $0.15 per contract would also no longer be assessed.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the

[7] 17 CFR 200.30–3(a)(71)(i).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

provisions of Section 6 of the Act,[3] in general, and with Section 6(b)(4) and 6(b)(5) of the Act,[4] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which NASDAQ operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposal to remove the references to NDX, not assess fees or surcharges for NDX or pay rebates for NDX is reasonable because the Exchange is seeking to delist this index from NOM on or before September 30, 2015.

The Exchange's proposal to remove the references to NDX, not assess fees or surcharges for NDX or pay rebates for NDX is equitable and not unfairly discriminatory because no market participant will be able to transact options in NDX as of the delisting.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

NASDAQ does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange will delist NDX on or before September 30, 2015 and no longer offer market participants the opportunity to transact options in that index on NOM. The removal of references to NDX from the fee schedule does not impose an undue burden on competition because NOM Participants will not be able to transact options in NDX on NOM as of the delisting.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[5]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov. Please include File Number SR–NASDAQ–2015–109 on the subject line.*

*Paper Comments*

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2015–109. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2015–109 and should be submitted on or before October 13, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2015–23974 Filed 9–21–15; 8:45 am]

**BILLING CODE 8011–01–P**

[3] 15 U.S.C. 78f.

[4] 15 U.S.C. 78f(b)(4) and (5).

[5] 15 U.S.C. 78s(b)(3)(A)(ii).

[6] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–75935; File No. PCAOB–2015–01]**

## Public Company Accounting Oversight Board; Order Granting Approval of Proposed Rules To Implement the Reorganization of PCAOB Auditing Standards and Related Changes to PCAOB Rules and Attestation, Quality Control, and Ethics and Independence Standards

September 17, 2015.

**I. Introduction**

On June 17, 2015, the Public Company Accounting Oversight Board (the ''Board'' or the ''PCAOB'') filed with the Securities and Exchange Commission (the ''Commission''), pursuant to section 107(b)[1] of the Sarbanes-Oxley Act of 2002 (the ''Sarbanes-Oxley Act'') and section 19(b)[2] of the Securities Exchange Act of 1934 (the ''Exchange Act''), proposed rules to adopt amendments to implement the reorganization of PCAOB auditing standards and related changes to PCAOB rules and attestation, quality control, and ethics and independence standards (collectively, the ''Proposed Rules'' or ''Proposed Reorganization'').[3] The Proposed Rules were published for comment in the **Federal Register** on June 25, 2015.[4] At the time the notice was issued, the Commission designated a longer period to act on the Proposed Rules, until September 23, 2015.[5] The Commission received four comment letters in response to the notice.[6] This order approves the Proposed Rules.

[1] 15 U.S.C. 7217(b).

[2] 15 U.S.C. 78s(b).

[3] The Board originally proposed in March 2013 (''Original Proposal'') what became the Proposed Rules. *See* PCAOB Release No. 2013–002 (March, 26, 2013). The Board also issued a supplemental request for comment in May 2014 (''Supplemental Request''). *See* PCAOB Release No. 2014–001 (May 7, 2014).

[4] *See* Release No. 34–75251 (June 19, 2015), 80 FR 36602 (June 25, 2015).

[5] Ibid.

[6] *See* Comment letters from Suzanne H. Shatto, June 27, 2015, Deloitte & Touche LLP, July 8, 2015, Michael McMurtry, July 28, 2015, and Stephen G. Wills, August 17, 2015, available at *http://*

Continued

## II. Description of the Proposed Rules

In April 2003, the Board adopted, on an interim, transitional basis, generally accepted auditing standards (''GAAS'') that were in existence on April 16, 2003. When the Board adopted those auditing standards, it continued to use the topical organization and reference numbers (''AU sections'') in the Auditing Standards Board (''ASB'') of the American Institute of Certified Public Accountants' (''AICPA'') then-existing codification of its standards. Auditing standards issued by the Board (''AS standards'') have not been codified or otherwise organized by topic, and are numbered in sequential order based upon when they were issued. As a result, the Board's auditing standards are organized using two separate numbering systems: (1) The numbering system used by the ASB when the Board adopted the interim standards; and (2) the numbering system used by the Board for the standards it has issued.

*1. Proposed Reorganization*

Under the Proposed Reorganization, the individual standards will be grouped into the following topical categories:

- General Auditing Standards (AS 1000s)—standards on broad auditing principles, concepts, activities, and communications;
- Audit Procedures (AS 2000s)—standards for planning and performing audit procedures and for obtaining audit evidence;
- Auditor Reporting (AS 3000s)—standards for auditors' reports;
- Matters Related to Filings Under Federal Securities Laws (AS 4000s)—standards on certain auditor responsibilities relating to U.S. Securities and Exchange Commission filings for securities offerings and reviews of interim financial information; and
- Other Matters Associated with Audits (AS 6000s)—standards for other work performed in conjunction with an audit of an issuer or of a broker or dealer.

Within each category are subcategories to further organize similar topics, such as standards related to auditor communications in the ''General Auditing Standards'' category. The integrated reference system uses an ''AS'' prefix to identify the auditing standard and each standard is assigned a unique section number, based on a four-digit numbering system.

*2. Changes to PCAOB Standards and Rules*

The amendments to PCAOB standards and rules include changes rescinding certain interim auditing standards that the Board believes are no longer necessary, eliminating inoperative language in auditing standards, references, and interpretations, and eliminating inoperative references to AICPA standards or rules.

a. Changes to the PCAOB Standards

The amendments primarily update section numbers, update cross-references among standards using the numbering system in the adopted reorganization, and change the titles of certain standards. Other amendments rescind certain interim standards and remove or update certain terms and phrases in the standards.

Interim Standards to be Rescinded

The following interim standards are being rescinded because they contain requirements that have been superseded or duplicated by other PCAOB standards, and as such, are considered unnecessary:

- AU sec. 150, Generally Accepted Auditing Standards
- AU sec. 201, Nature of the General Standards
- AU sec. 410, Adherence to Generally Accepted Accounting Principles
- AU sec. 532, Restricting the Use of an Auditor's Report
- AU sec. 901, Public Warehouses—Controls and Auditing Procedures for Goods Held.

Interpretive Publications

Almost all [7] of the AICPA auditing interpretations are being retained and presented separately from the auditing standards. The Proposed Reorganization retains the existing requirement for the auditor to be aware of and consider the applicable auditing interpretations.

The Proposed Reorganization retains the majority [8] of the appendices to the interim auditing standards and to continue presenting those appendices together with their related auditing standards in the same manner that appendices to PCAOB-issued standards are presented. Additionally, the Proposed Reorganization removes references to AICPA Audit and Accounting Guides and AICPA auditing Statements of Position because the guides referenced in PCAOB standards are outdated.[9]

Other Changes to PCAOB Standards

The Proposed Reorganization includes amendments to replace references to GAAS throughout the auditing standards with references to the standards of the PCAOB or PCAOB auditing standards, and accordingly, to supersede Auditing Standard No. 1 (''AS 1''), References in Auditors' Reports to the Standards of the Public Company Accounting Oversight Board.[10] The Proposed Reorganization also includes amendments to preserve the requirement from AS 1 for the auditor's report to include the city and state, (or city and country), of the auditor. Finally, as AS 1 applied to the PCAOB's attestation standards, amendments to update references to PCAOB standards and to include the city and state (or city and country) have been applied to the attestation standards.

As a result of these changes, the amendments also include updates to the illustrative auditor's reports included throughout the auditing standards. In addition to illustrating the two changes described above, the updates to the reports include changing the title to ''Report of Independent Registered Public Accounting Firm.'' [11]

b. Changes to PCAOB Rules

The Proposed Reorganization amends PCAOB Rule 3200T to remove (1) the reference to AU sec. 150, which, as discussed above, is rescinded, and (2) terms such as ''interim auditing standards'' and ''generally accepted auditing standards.'' These terms are no longer relevant under the Proposed Reorganization. Additionally, the Proposed Reorganization makes the rule permanent, rather than temporary, and therefore removes the word ''Interim'' from its title.

*www.sec.gov/comments/pcaob-2015-01/pcaob201501.shtml.*

[7] The Proposed Reorganization will rescind two auditing interpretations related to AU sec. 410 and AU sec. 534 and interpretation 16 of AU sec. 508 because they are either duplicative or unrelated to the preparation or issuance of any audit report for an issuer, broker, or dealer, and thus unnecessary.

[8] The Proposed Reorganization will delete duplicative and thus unnecessary appendices that contain paragraphs .86 and .87 of AU sec. 316.

[9] AICPA Audit and Accounting Guides and auditing Statements of Position referenced in PCAOB standards are the editions of those publications as in existence on April 16, 2003.

[10] In 2004, the Commission published interpretive guidance to explain that references in Commission rules and staff guidance to GAAS or specific standards of GAAS, as they relate to issuers, should be understood to mean the standards of the PCAOB plus any applicable rules of the Commission. *See* Release No. 34–49708, FR–73 (May 14, 2004).

[11] In the Board's final rule release, it notes that the amendments would not preclude an unregistered firm that applies PCAOB standards, when appropriate, from omitting ''Registered'' from the title of the report. *See* PCAOB Release No. 2015–002 at fn. 26 (March 31, 2015).

*3. Applicability and Effective Date*

The PCAOB has proposed application of its Proposed Rules to audits of all issuers, including audits of emerging growth companies (''EGCs''),[12] as discussed in section IV. below. The Proposed Rules also would apply to audits of SEC-registered brokers and dealers.[13]

The Proposed Rules would be effective as of December 31, 2016. However, auditors and others are not precluded from using and referencing the standards as reorganized pursuant to the Proposed Rules before the effective date because the amendments do not substantively change the standards' requirements.[14]

**III. Comment Letters**

As noted above, the Commission received four comment letters concerning the Proposed Rules. Three commenters expressed support for the Proposed Rules,[15] and the other commenter provided suggestions discussed further below.[16]

One commenter stated that the new organizational structure will improve the usability of the PCAOB's auditing standards, including helping users navigate the standards more easily.[17] Another commenter suggested adopting a similar structure used by the ASB and IAASB and reorganizing the PCAOB's attestation, quality control, and ethics and independence standards. This same commenter expressed concern regarding the rescission of AU sec. 532 and removal of references to non-authoritative other guidance in the Proposed Reorganization.[18] Finally, one commenter suggested enhancements to improve the usability of the Proposed Reorganization, including a suggestion to embed PCAOB standards in the FASB's Accounting Standards Codification.[19] The PCAOB addressed many of these comments in its Original Proposal, Supplemental Request, and final rule release. The Commission does not find the PCAOB's responses to be unreasonable. The comment on embedding PCAOB standards in the FASB's Accounting Standards Codification is outside the scope of the Proposed Rules.

**IV. The PCAOB's EGC Request**

Section 103(a)(3)(C) of the Sarbanes-Oxley Act provides that any additional rules adopted by the PCAOB subsequent to April 5, 2012 do not apply to the audits of EGCs, unless the Commission determines that the application of such additional requirements is necessary or appropriate in the public interest, after considering the protection of investors and whether the action will promote efficiency, competition, and capital formation.[20] Having considered those factors, and as explained further herein, the Commission finds that applying the Proposed Rules to audits of EGCs is necessary or appropriate in the public interest.

In proposing application of the Proposed Rules to audits of all issuers, including EGCs, the PCAOB requested that the Commission make the determination required by section 103(a)(3)(C). To assist the Commission in making its determination, the PCAOB prepared and submitted to the Commission its own EGC analysis. The PCAOB's EGC analysis includes discussions of characteristics of self-identified EGCs and economic considerations pertaining to audits of EGCs, including efficiency, competition, and capital formation. In its analysis, the Board states the reorganization of PCAOB auditing standards would involve amendments that do not impose additional requirements on auditors or change substantively the requirements of PCAOB standards. Thus, the reorganization, including the amendments, is not expected to affect the manner in which audits are performed and reported under PCAOB standards, including audits of EGCs. Additionally, reorganizing the PCAOB standards into a single, integrated organizational structure should make it easier for auditors and others to navigate, use, and apply the standards.

The PCAOB's EGC analysis was included in the Commission's public notice soliciting comment on the Proposed Rules. Based on the analysis submitted, we believe the information in the record is sufficient for the Commission to make the requested EGC determination in relation to the Proposed Rules.

**V. Conclusion**

The Commission has carefully reviewed and considered the Proposed Rules and the information submitted therewith by the PCAOB, including the PCAOB's EGC analysis, and the comment letters received. In connection with the PCAOB's filing and the Commission's review,

A. The Commission finds that the Proposed Rules are consistent with the requirements of the Sarbanes-Oxley Act and the securities laws and are necessary or appropriate in the public interest or for the protection of investors; and

B. Separately, the Commission finds that the application of the Proposed Rules to EGC audits is necessary or appropriate in the public interest, after considering the protection of investors and whether the action will promote efficiency, competition, and capital formation.

*It is therefore ordered,* pursuant to section 107 of the Sarbanes-Oxley Act and section 19(b)(2) of the Exchange Act, that the Proposed Rules (File No. PCAOB–2015–01) be and hereby are approved.

By the Commission.

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2015–24019 Filed 9–21–15; 8:45 am]

**BILLING CODE 8011–01–P**

[12] The term ''emerging growth company'' is defined in Section 3(a)(80) of the Exchange Act. 15 U.S.C. 78c(a)(80).

[13] On July 30, 2013, the Commission adopted amendments to Rule 17a-5 under the Exchange Act to require, among other things, that audits of brokers' and dealers' financial statements be performed in accordance with the standards of the PCAOB for fiscal years ending on or after June 1, 2014. 17 CFR 240.17a-5. *See Broker–Dealer Reports,* Release No. 34–70073, (July 30, 2013), 78 FR 51910 (August 21, 2013), available at *http://www.sec.gov/rules/final/2013/34-70073.pdf.*

[14] *See* PCAOB Release No. 2015–002 at 21.

[15] *See* Shatto Letter, Deloitte Letter and McMurtry Letter.

[16] *See* Wills Letter.

[17] *See* Deloitte Letter.

[18] *See* McMurtry Letter.

[19] *See* Wills Letter.

[20] Section 103(a)(3)(C) of the Sarbanes-Oxley Act, as amended by section 104 of the JOBS Act.

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #14467 and #14468]**

### Colorado Disaster #CO–00073

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of Colorado dated 09/16/2015.

*Incident:* Landslides.

*Incident Period:* 04/24/2015 and continuing.

*Effective Date:* 09/16/2015.

*Physical Loan Application Deadline Date:* 11/16/2015.

*Economic Injury (EIDL) LOAN Application Deadline Date:* 06/16/2016.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* El Paso.

*Contiguous Counties:*

Colorado: Crowley, Douglas, Elbert, Fremont, Lincoln, Pueblo, Teller.

The Interest Rates are:

| | Percent |
|---|---|
| *For Physical Damage:* | |
| Homeowners With Credit Available Elsewhere | 3.375 |
| Homeowners Without Credit Available Elsewhere | 1.688 |
| Businesses With Credit Available Elsewhere | 6.000 |
| Businesses Without Credit Available Elsewhere | 4.000 |
| Non-Profit Organizations With Credit Available Elsewhere | 2.625 |
| Non-Profit Organizations Without Credit Available Elsewhere | 2.625 |
| *For Economic Injury:* | |
| Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere | 4.000 |
| Non-Profit Organizations Without Credit Available Elsewhere | 2.625 |

The number assigned to this disaster for physical damage is 14467 9 and for economic injury is 14468 0.

The State which received an EIDL Declaration # is Colorado.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: September 16, 2015.

**Maria Contreras-Sweet,**

*Administrator.*

[FR Doc. 2015–24067 Filed 9–21–15; 8:45 am]

**BILLING CODE 8025–01–P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #14419 and #14420]**

### KENTUCKY Disaster Number KY–00058

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 2.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of KENTUCKY (FEMA–4239–DR), dated 08/12/2015.

*Incident:* Severe Storms, Tornadoes, Straight-line Winds, Flooding, Landslides, and Mudslides.

*Incident Period:* 07/11/2015 through 07/20/2015.

*Effective Date:* 09/16/2015.

*Physical Loan Application Deadline Date:* 10/12/2015.

*EIDL Loan Application Deadline Date:* 05/12/2016.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

**SUPPLEMENTARY INFORMATION:** The notice of the Presidential disaster declaration for the Commonwealth of KENTUCKY, dated 08/12/2015 is hereby amended to include the following areas as adversely affected by the disaster:

*Primary Counties: (Physical Damage and Economic Injury Loans):* Leslie.

*Contiguous Counties: (Economic Injury Loans Only):*

Kentucky: Bell.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**James E. Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2015–24069 Filed 9–21–15; 8:45 am]

**BILLING CODE 8025–01–P**

## DEPARTMENT OF STATE

**[Public Notice: 9276]**

### Notice of Public Meeting of the President's Emergency Plan for AIDS Relief (PEPFAR) Scientific Advisory Board

*Summary:* In accordance with the Federal Advisory Committee Act (FACA), the PEPFAR Scientific Advisory Board (hereinafter referred to as ''the Board'') will meet on Wednesday, October 14, 2015 at 1800 G St. NW., Suite 10300, Washington DC 20006. The meeting will last from 8:30 a.m. until approximately 5:30 p.m. and is open to the public.

The meeting will be hosted by the Office of the U.S. Global AIDS Coordinator, and led by Ambassador Deborah Birx, who leads implementation of the President's Emergency Plan for AIDS Relief (PEPFAR), and the Board Chair, Dr. Carlos del Rio.

The Board serves the Global AIDS Coordinator in a solely advisory capacity concerning scientific, implementation, and policy issues related to the global response to HIV/AIDS. These issues will be of concern as they influence the priorities and direction of PEPFAR evaluation and research, the content of national and international strategies and implementation, and the role of PEPFAR in international discourse regarding an appropriate and resourced response. Topics for the meeting will include recommendations to the Board from Expert Working Groups focused on ''Test and START'' and pre-exposure prophylaxis (PrEP) initiatives for PEPFAR; updates on PEPFAR 3.0 programmatic activities in a number of areas including epidemic control, sustainability, financing, affected populations and civil society engagement.

The public may attend this meeting as seating capacity allows. Admittance to the meeting will be by means of a pre-arranged clearance list. In order to be placed on the list and, if applicable, to request reasonable accommodation, please register online via the following: *http://goo.gl/forms/7CdIKbdz0F* no later than Friday, October 2. While the meeting is open to public attendance, the Board will determine procedures for public participation. Requests for reasonable accommodation that are made after 5pm on October 2, might not be possible to fulfill.

For further information about the meeting, please contact Dr. Julia MacKenzie, Designated Federal Officer for the Board, Office of the U.S. Global AIDS Coordinator and Health Diplomacy at *MacKenzieJJ@state.gov.*

Dated: September 14, 2015.

**Julia MacKenzie,**

*Office of the U.S. Global AIDS Coordinator and Health Diplomacy, Department of State.*

[FR Doc. 2015–24040 Filed 9–21–15; 8:45 am]

**BILLING CODE 4710–10–P**

## DEPARTMENT OF STATE

**[Public Notice: 9280]**

### Culturally Significant Object Imported for Exhibition Determinations: ''Sublime Beauty: Raphael's 'Portrait of a Lady With a Unicorn' '' Exhibition

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of

October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the object to be included in the exhibition ''Sublime Beauty: Raphael's 'Portrait of a Lady with a Unicorn,' '' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at the Cincinnati Art Museum, Cincinnati, Ohio, from on or about October 3, 2015, until on or about January 3, 2016, at the Fine Arts Museums of San Francisco, Legion of Honor, San Francisco, California, from on or about January 9, 2016, until on or about April 10, 2016, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a description of the imported object, contact the Office of Public Diplomacy and Public Affairs in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

Dated: September 17, 2015.

**Kelly Keiderling,**

*Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2015–24039 Filed 9–21–15; 8:45 am]

**BILLING CODE 4710–05–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Sixteenth Meeting: Special Committee (227) Standards of Navigation Performance (Navigation Information on Electronic Maps)

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

**ACTION:** Notice of Sixteenth Special Committee 227 Meeting.

**SUMMARY:** The FAA is issuing this notice to advise the public of the Sixteenth Special Committee 227 meeting.

**DATES:** The meeting will be held December 2nd–4th from 9:00 a.m.–4:30 p.m.

**ADDRESSES:** The meeting will be held at RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC, 20036, Tel: (202) 330–0663.

**FOR FURTHER INFORMATION CONTACT:** The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC, 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org* or Sophie Bousquet, Program Director, RTCA, Inc., *sbousquet@rtca.org,* (202) 330–0663.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 227. The agenda will include the following:

**Wednesday–Friday, December 2–4, 2015**

1. Welcome and Administrative Remarks
2. Introductions
3. Agenda Overview
4. RTCA Overview Presentation
5. Background on RTCA, MOPS, and Process
6. NextGen PBN Roadmap and SC–227
7. Performance Based Navigation: ICAO PBN Manual, DO–236 and DO–283.
8. SC–227 Scope and Terms of Reference review
9. Overview of DO–257A
10. SC–227 Structure and Organization of Work
11. Proposed Schedule
    a. Face to Face
    b. Teleconference
12. RTCA workspace presentation
13. Other Business
14. Date of Next Meeting
15. Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 18, 2015.

**Latasha Robinson,**

*Management & Program Analyst, Next Generation, Enterprise Support Services Division, Federal Aviation Administration.*

[FR Doc. 2015–24097 Filed 9–21–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Sixth Meeting: Special Committee (229) 406 MHz Emergency Locator Transmitters (ELTs)

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

**ACTION:** Notice of Sixth Special Committee 229 Meeting.

**SUMMARY:** The FAA is issuing this notice to advise the public of the sixth Special Committee 229 meeting.

**DATES:** The meeting will be held December 15th-17th from 9:00 a.m.—5:00 p.m.

**ADDRESS:** The meeting will be held at ICAO Paris Regional Office, 3 bis Villa Emile Bergerat, 92522 Neuilly sur Seine, France, Tel: (202) 330–0652.

**FOR FURTHER INFORMATION CONTACT:** The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC, 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org* or Sophie Bousquet, Program Director, RTCA, Inc., *sbousquet@rtca.org,* (202) 330–0663.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 229. The agenda will include the following:

**Tuesday, December 15, 2015 (9:30–5:00)**

1. Welcome/Introductions/ Administrative Remarks
2. Agenda overview and approval
3. Minutes Washington DC meeting review and approval
4. Review Action Items from Washington DC Meeting
5. ''Phasing in'' RTCA/DO–204B, EUROCAE/ED–62B requirements—discussion
6. Briefing of ICAO and COSPAS–SARSAT activities
7. WG 1 to 5 status and week's plan
8. Other Industry coordination and presentations
9. Resolution of open consultation/ MASPS comments
10. WG meetings (rest of the day)

**Wednesday, December 16, 2015 (9:00–5:00)**

1. WG 2 to 5 meetings

**Thursday, December 17, 2015 (9:30–4:00)**

1. WG 2—5 meetings (if needed)
2. WGs' reports
3. Approval of the MASPS ED–237 document for the Council

4. Action item review
5. Future meeting plans and dates
6. Industry coordination and presentations (if any)
7. Other business
8. Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Contact Philippe and Stuart at *pph@bea-fr.org* and *stuart@hrsmith.biz* to attend both the meeting and dinner no later than December 1, 2015. Members of the public may present a written statement to the committee at any time.

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

**Latasha Robinson,**

*Management & Program Analyst, Next Generation, Enterprise Support Services Division, Federal Aviation Administration.*

[FR Doc. 2015–24012 Filed 9–21–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Twenty-Fourth Meeting: Special Committee (214) Standards for Air Traffic Data Communication Services (Joint With EUROCAE WG–78)

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

**ACTION:** Notice of Twenty-Fourth Special Committee 214 Meeting.

**SUMMARY:** The FAA is issuing this notice to advise the public of the twenty-fourth Special Committee 214 meeting.

**DATES:** The meeting will be held December 7th–10th from 9:00 a.m.–5:00 p.m.

**ADDRESSES:** The meeting will be held at AIRBUS Group, 12, rue Pasteur, 92150 Suresnes, France, Tel: (202) 330–0663.

**FOR FURTHER INFORMATION CONTACT:** The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC, 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org* or Sophie Bousquet, Program Director, RTCA, Inc., *sbousquet@rtca.org,* (202) 330–0663.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 214. The agenda will include the following:

**Monday, December 7, 2015 (9:00 a.m.–12:30 p.m.) Plenary Session (Day 1)**

1. Welcome/Introduction/Administrative Remarks
2. Approval of the Agenda of Plenary 24
3. Approval of the Minutes of Plenary 23 and Review Action Item Status
4. Coordination Status with ICAO
5. Status of FRAC/Open Consultation of B2 Rev A Standards
6. Progress status of VDL2 standards
7. Review of Position Papers and Contributions

**Tuesday–Wednesday, December 8–9, 2015 (9:00 a.m.–5:00 p.m.) (Days 2–3)**

1. Sub-Group Sessions

**Thursday, December 10, 2015 (9:00 a.m.–5:00 p.m.) Plenary Session (Day 4)**

1. Sub-Group Reports—Comments status and resolution summary
2. Approval of Rev A of Baseline 2 documents for submission to RTCA PMC and EUROCAE Council for publication
3. Organization and status of EUROCAE WG–78 and RTCA SC–214 after Plenary 24
4. Any Other Business
5. Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Contact Francoise Bachellerie at *francoise.bachellerie@airbus.com* and copy Jerome Condis at *Jerome.condis@airbus.com* no later than November 13, 2015 to attend the meeting. Provide your full name; organization and title; citizenship; date and place of birth; and Passport Number. Members of the public may present a written statement to the committee at any time. Issued in Washington, DC, on September 17, 2015.

**Latasha Robinson,**

*Management & Program Analyst, Next Generation, Enterprise Support Services Division, Federal Aviation Administration.*

[FR Doc. 2015–24011 Filed 9–21–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[Docket No. EP 290 (Sub-No. 5) (2015–4)]**

### Quarterly Rail Cost Adjustment Factor

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Approval of Rail Cost Adjustment Factor.

**SUMMARY:** The Board approves the fourth quarter 2015 Rail Cost Adjustment Factor (RCAF) and cost index filed by the Association of American Railroads. The fourth quarter 2015 RCAF (Unadjusted) is 0.862. The fourth quarter 2015 RCAF (Adjusted) is 0.367. The fourth quarter 2015 RCAF–5 is 0.346.

**DATES:** *Effective Date:* October 1, 2015.

**FOR FURTHER INFORMATION CONTACT:** Pedro Ramirez, (202) 245–0333. Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877–8339.

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Board's decision, which is available on our Web site, *http://www.stb.dot.gov.* Copies of the decision may be purchased by contacting the Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238.

By the Board, Chairman Elliott, Vice Chairman Begeman, and Commissioner Miller.

Decided: September 17, 2015.

**Kenyatta Clay,**

*Clearance Clerk .*

[FR Doc. 2015–23983 Filed 9–21–15; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

**AGENCY:** Department of the Treasury.

**ACTION:** Notice.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

**DATES:** Comments should be received on or before October 22, 2015 to be assured of consideration.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to

(1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

**FOR FURTHER INFORMATION CONTACT:** Copies of the submission(s) may be obtained by email at *PRA@treasury.gov* or the entire information collection request may be found at *www.reginfo.gov.*

**SUPPLEMENTARY INFORMATION:**

**Internal Revenue Service (IRS)**

*OMB Number:* 1545–0364.

*Type of Review:* Reinstatement with change of a previously approved collection.

*Title:* Statement of Payments Received.

*Form:* 4669.

*Abstract:* Form 4669, Statement of Payments Received, is used by payors in specific situations to request relief from payment of certain required taxes. A payor who fails to withhold certain required taxes from a payee may be entitled to relief, under sections 3402(d), 3102(f)(3), 1463 or § 1.1474–4. To apply for relief, a payor must show that the payee reported the payments and paid the corresponding tax. To secure relief as described above, a payor must obtain a separate, completed Form 4669 from each payee for each year relief is requested. The data is used to verify that the income tax on the wages was paid in full.

*Affected Public:* Businesses or other for-profits.

*Estimated Annual Burden Hours:* 21,250.

Dated: September 17, 2015.

**Dawn D. Wolfgang,**

*Treasury PRA Clearance Officer.*

[FR Doc. 2015–23998 Filed 9–21–15; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

### Annual Determination of Staffing Shortages

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** Section 7412 of title 38, United States Code (U.S.C.) requires the Department of Veterans Affairs (VA) Inspector General (IG) to determine and report on the five occupations of personnel of title 38 of the Department covered under 38 U.S.C. 7401 for which there are the largest staffing shortages throughout the Department as calculated over the 5-year period preceding the determination. The Secretary is required to publish these findings in the **Federal Register**. Based on its review, the IG identified the following five occupations as having the largest staffing shortages in the identified time period: Medical Officer, Nurse, Physician Assistant, Physical Therapist, and Psychologist. Additional information and analysis can be found at: *www.va.gov/OIG.*

**FOR FURTHER INFORMATION CONTACT:** Karen Rasmussen, Management Review Service (10AR), Veterans Health Administration, 810 Vermont Avenue NW., Washington, DC 20420, Telephone: (202) 461–6643. (This is not a toll-free number.)

**Signing Authority**

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Nabors II, Chief of Staff, Department of Veterans Affairs, approved this document on September 15, 2015, for publication.

Dated: September 16, 2015.

**Michael Shores,**

*Chief Impact Analyst, Office of Regulation Policy & Management, Office of the General Counsel, Department of Veterans Affairs.*

[FR Doc. 2015–23968 Filed 9–21–15; 8:45 am]

**BILLING CODE 8320–01–P**


# FEDERAL REGISTER

Vol. 80 Tuesday,
No. 183 September 22, 2015

Part II

## Environmental Protection Agency

40 CFR Part 52
Approval and Promulgation of Implementation Plans for the State of Alabama: Cross-State Air Pollution Rule; Withdrawal of Direct Final Rule and Final Rule

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA–R04–OAR–2015–0313; FRL–9934–49-Region 4]**

### Approval and Promulgation of Implementation Plans for the State of Alabama: Cross-State Air Pollution Rule

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Due to adverse comments received, the Environmental Protection Agency (EPA) is withdrawing the direct final approval of a revision to the Alabama State Implementation Plan (SIP), submitted by the State of Alabama, through the Alabama Department of Environmental Management (ADEM) on March 27, 2015. EPA stated in the direct final rule that if EPA received adverse comments by August 26, 2015, the direct final rule would be withdrawn and not take effect.

**DATES:** This withdrawal is effective September 22, 2015.

**FOR FURTHER INFORMATION CONTACT:** Twunjala Bradley, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Ms. Bradley's phone number is (404) 562–9352. She can also be reached via electronic mail at *bradley.twunjala@epa.gov.*

**SUPPLEMENTARY INFORMATION:** On July 27, 2015, EPA published direct final and proposed rulemaking notices to approve a SIP revision submitted by the State of Alabama through ADEM on March 27, 2015. *See* 80 FR 44292 and 80 FR 44320. Alabama's March 27, 2015, SIP revision provides state-determined allowance allocations for existing electric generating units in Alabama for the 2016 control periods and replaces the allowance allocations for the 2016 control periods established by EPA under the Cross-State Air Pollution Rule (CSAPR). The CSAPR addresses the ''good neighbor'' provision of the Clean Air Act that requires states to reduce the transport of pollution that significantly affects downwind nonattainment and maintenance areas. In the July 27, 2015, notices, EPA stated that if adverse comments were received by August 26, 2015, EPA would publish a notice in the **Federal Register** withdrawing the final rule and informing the public that the rule would not take effect. EPA received a single adverse comment on the proposed rulemaking and is withdrawing the direct final rule. EPA will address the adverse comment in a final action based upon the proposed rulemaking action published on July 27, 2015 (80 FR 44320). As stated in the proposed rulemaking, EPA will not institute a second comment period on this action.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 11, 2015.

**Heather McTeer Toney,**

*Regional Administrator, Region 4.*

Accordingly, the amendments to 40 CFR 52.50, 52.54 and 52.55 published in the **Federal Register** on July 27, 2015 (80 FR 44292), which were to become effective on September 25, 2015, are withdrawn.

[FR Doc. 2015–24050 Filed 9–21–15; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA–R04–OAR–2015–0313; FRL–9934–50–Region 4]**

### Approval and Promulgation of Implementation Plans for the State of Alabama: Cross-State Air Pollution Rule

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve the State of Alabama's March 27, 2015, State Implementation Plan (SIP) revision, submitted by the Alabama Department of Environmental Management (ADEM). This SIP revision provides Alabama's state-determined allowance allocations for existing electric generating units (EGUs) in the State for the 2016 control periods and replaces the allowance allocations for the 2016 control periods established by EPA under the Cross-State Air Pollution Rule (CSAPR). The CSAPR addresses the ''good neighbor'' provision of the Clean Air Act (CAA or Act) that requires states to reduce the transport of pollution that significantly affects downwind air quality. In this final action, EPA is approving Alabama's SIP revision, incorporating the state-determined allocations for the 2016 control periods into the SIP, and amending the regulatory text of the CSAPR Federal Implementation Plan (FIP) to reflect this approval and inclusion of the state-determined allocations. EPA's allocations of CSAPR trading program allowances for Alabama for control periods in 2017 and beyond remain in place until the State submits and EPA approves state-determined allocations for those control periods through another SIP revision. The CSAPR FIPs for Alabama remain in place until such time as the State decides to replace the FIPs with a SIP revision.

**DATES:** This rule will be effective September 22, 2015.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2015–0313. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Twunjala Bradley, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Ms. Twunjala Bradley can be reached by phone at (404) 562–9352 or via electronic mail at *bradley.twunjala@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

#### I. Background

EPA is taking final action to approve Alabama's March 27, 2015, SIP revision

submitted by ADEM that modifies the allocations of allowances established by EPA under the CSAPR FIPs for existing EGUs for the 2016 control periods.[1] The CSAPR allows a subject state, instead of EPA, to allocate allowances under the sulfur dioxide ($SO_2$) annual, nitrogen oxides ($NO_X$) annual, and $NO_X$ ozone season trading programs to existing EGUs in the State for the 2016 control periods provided that the state meets certain regulatory requirements.[2] EPA issued the CSAPR on August 8, 2011, to address CAA section 110(a)(2)(D)(i)(I) requirements concerning the interstate transport of air pollution and to replace the Clean Air Interstate Rule,[3] which the United States Court of Appeals for the District of Columbia Circuit (DC Circuit) remanded to EPA for replacement.[4] EPA found that emissions of $SO_2$ and $NO_X$ in 28 eastern, midwestern, and southern states contribute significantly to nonattainment or interfere with maintenance in one or more downwind states with respect to one or more of three air quality standards—the annual $PM_{2.5}$ NAAQS promulgated in 1997 [5] (15 micrograms per cubic meter ($\mu g/m^3$)), the 24-hour $PM_{2.5}$ NAAQS promulgated in 2006 [6] (35 $\mu g/m^3$), and the 8-hour ozone NAAQS promulgated in 1997 [7] (0.08 parts per million). The CSAPR identified emission reduction responsibilities of upwind states, and also promulgated enforceable FIPs to achieve the required emission reductions in each of these states through cost effective and flexible requirements for power plants.

Alabama is subject to the FIPs that implement the CSAPR and require certain EGUs to participate in the EPA-administered federal $SO_2$ annual, $NO_X$ annual, and $NO_X$ ozone season cap-and trade programs.[8] Alabama's March 27, 2015, SIP revision allocates allowances under the CSAPR to existing EGUs in the State for the 2016 control periods only. Alabama's SIP revision includes state-determined allocations for the CSAPR $NO_X$ annual, $NO_X$ ozone season, and $SO_2$ Group 2 annual trading programs, and complies with the 2016 $NO_X$ allowance allocation SIP requirements and the 2016 $SO_2$ allowance allocation SIP requirements set forth at 40 CFR 52.38 and 52.39, respectively. Pursuant to these regulations, a state may replace EPA's CSAPR allowance allocations for existing EGUs for the 2016 control periods provided that the state submits a timely SIP revision containing those allocations to EPA that meets the requirements in 40 CFR 52.38 and 52.39.

On July 27, 2015, EPA published direct final and proposed rulemaking notices to approve Alabama's March 27, 2015, SIP revision. *See* 80 FR 44292 and 80 FR 44320.[9] In these notices, EPA stated that if adverse comments were received by August 26, 2015, EPA would publish a notice in the **Federal Register** withdrawing the final rule and informing the public that the rule would not take effect. EPA received a single adverse comment on August 26, 2015, and has withdrawn the direct final rule. In the July 27, 2015, notices, EPA informed the public that adverse comments would be addressed in a final action based upon the proposed rule published on July 27, 2015 (80 FR 44320). EPA is responding to the adverse comment in this final action.

## II. Response to Comment

EPA received one adverse comment on its July 27, 2015, proposed rule. This anonymous comment is located in the docket for this final action. *See* Docket ID: EPA–R04–OAR–2015–0275. A summary of the adverse comment and EPA's response are provided below.

*Comment:* The Commenter states that ''these proposed regulations have not adequately considered the cost of implementation and, as such, should not be implemented. Implementation of these regulations would almost certainly create additional costs for Alabama based electric[i]ty producers which would be passed along to residential and commer[ci]al customers and to additional consumers from the greater cost of producing goods and services. Until the EPA properly quantifies the additional cost from this implementation and performs the cost benefit analysis required by law the implementation of this rule should not occur.''

*Response:* EPA disagrees with the Commenter because the comments are beyond the scope of this action. Pursuant to CAA section 110(k)(3), EPA's role in reviewing SIP submissions is to review state choices for consistency with the applicable requirements of the CAA, and EPA must approve a SIP revision that meets all applicable requirements of the CAA. The Commenter has not identified any aspect of the Alabama SIP submission that is inconsistent with the applicable CAA requirements, whether CAA section 110(a)(2)(D)(i)(I) or any other provision of the Act. EPA notes that it evaluated the costs and benefits of the implementation of CSAPR during its rulemaking process, which was conducted in 2010 and 2011. The Commenter's concerns regarding the costs of implementing CSAPR are therefore untimely because the public comment periods regarding the CSAPR and its implementation requirements have long since closed. The present action is limited to the state's modification of the allowance allocations under CSAPR to sources within the state and does not otherwise modify the emission reduction obligations (*i.e.* the emission budgets) or implementation requirements finalized in CSAPR.

## III. Effective Date of This Action

EPA is making September 22, 2015 the effective date of this final action. In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for this action to become effective on September 22, 2015. The September 22, 2015, effective date for this action is authorized under 5 U.S.C. 553(d)(3), which provides that rulemaking actions may become effective less than 30 days after publication, ''as otherwise provided by the agency for good cause found and published with the rule.'' The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. This rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the

[1] Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals; August 8, 2011 (76 FR 48208).

[2] The CSAPR is implemented in two Phases (I and II) with Phase I referring to 2015 and 2016 control periods, and Phase II consisting of 2017 and beyond control periods.

[3] Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone Clean Air Interstate Rule; Revisions to Acid Rain Program; Revisions to the $NO_X$ SIP Call; May 12, 2005 (70 FR 25162).

[4] *North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008), *modified on reh'g,* 550 F.3d 1176 (D.C. Cir. 2008).

[5] National Ambient Air Quality Standards for Particulate Matter; July 18, 1997 (62 FR 36852).

[6] National Ambient Air Quality Standards for Particulate Matter; October 17, 2006 (71 FR 61144).

[7] National Ambient Air Quality Standards for Ozone; July 18, 1997 (62 FR 38856).

[8] On July 28, 2015, the DC Circuit issued an opinion upholding CSAPR but remanding without vacatur certain state emissions budgets to EPA for reconsideration. *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302, slip op. CSAPR implementation at this time remains unaffected by the court decision, and EPA will address the remanded emissions budgets in a separate rulemaking. While Alabama's $SO_2$ emissions budget for phase 2 (*i.e.,* control periods in 2017 and subsequent years) was among the budgets remanded to EPA for reconsideration, this SIP revision concerns allowance allocations only for the 2016 control periods, which are part of phase 1.

[9] As noted in the July 27, 2015, notice of proposed rulemaking (80 FR 44320), EPA's detailed analysis of Alabama's SIP revision is provided in the direct final rulemaking published on July 27, 2015 (80 FR 44292). EPA incorporates that analysis herein by reference.

rule takes effect. Rather, this final rule establishes state-determined allocations of allowances for the control periods in 2016 to existing EGUs in the State under the CSAPR's $NO_X$ annual and ozone season and $SO_2$ Group 2 trading programs. The EGUs whose allowance allocations may be changed by this rule are already regulated under the CSAPR FIPs and do not face any new regulatory requirements under this rule. Furthermore, EPA must approve Alabama's SIP submission by October 1, 2015, to ensure that recordation of the 2016 allowances in the Allowance Management System is based on the state-determined allocations. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for this action to become effective on September 22, 2015.

## IV. Final Action

EPA is taking final action to approve Alabama's March 27, 2015, CSAPR SIP revision that provides Alabama's state-determined allocations of allowances for existing EGUs in the State for the 2016 control periods to replace the allowance allocations for the 2016 control periods established by EPA under CSAPR. Consistent with the flexibility given to states in the CSAPR FIPs at 40 CFR 52.38 and 52.39, Alabama's SIP revision establishes state-determined allocations of allowances to existing EGUs in the State under the CSAPR's $NO_X$ annual and ozone season and $SO_2$ Group 2 annual trading programs. Alabama's SIP revision meets the applicable requirements in 40 CFR 52.38(a)(3) and (b)(3) for allocations of $NO_X$ annual and $NO_X$ ozone season allowances, respectively, and 40 CFR 52.39(g) for allocations of $SO_2$ Group 2 annual allowances. EPA is amending the CSAPR FIP's regulatory text for Alabama at 40 CFR 52.54 and 52.55 to reflect this approval and inclusion of the state-determined allocations of allowances for the 2016 control periods. EPA is not making any other changes to the CSAPR FIPs for Alabama in this action. EPA's allocations of CSAPR trading program allowances for Alabama for control periods in 2017 and beyond remain in place until the State submits and EPA approves state-determined allocations for those control periods through another SIP revision. The CSAPR FIPs for Alabama remain in place until such time the State decides to replace the FIPs with a SIP revision. EPA is approving Alabama's SIP revision because it is in accordance with the CAA and its implementing regulations.

## V. Statutory and Executive Order Reviews

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

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

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 23, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

### List of Subjects in 40 CFR Part 52

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

Dated: September 11, 2015.

**Heather McTeer Toney,**

*Regional Administrator, Region 4.*

40 CFR part 52 is amended as follows:

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

### Subpart B—Alabama

■ 2. Section 52.50(e) is amended by adding an entry for ''Cross State Air Pollution Rule—State-Determined Allowance Allocations for the 2016

control periods'' at the end of the table to read as follows:

**§ 52.50 Identification of plan.**

* * * * *

(e) * * *

EPA Approved Alabama Non-Regulatory Provisions

| Name of nonregulatory SIP provision | Applicable geographic or nonattainment area | State submittal date/effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| * * * | * * | | * | * |
| Cross State Air Pollution Rule—State-Determined Allowance Allocations for the 2016 control periods. | Alabama | 3/27/2014 | 9/22/2015 | |

■ 3. Section 52.54 is amended by adding paragraphs (a)(3) and (b)(3) to read as follows:

**§ 52.54 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?**

(a) * * *

(3) Pursuant to § 52.38(a)(3), Alabama's state-determined TR $NO_X$ Annual allowance allocations established in the March 27, 2015, SIP revision replace the unit-level TR $NO_X$ Annual allowance allocation provisions of the TR $NO_X$ Annual Trading Program at 40 CFR 97.411(a) for the State for the 2016 control period with a list of TR $NO_X$ Annual units that commenced operation prior to January 1, 2010, in the State and the state-determined amount of TR $NO_X$ Annual allowances allocated to each unit on such list for the 2016 control period, as approved by EPA on September 22, 2015.

(b) * * *

(3) Pursuant to § 52.38(b)(3), Alabama's state-determined TR $NO_X$ Ozone Season allowance allocations established in the March 27, 2015, SIP revision replace the unit-level TR $NO_X$ Ozone Season allowance allocation provisions of the TR $NO_X$ Ozone Season Trading Program at 40 CFR 97.511(a) for the State for the 2016 control period with a list of TR $NO_X$ Ozone Season units that commenced operation prior to January 1, 2010, in the State and the state-determined amount of TR $NO_X$ Ozone Season allowances allocated to each unit on such list for the 2016 control period, as approved by EPA on September 22, 2015.

■ 4. Section 52.55 is amended by adding paragraph (c) to read as follows:

**§ 52.55 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?**

* * * * *

(c) Pursuant to § 52.39(g), Alabama's state-determined TR $SO_2$ Group 2 allowance allocations established in the March 27, 2015, SIP revision replace the unit-level TR $SO_2$ Group 2 allowance allocation provisions of the TR $SO_2$ Group 2 Trading Program at 40 CFR 97.711(a) for the State for the 2016 control period with a list of TR $SO_2$ Group 2 units that commenced operation prior to January 1, 2010, in the State and the state-determined amount of TR $SO_2$ Group 2 allowances allocated to each unit on such list for the 2016 control period, as approved by EPA on September 22, 2015.

[FR Doc. 2015–24051 Filed 9–21–15; 8:45 am]

BILLING CODE 6560–50–P


# FEDERAL REGISTER

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Part III

## The President

Federal Register
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Tuesday, September 22, 2015

# Presidential Documents

**Title 3—**

**The President**

**Proclamation 9324 of September 17, 2015**

## National POW/MIA Recognition Day, 2015

**By the President of the United States of America**

**A Proclamation**

America has long stood tall as a beacon of freedom thanks to the women and men of our Armed Forces who safeguard our country and our ideals with courage, honor, and selflessness. While our heroes and their families continue to give of themselves for us all, we must recognize the unthinkable pain that remains with the loved ones of those who have not returned home. Today, we honor them, as a Nation forever indebted. We rededicate ourselves to our ironclad commitment to never leaving one of our own behind, and we pay tribute to those patriots known to God and never forgotten.

To further uphold our eternal promise, we established the Defense POW/MIA Accounting Agency. This Agency will help recover and account for prisoners of war and those missing in action, work to better anticipate family needs, and ensure that timely, accurate information is communicated to loved ones. Bringing home Americans who have been taken prisoner or who have gone missing is a sacred mission, and my Administration is increasing our efforts to ensure every service member knows with absolute certainty that—should they ever find themselves in that position—ours is a country that will never give up on retrieving them.

As a grateful Nation, we owe it to all who put on the uniform of the United States to remain unwavering in our promise to them. With hearts full of love, families carry on with an unfillable void, and we stand beside them—one and all—acutely aware of the cost at which our liberty comes. Today and every day, let us renew our pledge to never stop working to bring home the ones they love to the land they risked everything to protect.

On September 18, 2015, the stark black and white banner symbolizing America's Missing in Action and Prisoners of War will be flown over the White House; the United States Capitol; the Departments of State, Defense, and Veterans Affairs; the Selective Service System Headquarters; the World War II Memorial; the Korean War Veterans Memorial; the Vietnam Veterans Memorial; United States post offices; national cemeteries; and other locations across our country. We raise this flag as a solemn reminder of our obligation to always remember the sacrifices made to defend our Nation.

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 18, 2015, as National POW/MIA Recognition Day. I urge all Americans to observe this day of honor and remembrance with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September, 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. 2015–24235
Filed 9–21–15; 11:15 am]
Billing code 3295–F5–P

# Presidential Documents

**Notice of September 18, 2015**

## Continuation of the National Emergency With Respect to Persons Who Commit, Threaten To Commit, or Support Terrorism

On September 23, 2001, by Executive Order 13224, the President declared a national emergency with respect to persons who commit, threaten to commit, or support terrorism, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks on September 11, 2001, in New York and Pennsylvania and against the Pentagon, and the continuing and immediate threat of further attacks against United States nationals or the United States.

The actions of persons who commit, threaten to commit, or support terrorism continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For this reason, the national emergency declared in Executive Order 13224 of September 23, 2001, and the measures adopted on that date to deal with that emergency, must continue in effect beyond September 23, 2015. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to persons who commit, threaten to commit, or support terrorism declared in Executive Order 13224.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

THE WHITE HOUSE,

*September 18, 2015.*

[FR Doc. 2015–24236

Filed 9–21–15; 11:15 am]

Billing code 3295–F5–P

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