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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 72

[NRC–2015–0134]

RIN 3150–AJ62

#### List of Approved Spent Fuel Storage Casks: Holtec International, HI–STORM Flood/Wind Multipurpose Storage System, Certificate of Compliance No. 1032, Amendment No. 0, Revision 1

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Direct final rule.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is amending its spent fuel storage regulations by revising the Holtec International (Holtec), HI–STORM (Holtec International Storage Module) Flood/Wind (FW) Multipurpose Canister Storage (MPC) System listing within the “List of approved spent fuel storage casks” to add Amendment No. 0, Revision 1, to Certificate of Compliance (CoC) No. 1032. This revision corrects the CoC’s expiration date (editorial change), clarifies heat load limits for helium backfill ranges, clarifies the wording for the Limiting Condition for Operation (LCO) on vent blockage, and revises the vacuum drying system heat load.

**DATES:** The direct final rule is effective April 25, 2016, unless significant adverse comments are received by October 28, 2015. If the direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the **Federal Register**. 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. Comments received on this direct final rule will also be considered to be

comments on a companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**.

**ADDRESSES:** You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2015–0134. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; *email:* [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Email comments to:* [Rulemaking.Comments@nrc.gov](mailto: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.

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:** Solomon Sahle, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3781; *email:* [Solomon.Sahle@nrc.gov](mailto:Solomon.Sahle@nrc.gov).

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## I. Obtaining Information and Submitting Comments

### A. Obtaining Information

Please refer to Docket ID NRC–2015–0134 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2015–0134.

- *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](mailto:pdr.resource@nrc.gov). For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the “Availability of Documents” section.

- *NRC’s PDR:* You may examine and purchase copies of public documents at the NRC’s PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

### B. Submitting Comments

Please include Docket ID NRC–2015–0134 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly

disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

## II. Procedural Background

This rule is limited to the changes contained in Amendment No. 0, Revision 1, to CoC No. 1032 and does not include other aspects of the HI-STORM FW MPC Storage System. The NRC is using the “direct final rule” procedure to issue this revision because it represents a limited and routine change to an existing CoC that is expected to be noncontroversial. Adequate protection of public health and safety continues to be ensured. The revision to the rule will become effective on April 25, 2016. However, if the NRC receives significant adverse comments on this direct final rule by April 25, 2016, then the NRC will publish a document that withdraws this action, and will subsequently address the comments received in a final rule as a response to the companion proposed rule published in the Proposed Rule section of this issue of the **Federal Register**. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule’s underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis; The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(b) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC staff to make a change (other than editorial) to the rule, CoC, or Technical Specifications (TSs).

For detailed instructions on submitting comments, please see the **ADDRESSES** section of this document.

## III. Background

Section 218(a) of the Nuclear Waste Policy Act (NWPA) of 1982, as amended, requires that “the Secretary [of the Department of Energy] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.” Section 133 of the NWPA states, in part, that “[t]he Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 219(a) [sic: 218(a)] for use at the site of any civilian nuclear power reactor.” To implement this mandate, the Commission approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule which added a new subpart K in part 72 of Title 10 of the *Code of Federal Regulations* (10 CFR) entitled “General License for Storage of Spent Fuel at Power Reactor Sites” (55 FR 29181; July 18, 1990). This rule also established a new subpart L within 10 CFR part 72 entitled, “Approval of Spent Fuel Storage Casks,” which contains procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a direct final rule on March 28, 2011 (76 FR 17019), that approved the Holtec HI-STORM FW MPC Storage System and added it to the list of NRC-approved cask designs in 10 CFR 72.214 as CoC No. 1032.

## IV. Discussion of Changes

By letter dated September 16, 2014, and as supplemented on March 12, 2015, Holtec submitted a request to the NRC to revise the initial certificate issued as CoC No. 1032. Because this is a request to revise the initial certificate, the revision is being referred to as “Amendment No. 0, Revision 1.” Amendment No. 0, Revision 1, will supersede the initial version of the CoC and TSs that were effective on June 13, 2011, in their entirety. The HI-STORM FW MPC Storage System is a spent nuclear fuel storage system designed to be in full compliance with the requirements of 10 CFR part 72.

Amendment No. 0, Revision 1, makes the following changes:

- Corrects the expiration date to June 12, 2031.
- Modifies Appendix A, Table 3–2, to show that the narrower helium backfill range can be used for all canisters instead of only those above a certain limit. Additionally, the footnotes on this table are revised.
- Revises the note in Appendix A, LCO 3.1.2, to clarify that each of the inlet and outlet vents should be 50 percent unblocked.
- Revises Appendix A, Table 3–1, to limit the MPC heat load limit for using the vacuum drying system to a lower value, and revises the table notes accordingly.
- Revises Appendix B, Tables 2.3–3 and 2.3–4, to indicate that the per cell heat load limits correspond to the lower MPC heat load limit.

As documented in the safety evaluation report (SER), the NRC staff performed a detailed safety evaluation of the proposed CoC revision request. Correcting the CoC expiration date to reflect a 20-year versus a 40-year certification is an editorial change that is consistent with the original HI-STORM FW MPC Storage System application and SER. The NRC staff also finds that CoC No. 1032, as revised, identifies the necessary TSs to satisfy 10 CFR part 72 and that the applicable criteria of 10 CFR 72.236 have been satisfied. The NRC staff concludes that the proposed TS changes provide reasonable assurance that the HI-STORM FW MPC Storage System will allow safe storage of spent nuclear fuel.

This direct final rule revises the Holtec HI-STORM FW MPC Storage System listing in 10 CFR 72.214 by adding Amendment No. 0, Revision 1, to CoC No. 1032. The revision consists of the changes previously described, as set forth in the revised CoC and TSs. The revised TSs are identified in the SER.

The revised Holtec HI-STORM FW MPC Storage System, when used under the conditions specified in the CoC, the TSs, and the NRC’s regulations, will meet the requirements of 10 CFR part 72; therefore, adequate protection of public health and safety will continue to be ensured. The NRC staff further determined that the issuance of the revision will not be inimical to the common defense and security. When this direct final rule becomes effective, persons who hold a general license under 10 CFR 72.210 may load spent nuclear fuel into the HI-STORM FW MPC Storage System that meets the criteria of Amendment No. 0, Revision



1, to CoC No. 1032 under 10 CFR 72.212.

#### V. 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 the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC will revise the Holtec HI–STORM FW MPC Storage System design listing in 10 CFR 72.214, “List of approved spent fuel storage casks.” This action does not constitute the establishment of a standard that contains generally applicable requirements.

#### VI. Agreement State Compatibility

Under the “Policy Statement on Adequacy and Compatibility of Agreement State Programs” approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), this direct final rule is classified as Compatibility Category “NRC.” Compatibility is not required for Category “NRC” regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended, or the provisions of 10 CFR. Although an Agreement State may not adopt program elements reserved to the NRC, it may wish to inform its licensees of certain requirements via a mechanism that is consistent with the particular State’s administrative procedure laws, but does not confer regulatory authority on the State.

#### VII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, 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).

#### VIII. Environmental Assessment and Finding of No Significant Environmental Impact

##### A. The Action

The action is to amend 10 CFR 72.214 to revise the Holtec HI–STORM FW MPC Storage System listing within the “List of approved spent fuel storage casks” to include Amendment No. 0, Revision 1, to CoC No. 1032. Under the National Environmental Policy Act of 1969, as amended, and the NRC’s

regulations in subpart A of 10 CFR part 51, “Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,” the NRC has determined that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The NRC has made a finding of no significant impact on the basis of this environmental assessment.

##### B. The Need for the Action

This direct final rule revises the CoC for the Holtec HI–STORM FW MPC Storage System design within the list of approved spent fuel storage casks that power reactor licensees can use to store spent fuel at reactor sites under a general license. Specifically, Amendment No. 0, Revision 1, corrects the CoC expiration date, clarifies heat load limits for helium backfill ranges, clarifies the wording for the LCO on vent blockage, and revises the vacuum drying system heat load.

##### C. Environmental Impacts of the Action

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent fuel under a general license in cask designs approved by the NRC. The potential environmental impact of using NRC-approved storage casks was initially analyzed in the environmental assessment for the 1990 final rule. The environmental assessment for this Amendment No. 0, Revision 1, tiers off of the environmental assessment for the July 18, 1990, final rule. Tiering on past environmental assessments is a standard process under the National Environmental Policy Act.

Holtec HI–STORM FW MPC Storage Systems are designed to mitigate the effects of design basis accidents that could occur during storage. Design basis accidents account for human-induced events and the most severe natural phenomena reported for the site and surrounding area. Postulated accidents analyzed for an Independent Spent Fuel Storage Installation, the type of facility at which a holder of a power reactor operating license would store spent fuel in casks in accordance with 10 CFR part 72, include tornado winds and tornado-generated missiles, a design basis earthquake, a design basis flood, an accidental cask drop, lightning effects, fire, explosions, and other incidents.

Considering the specific design requirements for each accident condition, the design of the storage system would prevent loss of containment, shielding, and criticality

control. If there is no loss of containment, shielding, or criticality control, the environmental impacts would not be significant. There are no significant changes to cask design requirements in the proposed CoC revision. In addition, because there are no significant design or process changes, any resulting occupational exposure or offsite dose rates from the implementation of Amendment No. 0, Revision 1, would remain well within the 10 CFR part 20 limits. Therefore, the proposed CoC revision will not result in any radiological or non-radiological environmental impacts that differ significantly from the environmental impacts evaluated in the environmental assessment supporting the July 18, 1990, final rule. There will be no significant change in the types or significant revisions in the amounts of any effluent released, no significant increase in the individual or cumulative radiation exposure, and no significant increase in the potential for or consequences from radiological accidents. The NRC staff documented its safety findings in the SER for this amendment.

##### D. Alternative to the Action

The alternative to this action is to deny approval of Amendment No. 0, Revision 1, and end the direct final rule. Consequently, any 10 CFR part 72 general licensee that seeks to load spent nuclear fuel into Holtec HI–STORM FW MPC Storage Systems in accordance with the changes described in proposed Amendment No. 0, Revision 1, would have to request an exemption from the requirements of 10 CFR 72.212 and 72.214. Under this alternative, interested licensees would have to prepare, a separate exemption request, thereby increasing the administrative burden upon the NRC and the costs to each licensee. Therefore, the environmental impacts of the alternative to the action would be the same or more than the impacts of the action.

##### E. Alternative Use of Resources

Approval of Amendment No. 0, Revision 1, to CoC No. 1032 would result in no irreversible commitments of resources.

##### F. Agencies and Persons Contacted

No agencies or persons outside the NRC were contacted in connection with the preparation of this environmental assessment.

##### G. Finding of No Significant Impact

The environmental impacts of the action have been reviewed under the requirements in 10 CFR part 51. Based

on the foregoing environmental assessment, the NRC concludes that this direct final rule entitled, "List of Approved Spent Fuel Storage Casks: Holtec International, Inc., HI-STORM Flood/Wind Multipurpose Storage System, Certificate of Compliance No. 1032, Amendment No. 0, Revision 1," will not have a significant effect on the human environment. Therefore, the NRC has determined that an environmental impact statement is not necessary for this direct final rule.

### **IX. Paperwork Reduction Act Statement**

This direct final rule does not contain any information collection requirements and, therefore, is not subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### *Public Protection Notification*

The NRC may not conduct or sponsor, and a person is not required to respond to a request for information or an information collection requirement unless the requesting document displays a currently valid Office of Management and Budget control number.

### **X. Regulatory Flexibility Certification**

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this rule will not, if issued, have a significant economic impact on a substantial number of small entities. This direct final rule affects only nuclear power plant licensees and Holtec. These entities 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 (10 CFR 2.810).

### **XI. Regulatory Analysis**

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent nuclear fuel under a general license in cask designs approved by the NRC. Any nuclear power reactor licensee can use NRC-approved cask designs to store spent nuclear fuel if it notifies the NRC in advance, the spent fuel is stored under the conditions specified in the cask's CoC, and the conditions of the general license are met. A list of NRC-approved cask designs is contained in 10 CFR 72.214.

On September 16, 2014, and as supplemented on March 12, 2015, Holtec submitted an application to revise the HI-STORM FW MPC Storage System, CoC No. 1032, as described in Section IV, "Discussion of Changes," of this document. The alternative to this

action is to withhold approval of Amendment No. 0, Revision 1, and to require any 10 CFR part 72 general licensee seeking to load spent nuclear fuel into the Holtec HI-STORM FW MPC Storage System under the changes described in Amendment No. 0, Revision 1, to request an exemption from the requirements of 10 CFR 72.212 and 72.214. Under this alternative, each interested 10 CFR part 72 licensee would have to prepare, and the NRC would have to review, a separate exemption request, thereby increasing the administrative burden upon the NRC and the costs to each licensee.

Approval of this direct final rule is consistent with previous NRC actions. Further, as documented in the SER and the environmental assessment, the direct final rule will have no adverse effect on public health and safety or the environment. This direct final rule has no significant identifiable impact or benefit on other Government agencies. Based on this regulatory analysis, the NRC concludes that the requirements of the direct final rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory, and therefore, this action is recommended.

### **XII. Backfitting and Issue Finality**

The NRC has determined that the backfit rule (10 CFR 72.62) does not apply to this direct final rule. Therefore, a backfit analysis is not required. This direct final rule revises CoC No. 1032 for the Holtec HI-STORM FW MPC Storage System, as currently listed in 10 CFR 72.214, "List of approved spent fuel storage casks." Amendment No. 0, Revision 1, corrects the CoC expiration date, clarifies heat load limits for helium backfill ranges, clarifies the wording for the LCO on vent blockage, and revises the vacuum drying system heat loads.

Although Holtec has manufactured some casks under the existing CoC No. 1032, Amendment No. 0, that is being revised by this direct final rule, Holtec, as the vendor, is not subject to backfitting protection under 10 CFR 72.62. Moreover, Holtec requested the change and has requested to apply it to the existing casks manufactured under Amendment No. 0. Therefore, even if the vendor were deemed to be an entity protected from backfitting, this request represents a voluntary change and is not backfitting for Holtec.

Under 10 CFR 72.62, general licensees are entities that are protected from backfitting, and in this instance, Holtec,

has provided systems under CoC No. 1032, Amendment No. 0, to a general licensee. General licensees are required, pursuant to 10 CFR 72.212, to ensure that each cask conforms to the terms, conditions, and specifications of a CoC, and that each cask can be safely used at the specific site in question. Because the casks delivered under CoC No. 1032, Amendment No. 0, now must be evaluated under 10 CFR 72.212 consistent with the revisions in CoC No. 1032, Amendment No. 0, Revision 1, this change in the evaluation method and criteria constitutes a change in a procedure required to operate an independent spent fuel storage installation (ISFSI) and, therefore, would constitute backfitting under 10 CFR 72.62(a)(2). However, in this instance, the general licensee voluntarily indicated their willingness to comply with the revised CoC, as long as the general licensee is provided adequate time to implement the revised CoC (ADAMS Accession No. ML15222A173). This direct final rule accommodates that request by providing an effective date for the final rule to April 25, 2016. Therefore, although the general licensee is an entity protected from backfitting, this request represents a voluntary change and is not backfitting for the general licensee.

In addition, the changes in CoC No. 1032, Amendment No. 0, Revision 1, do not apply to casks which were manufactured to other amendments of CoC No. 1032, and therefore, have no effect on current ISFSI licensees using casks which were manufactured to other amendments of CoC No. 1032. For these reasons, approval of CoC No. 1032, Amendment No. 0, Revision 1, does not constitute backfitting for users of the HI-STORM FW MPC Storage System which were manufactured to other amendments of CoC No. 1032, under 10 CFR 72.62, 10 CFR 50.109(a)(1), or the issue finality provisions applicable to combined licenses in 10 CFR part 52.

Accordingly, no backfit analysis or additional documentation addressing the issue finality criteria in 10 CFR part 52 has been prepared by the NRC staff.

### **XIII. Congressional Review Act**

This action is not a rule as defined in the Congressional Review Act (5 U.S.C. 801–808).

### **XIV. 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.
Proposed CoC No. 1032, Amendment No. 0, Revision 1 .....	ML15124A631
Appendix A of Proposed TS .....	ML15124A636
Appendix B of Proposed TS .....	ML15124A642
Preliminary SER .....	ML15124A644
September 16, 2014, application .....	ML14262A070
March 12, 2015, supplement to application .....	ML15071A472

The NRC may post materials related to this document, including public comments, on the Federal rulemaking Web site at <http://www.regulations.gov> under Docket ID NRC–2015–0134. 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–2015–0134); (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 72**

Administrative practice and procedure, Criminal penalties, Hazardous waste, Indians, Intergovernmental relations, Manpower training programs, Nuclear energy, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendments to 10 CFR part 72.

**PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE**

■ 1. The authority citation for part 72 continues to read as follows:

**Authority:** Atomic Energy Act of 1954, secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161,

10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

■ 2. In § 72.214, Certificate of Compliance No. 1032 is revised to read as follows:

**§ 72.214 List of approved spent fuel storage casks.**

\* \* \* \* \*

Certificate Number: 1032.  
Initial Certificate Effective Date: June 13, 2011, superseded by Amendment Number 0, Revision 1, on April 25, 2016.

Amendment Number 0, Revision 1, Effective Date: April 25, 2016.

Amendment Number 1 Effective Date: December 17, 2014, superseded by Amendment Number 1, Revision 1, on June 2, 2015.

Amendment Number 1, Revision 1, Effective Date: June 2, 2015.

SAR Submitted by: Holtec International, Inc.

SAR Title: Final Safety Analysis Report for the Holtec International HI–STORM FW System.

Docket Number: 72–1032.

Certificate Expiration Date: June 12, 2031.

Model Number: HI–STORM FW MPC–37, MPC–89.

\* \* \* \* \*

Dated at Rockville, Maryland, this 18th day of September, 2015.

For the Nuclear Regulatory Commission.

**Michael F. Weber,**

*Acting, Executive Director for Operations.*

[FR Doc. 2015–24615 Filed 9–25–15; 8:45 am]

**BILLING CODE 7590–01–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

**[Docket No. FAA–2015–1137; Airspace Docket No. 15–ANM–4]**

**Amendment of Class E Airspace; Portland, OR**

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

**ACTION:** Final rule.

**SUMMARY:** This action modifies Class E surface area airspace designated as an extension to Class C airspace, and Class E airspace extending upward from 700 feet above the surface at Portland International Airport, Portland, OR. After reviewing the airspace, the FAA found the Portland VHF omnidirectional radio range/distance measuring equipment (VOR/DME) and Laker non-directional beacon (NDB) has been decommissioned, thereby necessitating airspace redesign for the safety and management of Instrument Flight Rules (IFR) operations at the airport. This action also corrects the geographic coordinates of the airport.

**DATES:** Effective 0901 UTC, December 10, 2015. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy and ATC Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington DC 29591; telephone: 202–267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

**FOR FURTHER INFORMATION CONTACT:** Steve Haga, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4563.

**SUPPLEMENTARY INFORMATION:**

### Authority for This Rulemaking

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

### History

On July 20, 2015, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify Class E surface area airspace designated as an extension to the Class C airspace, and Class E airspace extending upward from 700 feet above the surface at Portland International Airport, Portland, OR, (80 FR 42760). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Subsequent to publication, the FAA found minor latitudinal and longitudinal adjustments were required to ensure sectional chart accuracy. The 2.7 mile references are changed to 3 miles to compensate for calculation differences between nautical and statute miles. These errors have been corrected in this document.

Class E airspace designations are published in paragraph 6003 and 6005, respectively, of FAA Order 7400.9Z, dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

### Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this final rule. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 modifies Class E airspace designated as an extension to Class C airspace, and Class E airspace extending upward from 700 feet above the surface at Portland International Airport, Portland, OR. A review of the airspace revealed modification necessary due to the decommissioned Portland VOR/DME and Laker NDB navigation aids. Also, the geographic coordinates of the airport are amended to coincide with the FAA's aeronautical database.

Class E airspace designated as an extension to Class C airspace is modified to an area 4.7 miles west and 4 miles east of the 044° bearing from Portland International Airport extending to 18 miles northeast of the airport. The lateral boundary for Class E airspace extending upward from 700 feet above the surface is defined utilizing latitudinal and longitudinal reference points instead of navigation aids. This does not change the lateral boundaries or operating requirements of the airspace.

### Regulatory Notices and Analyses

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

### Environmental Review

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

### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment

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

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

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

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

#### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, is amended as follows:

*Paragraph 6003 Class E Airspace Areas Designated as an Extension*

\* \* \* \* \*

#### ANM OR E3 Portland, OR [Modified]

Portland International Airport, OR  
(Lat. 45°35'19" N., long. 122°35'49" W.)

That airspace extending upward from the surface bounded by a line beginning at lat. 45°40'12" N., long. 122°37'24" W.; to lat. 45°41'14" N., long. 122°37'21" W.; to lat. 45°51'45" N., long. 122°22'16" W.; to lat. 45°45'40" N., long. 122°13'32" W.; to lat. 45°35'13" N., long. 122°28'42" W.; thence counter-clockwise along the 5-mile radius of Portland International Airport to the point of beginning.

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth*

\* \* \* \* \*

#### ANM OR E5 Portland, OR [Modified]

Portland International Airport, OR  
(Lat. 45°35'19" N., long. 122°35'49" W.)  
McMinnville, McMinnville Municipal Airport, OR  
(Lat. 45°11'40" N., long. 123°08'10" W.)

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 45°59'59" N., long. 123°30'04" W.; to lat. 46°00'00" N., long. 122°13'00" W.; thence via an 8.5-mile radius centered at lat. 45°55'07" N., long. 122°03'02" W. clockwise to lat. 45°46'39" N., long. 122°04'00" W.; thence via a line south to lat. 45°09'59" N., long. 122°04'00" W.; thence to lat. 45°09'59" N., long. 123°02'34" W.; to lat. 45°09'59" N., long. 123°30'04" W.; thence to the point of beginning; and within a 4.3-mile radius of McMinnville Municipal Airport; and within 2 miles each side of the 215° bearing from McMinnville Municipal Airport to 8.1 miles south of the airport; and that

airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 46°30'29" N., long. 124°06'51" W.; to lat. 46°30'29" N., long. 120°29'40" W.; to lat. 45°42'49" N., long. 121°06'03" W.; to lat. 44°15'10" N., long. 121°18'13" W.; to lat. 44°29'59" N., long. 123°17'38" W.; to lat. 44°29'59" N., long. 124°08'036" W. to a point 3 miles offshore; thence along a line 3 miles offshore to the point of beginning.

Issued in Seattle, Washington, on September 21, 2015.

**Christopher Ramirez,**

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2015-24434 Filed 9-25-15; 8:45 am]

**BILLING CODE 4910-13-P**

## LIBRARY OF CONGRESS

### Copyright Royalty Board

#### 37 CFR Part 380

[Docket No. 2014-CRB-0001-WR (2016-2020) (Web IV)]

#### Digital Performance Right in Sound Recordings and Ephemeral Recordings

**AGENCY:** Copyright Royalty Board, Library of Congress.

**ACTION:** Final rule.

**SUMMARY:** The Copyright Royalty Judges publish final regulations that set the rates and terms for the digital performances of sound recordings by certain noncommercial educational webcasters and for the making of ephemeral recordings necessary to facilitate those transmissions for the period commencing January 1, 2016, and ending on December 31, 2020.

**DATES:** *Effective:* January 1, 2016.

**FOR FURTHER INFORMATION CONTACT:** LaKeshia Keys, Program Specialist, at (202) 707-7658, or at [crb@loc.gov](mailto:crb@loc.gov).

**SUPPLEMENTARY INFORMATION:** The Copyright Royalty Judges (Judges) received a joint motion from SoundExchange, Inc. (SoundExchange), and College Broadcasters, Inc. (CBI) in which they announced a partial settlement of the above proceeding for certain internet transmissions by college radio stations and other noncommercial webcasters.<sup>1</sup> SoundExchange and CBI requested that the Judges adopt their agreement as a partial settlement of rates and terms under Section 112(e) and 114 of the Copyright Act (Act) for eligible nonsubscription transmissions by

noncommercial educational webcasters (NEWs) over the internet, and related ephemeral recordings. The Judges published the proposed settlement and requested comments from the public.<sup>2</sup> For the reasons discussed below, the Judges hereby adopt the proposed settlement, with the exception of a single provision that would identify SoundExchange as the designated Collective for the upcoming license period. The Judges defer designation of the Collective for the upcoming licensing period until the conclusion of the proceeding.

#### Background

The proposed SoundExchange/CBI settlement (Settlement) generally continues in effect, with certain adjustments, the extant rates for eligible NEWs that were codified in 37 CFR part 380 Subpart C. The Judges adopted those rates and terms pursuant to Section 801(b)(7)(A) of the Act as part of the prior webcasting determination. See *Digital Performance Right in Sound Recordings and Ephemeral Recordings*, 76 FR 13026 (*Web-III*).

Under the proposed Settlement, an eligible NEW would pay a \$500 annual fee for each of the individual channels, side channels, or stations through which it makes Eligible Transmissions. Proposed Rule 37 CFR 380.22(a). The \$500 fee would also serve as the minimum fee for eligible NEWs. All other NEWs would pay the royalties established under Part 380 Subpart A applicable to noncommercial webcasters. Proposed Rule 37 CFR 380.22(c).

To qualify for the rates under the Settlement, a NEW's total monthly per channel or per station transmissions must remain below 159,140 aggregate tuning hours (ATH). If a NEW's transmissions exceed that threshold, the NEW must pay royalties for the relevant month, and for the remainder of the relevant year, in accordance with the otherwise applicable noncommercial rates to be determined in this proceeding. In subsequent years, a NEW that wishes to pay the rates under the Settlement must take affirmative steps not to exceed the 159,140 ATH threshold. Proposed Rule 37 CFR 380.22(b).

Commercial webcasters are required to make detailed, census reports of all sound recordings they transmit. NEWs with limited listenership may pay the Collective a proxy fee to avoid the burden of census reporting. The Settlement increases the listenership cap (from 55,000 ATH to 80,000 ATH)

for services electing the proxy fee *in lieu* of the census reporting option provided in 37 CFR 380.23(g)(1). See Proposed Rule 37 CFR 380.22(g)(1).<sup>3</sup> A NEW electing the reporting waiver in 37 CFR 380.23(g)(1) must pay a \$100 annual proxy fee to the Collective. Proposed Rule 37 CFR 380.22(a).

#### Comment Summary

The Judges received nearly 60 comments—some supporting and some opposing adoption of the Settlement—in response to their request for comments published in the **Federal Register**. Many of the comments appeared to be form letters; hence, the number of commenters exceeded the number of substantive comments. Some of the comments came from affiliated entities. The Judges considered the views of all commenters in reaching their decision and all comments are posted to the CRB's Web site. The Judges discuss illustrative examples here.

#### Comments Supporting Adoption of the Settlement

In its comment supporting adoption of the joint proposal, CBI noted that the Settlement contains

the same terms that NEWs have been successfully using for several years to comply with the statutory license for webcasting copyright works. Keeping these rates and terms in place will prevent disruption of their operation and ensure the noncommercial educational webcasters [remain able to provide] creators of musical recordings access to the noncommercial educational listener market.

Comment by College Broadcasters, Inc. in Support of Adopting The Joint Settlement Between College Broadcasters, Inc. and SoundExchange at 1 (Nov. 26, 2014) (CBI Comment).

CBI further noted that

[T]he current Settlement continues essentially the same recordkeeping terms that have been integral for NEWs to be able to comply with the statutory license. In particular, these recordkeeping terms include an optional proxy fee, which allows NEWs to pay an additional \$100 in lieu of complying with ordinarily-applicable recordkeeping rules, which are frequently impossible for NEWs to comply with due to their more limited budgets, older broadcasting technology, and other operational limitations. [T]he new Settlement makes this extremely necessary reporting option available for more stations than the previous one did. It also continues to provide recordkeeping relief for those stations whose audience size makes them ineligible for this

<sup>3</sup> The Settlement also "makes a handful of further minor changes to the current rates and terms for NEWs." [SoundExchange's] Comments Concerning Proposed Settlement at n.1 (Nov. 26, 2014) (SoundExchange Comments).

<sup>1</sup> Joint Motion to Adopt Partial Settlement, Docket No. 2014-CRB-0001-WR (2016-2020) (Oct. 7, 2014) (Joint Motion).

<sup>2</sup> See 79 FR 65609 (Nov. 5, 2014).

proxy option by allowing them to provide recordkeeping data consistent with what is feasible for them to produce. [T]his Settlement also leaves room for webcasters to grow without fear that if they inadvertently grow even the tiniest bit too large they will suddenly incur recordkeeping requirements that are impossible to comply with without first making a significant and unaffordable investment in their station technology and operations.

CBI Comment at 3–4.

WSOU Seton Hall University—not a participant in the proceeding—stated:

Since the current agreement has been in place for several years and has worked to the satisfaction of a large number of college stations, it is prudent to extend that fair and successful arrangement into the future. The proposed settlement is affordable for our station, easily implementable, and relieves WSOU from burdensome reporting requirements while allowing royalties to be paid to the rightful recipients.

WSOU Comment at 1 (Nov. 17, 2014).

Wayne State College—also a nonparticipant—stated:

The proposed agreement . . . serves our station well. In the past, when reporting requirements were more demanding, it threatened our ability to continue streaming commercially recorded music [because] the station is operated by students, with faculty oversight, and thus has no actual paid employees. The opportunity to make an additional payment in lieu of reporting makes an overwhelming difference for us.<sup>4</sup>

Wayne State College Comment (Nov. 18, 2014).

### Comments Opposing Adoption of the Settlement

Those opposing adoption of the Settlement argue, among other things, that doing so before issuing a final determination in the proceeding would be premature. This position is discussed illustratively in a comment from the Dayton Public School District in Dayton, Ohio (“Dayton”)—not a participant to the proceeding—which contends that “[n]o other commercial or noncommercial agreements have been reached [and] 99.5% of the [SoundExchange] royalty revenue is commercial, 0.5% noncommercial. CBI [represents] only a small fraction of the

0.5% noncommercial. Other rates should be determined before such an insignificant agreement should be considered.” Dayton Public School District Comment (Nov. 26, 2014).

Dayton also claims that the proposed rates in the Settlement are higher than those paid by the Corporation for Public Broadcasting-qualified webcasters and those paid by Live365 in 2009 and 2010. Accordingly, according to Dayton, the CRB “needs to determine all noncommercial ‘willing buyer-willing sellers’ before approving the rate in the CBI/SoundExchange Settlement.” *Id.*

Dayton further contends that the payment of a proxy fee in lieu of reporting requirements precludes accurate allocation of royalties to the artists that earned them.

Lastly, Dayton argues that “[m]any, if not most, of the web streams covered under the CBI agreement would be from public [entities] like public schools, community colleges, and State colleges/universities.” According to Dayton, “[m]ost State statutes forbid payments from State entities to lobbying organizations. SoundExchange is a lobbying organization . . . The CRB should de conflict [sic] State and Federal law, perhaps through an aggregator payment like is done through CPB, Live365 and is proposed for IBS Members.” *Id.*<sup>5</sup>

IBS—a participant in the proceeding—“takes no position on whether the [CRB] should approve the rates [set forth in the settlement] for signatories” but, IBS contends, the proposed rates are not reasonable for the majority of educationally based broadcasters and webcasters that do not have paid staffs. According to IBS, CBI’s membership is not representative of a majority of educationally-based broadcasters and webcasters, implying, without offering supporting evidence, that CBI member stations have paid staffs. IBS Comments on SX–CBI’s Joint Rate Proposal at 5 (Nov. 27, 2014). IBS implies, again without offering supporting evidence, that the majority of noncommercial webcasters do not have paid staff, and, therefore, presumably would be less able to pay the rates set forth in the Settlement.<sup>6</sup>

<sup>5</sup> Comments substantially identical to those submitted by Dayton were also submitted by RMU Radio Robert Morris University; WCAS Radio Metropolitan State University of Denver; WLMU Le Moyne College Syracuse, NY; XTSR Towson University; and Zumix Radio East Boston, MA. RMU Radio Comment (Dec. 2, 2014), WCAS Radio Comment (Nov. 30, 2014), WLMU Comment (Nov. 26, 2014), XTSR Towson University Comment (Nov. 26, 2014), Zumix Radio Comment (Dec. 1, 2014).

<sup>6</sup> IBS makes an unsubstantiated accusation that SoundExchange indirectly funds—through “CBI

WHRB—a participant in the proceeding—highlights certain “inadvertent drafting anomalies” in the proposal, which, if uncorrected, “might render the proposed rates inapplicable to WHRB’s simulcast stream.” WHRB’s Comments on SX–CBI Rate Proposal at 1 (Nov. 27, 2014) (WHRB Comment). In particular, WHRB notes that the proposed provision addressing the certification requirement would eliminate the word “officer” and substitute “representative of the applicable educational institution.” *Id.* at 1–2. According to WHRB, the existing wording authorizes “student officers of the corporation with personal knowledge of the facts to certify usage.” *Id.* at 2. Yet, none of these student officers “sits as a representative of the President and Fellows of Harvard College.” Although WHRB has a faculty adviser, he is not broadly involved in the operations of the radio station so as to be able to certify under proposed Section 380.23(f)(9). *Id.* at 3. WHRB continues that the Librarian of Congress cannot compel Harvard to appoint such a representative; nor can the station or the Collective. WHRB contends that, as a result, “the Board should not adopt the rules in the form proposed in SX and CBI’s joint petition without correcting the foregoing drafting anomalies.” *Id.* at 5.

### Other Comments

The NRBNMLC—a participant in the proceeding—believes that a \$500 flat fee and a complete reporting exemption constitute “workable rates and terms for NEWs.” NRBNMLC Comment at 2 (Nov. 26, 2014). At the same time, however, the NRBNMLC raised certain issues with the proposal. For example, the NRBNMLC noted that the ATH definition

does not unambiguously exclude . . . programming that does not include sound recordings at all, such as news, talk and sports programming. NEWs receive no benefit under the Statutory Licenses from transmitting such programming, so their transmission of that programming should not adversely affect their fee liability under the Statutory Licenses in any way. Where ATH thresholds are used to affect the fees that NEWs must pay and the reporting requirements that they must follow, discrete programming blocks that do not include sound recordings subject to the Statutory Licenses should not count toward meeting these thresholds.

convention sponsorship or some such by [SoundExchange]” the salary of CBI’s Executive Director. *Id.* See also Affidavit of Fritz Kass in Support of IBS’ Comments at 2 (Nov. 27, 2014). The Judges place no weight on accusations that are unsupported by credible evidence.

<sup>4</sup> See also WRFL–UK Student (Univ. of KY) Radio Comment (Nov. 25, 2014) (the settlement will “allow us to comply with the regulations and provide artists the royalties they deserve while preventing us from having to drastically change our format and recordkeeping methods. Such a change would create a huge cost to us as well as a full overhaul of our training program for students.”); and WRST–FM (Univ. of WI Oshkosh) Comment (Nov. 25, 2014) (“[m]aintaining the current rates and terms for the statutory license for noncommercial stations like us best serves both the educational needs of [our] students and allows us to serve the online listener”).

Comments of the National Religious Broadcasters Noncommercial Music License Committee to the Proposed Rates and Terms for Noncommercial Educational Webcasters Submitted by SoundExchange and CBI at 2 (Nov. 26, 2014) (NRBNMLC Comment). The NRBNMLC “merely points out this flaw in the definition but does not formally object to it.” *Id.* at 3. NRBNMLC states that it “appears that NEWs will not be adversely affected by the ATH definition even if it is construed to include talk and other programming that does not include recordings in the ATH count” given that “all of them stream at levels below the 159,140 monthly ATH eligibility threshold.” *Id.* at 6–7.<sup>7</sup>

NRBNMLC also notes that not a single NEW paid more than the minimum fee over the past three years, which means that all NEWs streamed at levels below the ATH threshold of 159,140—the threshold for determining whether a station owed fees in excess of the minimum fee for those years. *Id.* NRBNMLC suggests that, as a result, NEWs have no economic incentive to negotiate the 159,140 ATH threshold and 80,000 ATH threshold to the highest level that SoundExchange would accept.<sup>8</sup>

The Corporation for Public Broadcasting (CPB) noted in its comment on behalf of National Public Radio, Inc. (NPR)—a participant in the proceeding—(among others) that: “NPR and Public Radio do not object to the proposed Settlement with the understanding that it does not apply to NPR/Public Radio.” Comments Concerning Proposed Settlement of the Corporation for Public Broadcasting at 1 (Nov. 26, 2014). CPB noted further that NPR/Public Radio “has proposed terms and conditions for SoundExchange’s licensing of NPR/Public Radio that are reasonable and appropriate for NPR/Public Radio; and the proposed Settlement does not and should not have application to same.” *Id.* at 1–2.

### Analysis and Finding

The Judges’ authority to adopt proposed settlements as statutory rates and terms is codified in Section

<sup>7</sup> See also WHRB Comment at 4, noting the same issue and indicating that this definition of ATH could result in a “potential overstatement of ATH in Subsections 380.21(c) and (g) and 380.22 with all the attendant consequences.”

<sup>8</sup> The settlement would increase the listenership cap for services electing the proxy reporting option from 55,000 ATH per month to 80,000 ATH per month, with certain conditions. Although not opposing the thresholds in the settlement, NRBNMLC asserts that “[t]here are strong indications that these thresholds actually should be set higher than the proposed levels.” NRBNMLC Comment at 8.

801(b)(7)(A) of the Copyright Act. That provision of the Act authorizes the Judges to adopt as a basis for statutory terms and rates an agreement concerning such matters reached among “some or all of the participants” in a proceeding “at any time during the proceeding” except that the Judges must provide an opportunity to comment on the agreement to those that would be bound by the agreement. 17 U.S.C. 801(b)(7)(A)(i).

The Act authorizes the Judges to decline to adopt the agreement for participants that are not parties to the agreement if a participant to the proceeding objects to the agreement and the Judges conclude, based on the record before them if one exists, that the agreement does not provide a reasonable basis for setting statutory terms and rates. 17 U.S.C. 801(b)(7)(A)(ii). Section 801(b)(7)(A) limits the circumstances under which the Judges are able to decline to adopt aspects of an agreement, but it does not foreclose the Judges from ascertaining whether specific provisions are contrary to law. See *Review of Copyright Royalty Judges Determination*, 74 FR 4537, 4540 (Jan. 26, 2009).

In the context of the statutory requirements regarding adoption of settlements, the Judges find that— notwithstanding the objections of some of the commenters—this partial Settlement provides a reasonable basis for setting statutory terms and rates and therefore the Judges adopt the partial Settlement, with one exception discussed below.

Objections to the proposal can be summarized as follows: (1) Adopting the Settlement before conclusion of the proceeding would be premature; (2) rates paid by certain other parties in previous agreements are lower than those in the proposed Settlement; (3) payment of a proxy fee *in lieu* of reporting precludes accurate allocation of royalties to artists; (4) colleges and other public entities may not pay royalties to SoundExchange due to applicable state laws prohibiting public entities such as colleges from making payments to lobbying organizations; (5) CBI member organizations are not representative of NEWs because they generally have paid staffs and non-CBI member NEWs generally do not; (6) the proposed ATH definition, which includes programming other than sound recordings, is too broad; (7) because NEWs’ streaming activity is far below the thresholds set in the proposed settlement, they have no incentive to negotiate higher streaming thresholds; and (8) the proposed, amended

certification requirement might be unworkable for some NEWs.

The Judges address these concerns in turn.

### Adopting the Settlement Now Would Be Premature

Section 801(b)(7)(A) of the Act is clear that the Judges have the authority to adopt settlements between some or all of the participants to a proceeding *at any time* during a proceeding so long as those that would be bound by those rates and terms are given an opportunity to comment. Requiring that the adoption of all proposed settlements wait until the conclusion of the proceeding would undercut the policy in Section 801(b)(7)(A) to promote negotiated settlements. Such a position would unnecessarily require those participants that have agreed to a settlement to continue to participate in the proceeding until all interests were resolved. No such requirement is in the Act and the Judges see no reason to impose one.

### Rates Paid in Previous Agreements Are Lower

Some commenters claim that certain rates agreed to by certain participants in other contexts are lower than those agreed to in the Settlement. Even if true, such a fact would be irrelevant to determining whether the current proposal forms a reasonable basis for rates and terms with respect to the entities to which it applies in the current proceeding. Indeed, in most material respects, the rates and terms of the Settlement merely extend current rates and terms for another five years. The Judges have been presented with no evidence to suggest that the current rates and terms, which the Settlement would extend, have been disruptive or overly burdensome for the entities to which they apply, notwithstanding that some entities during some previous years may have paid lower rates.

### Proxy Fee Payment *in Lieu* of Reporting Precludes Accurate Allocation of Royalties

The Judges are also unconvinced that the provision regarding proxy fee payment *in lieu* of census reporting provides a reason not to adopt the settlement for the upcoming rate period. The extant regulations include this provision. The parties to the agreement have acknowledged that the costs of census reporting may outweigh its benefits to the webcasters covered by the Settlement. The current proposal merely continues a practice that has been in place for the last several years.



Although the threshold to qualify for proxy fee payment in lieu of reporting would rise from 55,000 ATH to 80,000 ATH, such an increase would affect few if any qualifying NEWs.<sup>9</sup> Indeed, the higher threshold frees more webcasters from the burdens of census reporting. The proposal also provides additional, reasonable safeguards to ensure that webcasters that do not exceed the threshold in subsequent months will not lose their NEW status (and privileges).

SoundExchange confirms that “the proxy reporting provisions in Section 380.23(g)(1) have proven to be a reasonable solution to the problem of distributing on a fair and cost-effective basis the relatively small pool of royalties paid by NEWs.” SoundExchange Comment at 6. The Judges see no reason to disrupt a reporting method that appears to be operating fairly and efficiently.

#### **Public Entity Payments to SoundExchange May Be Prohibited by State Law**

Concerns about state laws as they relate to royalty deposits with SoundExchange as the Collective<sup>10</sup> go to SoundExchange’s capacity as the Collective rather than to the merits of the CBI/SoundExchange Settlement. It is worth noting, however, that SoundExchange has served as the Collective since the Judges issued their first webcasting determination and SoundExchange has never been challenged based on its organizational status or activities. Moreover, the Judges are unaware of any instance in which a state or local government has challenged a royalty payment to SoundExchange based on applicable lobbying laws in that state. Therefore, such concerns are speculative at best.

That being said, the Judges decline to adopt at this point the proposed definition of “Collective” in the settlement that expressly designates SoundExchange. Designation of the Collective is an issue that the Judges will decide in the final determination.<sup>11</sup> Therefore, any royalty payments made under the Settlement as adopted, will be paid to the Collective the Judges designate in the final determination.

<sup>9</sup> See SoundExchange Comment at 6 (in 2013, no NEW reported exceeding the 55,000 ATH threshold in any month).

<sup>10</sup> This opposition to the proposed regulatory provision assumes SoundExchange to be the designated Collective. The Judges’ decision assumes, without deciding at this point, that SoundExchange continues in that role.

<sup>11</sup> No party to the proceeding has suggested an alternate or additional Collective.

#### **CBI Members Are Not Representative of NEWs Because They Have Paid Staffs**

The Judges find no persuasive evidence in the record before them to support the argument that CBI members are not representative of NEWs generally. Even if the Judges were presented with such evidence, that fact alone would not convince the Judges that the current Settlement is not a reasonable basis for setting rates and terms for those entities that wish to avail themselves of the Settlement. The underlying argument appears to be that NEWs that do not have the resources to pay a staff should be entitled to more favorable terms and rates than those available under the Settlement. Even if that were true—a contention upon which the Judges need not opine at this time—that fact would not suggest that the Settlement as proposed does not form a reasonable basis for rates and terms. Proposed settlements need not be the best possible outcome for all concerned; they need only form a reasonable basis for rates and terms, and the Judges find that the current proposal meets that standard.

#### **Proposed ATH Definition Is Too Broad**

NRBNMLC notes that the definition of ATH in § 380.21, which would carry over under the Settlement, “does not unambiguously exclude . . . programming that does not include sound recordings at all, such as news, talk and sports programming.” NRBNMLC Comment at 2. Although NRBNMLC does not object to the ATH definition, it believes this aspect of the definition is a “flaw,” albeit not one that would adversely affect NEWs since, according to NRBNMLC, NEWs stream at levels well below the 159,140 ATH level. *Id.* at 6–7.

WHRB also expresses nebulous concern over the ATH definition, noting that it potentially overstates ATH and would have “the attendant consequences.” WHRB Comment at 4. Neither commenter’s concerns about the perceived scope of the ATH definition are of the magnitude that would suggest that the Settlement does not form a reasonable basis for setting rates and terms. Indeed, the Settlement merely carries forward the current ATH definition, which has applied without incident over the current rate period. Therefore, the Judges adopt without change the proposed ATH definition.

#### **NEWs Have No Incentive To Adopt Higher Streaming Thresholds**

NRBNMLC notes that during the current license period all NEWs streamed at a level below the 159,140

ATH threshold, and therefore they have no incentive to negotiate a higher threshold for the upcoming license term. The Judges view this statement as an affirmation that the proposed Settlement, which carries forward the current ATH threshold, is a reasonable basis for rates and terms applicable to NEWs. In reaching that conclusion, however, the Judges do not mean to imply that in other contexts, with respect to entities that stream at levels beyond those that are typical for NEWs, a different streaming threshold might not also be reasonable.

#### **Proposed Changes to the Certification Requirement Might Be Unworkable for Some NEWs**

WHRB takes exception to a provision in the Settlement dealing with the category of persons authorized to certify a NEW’s status in statements of account. Currently, the certifying person must be an “officer or other duly authorized faculty member or administrator of the applicable educational institution.” 37 CFR 380.23(f)(9). Under the proposal, the certifying person could be any “duly authorized representative” of the applicable educational institution.<sup>12</sup> WHRB contends that the current provision authorizes student officers of WHRB to certify statements of account whereas the proposal would not. The Judges need not opine on whether WHRB’s interpretation of the current (or proposed) certification provision is correct.

The Judges find that the proposed change to § 380.23(f)(9), viewed in the context of the proposed Settlement as a whole, is a reasonable means of ensuring that the statement of account is certified by a person who is duly authorized to represent the applicable educational institution for this limited purpose. Nothing in the provision expressly precludes that duly authorized person from being a student, independent auditor, counsel, or other person, so long as the applicable educational institution “duly authorizes” that person to perform the required task as the institution’s representative. To be sure, the by-laws of a particular institution may dictate who may or may not serve as a duly authorized representative of a particular educational institution. Nevertheless, the Judges find the proposed amendment to § 380.23(f)(9) to be reasonable in the context of the

<sup>12</sup> For the sake of consistency, the Judges will also make a corresponding change to 37 CFR 380.23(f)(4) (requiring the signature of the certifying representative).



Settlement as a whole and adopt it unchanged.

### Impact on Proposed Rulemaking

On May 2, 2014, the CRB published in the **Federal Register** a Notice of Proposed Rulemaking in which the CRB sought comments on a motion from CBI, IBS, and American Council on Education.<sup>13</sup> In the notice, the Judges announced that the motion—which sought “clarification” of certain amendments to CRB notice and recordkeeping rules in 37 CFR part 370—was not properly before them, thereby effectively denying the motion. Nevertheless, the CRB sought comments on various proposals from the moving parties to expand the categories of entities that could qualify for exclusions from the census reporting requirements of 37 CFR 370.

In response, the CRB received a number of comments from NEWs requesting that the reporting waiver in 37 CFR 380.23(g)(1) (*i.e.*, the provision permitting payment of a proxy fee *in lieu* of census reporting) be extended into the next license term as a viable alternative to amending the CRB’s reporting requirements.<sup>14</sup> Moreover, in its comment, SoundExchange implied that amendment to the CRB reporting requirements for a significant number of affected parties was unnecessary since NEWs with the lowest intensity of usage may elect to pay a proxy fee of \$100 and forego providing reports of use altogether.<sup>15</sup>

Many if not most of the comments responsive to the proposed recordkeeping provisions were filed by NEWs that apparently would qualify under the proposed Settlement to pay the proxy fee *in lieu* of census reporting in the upcoming license period. Extension until December 31, 2020, of

<sup>13</sup> 79 FR 25038. The CRB also sought comments in the notice on a rulemaking petition from SoundExchange that proposed a number of amendments to the CRB’s notice and recordkeeping requirements. That petition is still pending.

<sup>14</sup> See, e.g., the following comments filed in docket number 14–CRB–0005 (RM): ACRN Comment (June 9, 2014), KBUC–FM Comment (May 22, 2014), KBHU–FM Comment (May 19, 2014), KSSU Comment (June 18, 2014), KUIW Comment (June 2, 2014), KWSC–FM Comment (June 23, 2014), KXUL Comment (Aug. 11, 2014), Lasell College Radio Comment (May 22, 2014), SCAD Atlanta Radio Comment (May 22, 2014), WBSU Comment (June 10, 2014), WGSU–FM Comment (June 29, 2014), WJCU Comment (May 21, 2014), Comments of WKNC–FM North Carolina State University (June 9, 2014), WRFL–UK (Univ. of KY) Comment (June 25, 2014), WSDP–FM Comment (June 25, 2014), WSLX Comment (June 19, 2014), and WSOU–FM (Seton Hall University) Comment (May 28, 2014).

<sup>15</sup> SoundExchange Comment at 3. SoundExchange opposed expanding the reporting exclusion to include noncommercial, noneducational webcasters. *Id.* at 4.

the proxy fee *in lieu* of census reporting does not, however, address the precise issue raised in that rulemaking proceeding. The Judges shall address this issue along with a number of other issues relating to Part 370 in a separate publication focused directly on the May 2, 2014, Notice of Proposed Rulemaking.

### Conclusion

For the reasons discussed above, the Judges find that the agreement reached voluntarily between SoundExchange and CBI establishes a reasonable basis for setting statutory terms and rates for noncommercial educational webcasters for the period January 1, 2016, through December 31, 2020. The Judges adopt the proposed regulations that codify the partial Settlement with the one exception discussed above, *i.e.*, the reference to SoundExchange as the designated Collective.<sup>16</sup> In adopting the partial Settlement and proposed regulations, the Judges in no way suggest that they are more or less inclined to adopt the reasoning or proposals of any of the parties’ remaining in the proceeding.

### List of Subjects in 37 CFR Part 380

Copyright, Digital audio transmissions, Performance right, Sound recordings.

### Final Regulations

For the reasons set forth in the preamble, the Copyright Royalty Judges amend 37 CFR part 380 as follows:

### PART 380—RATES AND TERMS FOR CERTAIN ELIGIBLE NONSUBSCRIPTION TRANSMISSIONS, NEW SUBSCRIPTION SERVICES AND THE MAKING OF EPHEMERAL REPRODUCTIONS

- 1. The authority citation for part 380 continues to read as follows:

**Authority:** 17 U.S.C. 112(e), 114(f), 804(b)(3).

- 2. Amend § 380.20 by revising paragraph (a) to read as follows:

#### Subpart C—Noncommercial Educational Webcasters

##### § 380.20 General.

(a) *Scope.* This subpart establishes rates and terms, including requirements for royalty payments, recordkeeping and reports of use, for the public

<sup>16</sup> As discussed above, the definition in § 380.21 that the Judges adopt cross-references the *Collective* definition in § 380.2. The Judges also have adopted certain nonsubstantive changes to enhance consistency and accuracy with respect to references in the *Noncommercial Educational Webcaster* definition in § 380.21. In all other respects, the settlement is adopted as proposed.

performance of sound recordings in certain digital transmissions made by Noncommercial Educational Webcasters as set forth herein in accordance with the provisions of 17 U.S.C. 114, and the making of Ephemeral Recordings by Noncommercial Educational Webcasters as set forth herein in accordance with the provisions of 17 U.S.C. 112(e), during the period January 1, 2016, through December 31, 2020.

\* \* \* \* \*

- 3. Amend § 380.21 by revising the definitions for “Collective” and “Noncommercial Educational Webcaster” to read as follows:

##### § 380.21 Definitions.

\* \* \* \* \*

*Collective* is the collection and distribution organization specified in § 380.2.

\* \* \* \* \*

*Noncommercial Educational Webcaster* means a Noncommercial Webcaster (as defined in 17 U.S.C. 114(f)(5)(E)(i)) that

(1) Has obtained a compulsory license under 17 U.S.C. 112(e) and 114 and the implementing regulations therefor to make Eligible Transmissions and related ephemeral recordings;

(2) Complies with all applicable provisions of Sections 112(e) and 114 and applicable regulations;

(3) Is directly operated by, or is affiliated with and officially sanctioned by, and the digital audio transmission operations of which are staffed substantially by students enrolled at, a domestically accredited primary or secondary school, college, university or other post-secondary degree-granting educational institution;

(4) Is not a “public broadcasting entity” (as defined in 17 U.S.C. 118(f)) qualified to receive funding from the Corporation for Public Broadcasting pursuant to the criteria set forth in 47 U.S.C. 396; and

(5) Takes affirmative steps not to make total transmissions in excess of 159,140 Aggregate Tuning Hours on any individual channel or station in any month, if in any previous calendar year it has made total transmissions in excess of 159,140 Aggregate Tuning Hours on any individual channel or station in any month.

\* \* \* \* \*

- 4. Revise § 380.22 to read as follows:

##### § 380.22 Royalty fees for the public performance of sound recordings and for ephemeral recordings.

(a) *Minimum fee for eligible Noncommercial Educational Webcasters.* Each Noncommercial

Educational Webcaster that did not exceed 159,140 total ATH for any individual channel or station for more than one calendar month in the immediately preceding calendar year and does not expect to make total transmissions in excess of 159,140 Aggregate Tuning Hours on any individual channel or station in any calendar month during the applicable calendar year shall pay an annual, nonrefundable minimum fee of \$500 (the "Minimum Fee") for each of its individual channels, including each of its individual side channels, and each of its individual stations, through which (in each case) it makes Eligible Transmissions, for each calendar year it makes Eligible Transmissions subject to this subpart. For clarity, each individual stream (e.g., HD radio side channels, different stations owned by a single licensee) will be treated separately and be subject to a separate minimum. The Minimum Fee shall constitute the annual per channel or per station royalty for all Eligible Transmissions totaling not more than 159,140 Aggregate Tuning Hours in a month on any individual channel or station, and for Ephemeral Recordings to enable such Eligible Transmissions. In addition, a Noncommercial Educational Webcaster electing the reporting waiver described in § 380.23(g)(1), shall pay a \$100 annual fee (the "Proxy Fee") to the Collective.

(b) *Consequences of unexpectedly exceeding ATH cap.* In the case of a Noncommercial Educational Webcaster eligible to pay royalties under paragraph (a) that unexpectedly makes total transmissions in excess of 159,140 Aggregate Tuning Hours on any individual channel or station in any calendar month during the applicable calendar year:

(1) The Noncommercial Educational Webcaster shall, for such month and the remainder of the calendar year in which such month occurs, pay royalties in accordance, and otherwise comply, with the provisions of Part 380 Subpart A applicable to noncommercial webcasters;

(2) The Minimum Fee paid by the Noncommercial Educational Webcaster for such calendar year will be credited to the amounts payable under the provisions of Part 380 Subpart A applicable to noncommercial webcasters; and

(3) The Noncommercial Educational Webcaster shall, within 45 days after the end of such month, notify the Collective that it has made total transmissions in excess of 159,140 Aggregate Tuning Hours on a channel or station in a month; pay the Collective any amounts

for such month due under the provisions of Part 380 Subpart A applicable to noncommercial webcasters; and provide the Collective a statement of account pursuant to Part 380 Subpart A.

(c) *Royalties for other Noncommercial Educational Webcasters.* A Noncommercial Educational Webcaster that is not eligible to pay royalties under paragraph (a) shall pay royalties in accordance, and otherwise comply, with the provisions of Part 380 Subpart A applicable to noncommercial webcasters.

(d) *Estimation of performances.* In the case of a Noncommercial Educational Webcaster that is required to pay royalties under paragraph (b) or (c) on a per-performance basis, that is unable to calculate actual total performances, and that is not required to report actual total performances under § 380.23(g)(3), the Noncommercial Educational Webcaster may pay its applicable royalties on an ATH basis, provided that the Noncommercial Educational Webcaster shall pay such royalties at the applicable per-performance rates based on the assumption that the number of sound recordings performed is 12 per hour. The Collective may distribute royalties paid on the basis of ATH hereunder in accordance with its generally applicable methodology for distributing royalties paid on such basis. In addition, and for the avoidance of doubt, a Noncommercial Educational Webcaster offering more than one channel or station shall pay per-performance royalties on a per-channel or -station basis.

(e) *Ephemeral royalty.* The royalty payable under 17 U.S.C. 112(e) for any ephemeral reproductions made by a Noncommercial Educational Webcaster is deemed to be included within the royalty payments set forth in paragraphs (a) through (c) of this section and to equal 5% of the total royalties payable under such paragraphs.

- 5. Amend § 380.23 by:
  - a. Revising paragraph (c);
  - b. Removing and reserving paragraph (d);
  - c. Revising paragraph (f) introductory text;
  - d. Removing and reserving paragraph (f)(2); and
  - e. Revising paragraphs (f)(4), (f)(9), (g)(1), and (g)(3).

The revisions read as follows:

**§ 380.23 Terms for making payment of royalty fees and statements of account.**

\* \* \* \* \*

(c) *Minimum fee.* Noncommercial Educational Webcasters shall submit the Minimum Fee, and Proxy Fee if

applicable, accompanied by a statement of account, by January 31st of each calendar year, except that payment of the Minimum Fee, and Proxy Fee if applicable, by a Noncommercial Educational Webcaster that was not making Eligible Transmissions or Ephemeral Recordings pursuant to the licenses in 17 U.S.C. 114 and/or 17 U.S.C. 112(e) as of said date but begins doing so thereafter shall be due by the 45th day after the end of the month in which the Noncommercial Educational Webcaster commences doing so. At the same time the Noncommercial Educational Webcaster must identify all its stations making Eligible Transmissions and identify which of the reporting options set forth in paragraph (g) of this section it elects for the relevant year (provided that it must be eligible for the option it elects).

\* \* \* \* \*

(f) *Statements of account.* Any payment due under § 380.22(a) shall be accompanied by a corresponding statement of account on a form provided by the Collective. A statement of account shall contain the following information:

\* \* \* \* \*

(4) The signature of a duly authorized representative of the applicable educational institution;

\* \* \* \* \*

(9) A statement to the following effect:

I, the undersigned duly authorized representative of the applicable educational institution, have examined this statement of account; hereby state that it is true, accurate, and complete to my knowledge after reasonable due diligence; and further certify that the licensee entity named herein qualifies as a Noncommercial Educational Webcaster for the relevant year, and did not exceed 159,140 total ATH in any month of the prior year for which the Noncommercial Educational Webcaster did not submit a statement of account and pay any required additional royalties.

(g) \* \* \*

(1) *Reporting waiver.* In light of the unique business and operational circumstances with respect to Noncommercial Educational Webcasters, and for the purposes of this subpart only, a Noncommercial Educational Webcaster that did not exceed 80,000 total ATH for any individual channel or station for more than one calendar month in the immediately preceding calendar year and that does not expect to exceed 80,000 total ATH for any individual channel or station for any calendar month during the applicable calendar year may elect to pay to the Collective a nonrefundable, annual Proxy Fee of \$100 in lieu of providing reports of use

for the calendar year pursuant to the regulations § 370.4 of this chapter. In addition, a Noncommercial Educational Webcaster that unexpectedly exceeded 80,000 total ATH on one or more channels or stations for more than one month during the immediately preceding calendar year may elect to pay the Proxy Fee and receive the reporting waiver described in paragraph (g)(1) of this section during a calendar year, if it implements measures reasonably calculated to ensure that it will not make Eligible Transmissions exceeding 80,000 total ATH during any month of that calendar year. The Proxy Fee is intended to defray the Collective's costs associated with this reporting waiver, including development of proxy usage data. The Proxy Fee shall be paid by the date specified in paragraph (c) of this section for paying the Minimum Fee for the applicable calendar year and shall be accompanied by a certification on a form provided by the Collective, signed by a duly authorized representative of the applicable educational institution, stating that the Noncommercial Educational Webcaster is eligible for the Proxy Fee option because of its past and expected future usage and, if applicable, has implemented measures to ensure that it will not make excess Eligible Transmissions in the future.

\* \* \* \* \*

(3) *Census-basis reports.* If any of the following three conditions is satisfied, a Noncommercial Educational Webcaster must report pursuant to paragraph (g)(3) of this section:

(i) The Noncommercial Educational Webcaster exceeded 159,140 total ATH for any individual channel or station for more than one calendar month in the immediately preceding calendar year;

(ii) The Noncommercial Educational Webcaster expects to exceed 159,140 total ATH for any individual channel or station for any calendar month in the applicable calendar year; or

(iii) The Noncommercial Educational Webcaster otherwise does not elect to be subject to paragraph (g)(1) or (2) of this section.

A Noncommercial Educational Webcaster required to report pursuant to paragraph (g)(3) of this section shall provide reports of use to the Collective quarterly on a census reporting basis in accordance with § 370.4 of this chapter, except that, notwithstanding § 370.4(d)(2), such a Noncommercial Educational Webcaster shall not be required to include ATH or actual total performances, and may in lieu thereof provide channel or station name and play frequency, during the first calendar

year it reports in accordance with paragraph (g)(3) of this section. For the avoidance of doubt, after a Noncommercial Educational Webcaster has been required to report in accordance with paragraph (g)(3) of this section for a full calendar year, it must thereafter include ATH or actual total performances in its reports of use. All reports of use under paragraph (g)(3) of this section shall be submitted to the Collective no later than the 45th day after the end of each calendar quarter.

\* \* \* \* \*

Dated: August 3, 2015.

**Jesse M. Feder,**  
*Copyright Royalty Judge.*

Approved by:  
**James H. Billington,**  
*Librarian of Congress.*

[FR Doc. 2015-24506 Filed 9-25-15; 8:45 am]

**BILLING CODE 1410-72-P**

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R08-OAR-2015-0149; FRL-9931-73-Region 8]

### Air Plan Approval; CO; Revised Format for Material Incorporated by Reference

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; administrative change.

**SUMMARY:** The Environmental Protection Agency (EPA) is revising the format of materials submitted by the state of Colorado that are incorporated by reference (IBR) into its State Implementation Plan (SIP). The regulations affected by this format change have all been previously submitted by Colorado and approved by the EPA.

**DATES:** This action is effective September 28, 2015.

**ADDRESSES:** The EPA has established a docket for this action under Docket Identification Number EPA-R08-OAR-2015-0149. All documents in the docket are listed on the <http://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 the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in the hard copy form. Publicly available docket materials are available either

electronically through <http://www.regulations.gov> or in hard copy at EPA Region 8, Office of Partnership and Regulatory Assistance, Air Program, 1595 Wynkoop Street, Denver, Colorado, 80202-1129. The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. An electronic copy of the state's SIP compilation is also available at <http://www.epa.gov/region8/air/sip.html>.

#### FOR FURTHER INFORMATION CONTACT:

Kathy Ayala, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6142, [ayala.kathy@epa.gov](mailto:ayala.kathy@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Change in IBR Format

This format revision will affect the "Identification of plan" section of 40 CFR part 52, as well as the format of the SIP materials that will be available for public inspection at the National Archives and Records Administration (NARA); the Air and Radiation Docket and Information Center located at EPA Headquarters in Washington, DC, and the EPA Region 8 Office.

##### A. Description of a SIP

Each state has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS) and achieve certain other Clean Air Act (Act) requirements (*e.g.*, visibility requirements, prevention of significant deterioration). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring network descriptions, attainment demonstrations, and enforcement mechanisms.

##### B. How EPA Enforces the SIP

Each SIP revision submitted by Colorado must be adopted at the state level after undergoing reasonable notice and public hearing. SIPs submitted to EPA to attain or maintain the NAAQS must include enforceable emission limitations and other control measures, schedules and timetables for compliance.

EPA evaluates submitted SIPs to determine if they meet the Act's requirements. If a SIP meets the Act's requirements, EPA will approve the SIP. EPA's notice of approval is published in the **Federal Register** and the approval is then codified at 40 CFR part 52. Once EPA approves a SIP, it is enforceable by

EPA and citizens in federal district court.

We do not reproduce in 40 CFR part 52 the full text of the Colorado regulations that we have approved. Instead, we incorporate them by reference or IBR. We approve a given state regulation with a specific effective date and then refer the public to the location(s) of the full text version of the state regulation(s) should they want to know which measures are contained in a given SIP (see I.F., *Where You Can Find a Copy of the SIP Compilation*).

#### C. How the State and EPA Update the SIP

The SIP is a dynamic document which the state can revise as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations.

On May 22, 1997 (62 FR 27968), EPA announced revised procedures for IBR of federally approved SIPs. The procedures announced included: (1) A new process for IBR of material submitted by states into compilations and a process for updating those compilations on roughly an annual basis; (2) a revised mechanism for announcing EPA approval of revisions to an applicable SIP and updating both the compilations and the CFR; and, (3) a revised format for the "Identification of plan" sections for each applicable subpart to reflect these revised IBR procedures.

#### D. How EPA Compiles the SIP

We have organized into a compilation the federally-approved regulations, source-specific requirements and nonregulatory provisions we have approved into the SIP. These compilations may be found at <http://www.epa.gov/region8/air/sip.html>. In addition, we maintain hard copies of the compilation which are updated periodically.

#### E. How EPA Organizes the SIP Compilation

Each compilation contains three parts. Part one contains the state regulations that have been approved, part two contains the source-specific requirements that have been approved as part of the SIP (if any), and part three contains non-regulatory provisions that have been approved. Each compilation contains a table of identifying information for each regulation, each source-specific requirement, and each nonregulatory provision. The state effective dates in the tables indicate the date of the most recent revision to a

particular approved regulation. The table of identifying information in the compilation corresponds to the table of contents published in 40 CFR part 52 for the state. The EPA Regional Offices have the primary responsibility for ensuring accuracy and updating the compilations.

#### F. Where You Can Find a Copy of the SIP Compilation

EPA Region 8 developed and will maintain the compilation for Colorado. An electronic copy of the compilation is contained at <http://www.epa.gov/region8/air/sip.html>. SIP Materials which are incorporated by reference into 40 CFR part 52 are also available for inspection at the following locations: Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, EPA West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460 or 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>.

#### G. The Format of the New Identification of Plan Section

In order to better serve the public, EPA has revised the organization of the "Identification of plan" section in 40 CFR part 52 and included additional information to clarify the elements of the SIP.

The revised Identification of plan section for Colorado contains five subsections:

1. Purpose and scope (see 40 CFR 52.320(a));
2. Incorporation by reference (see 40 CFR 52.320(b));
3. EPA-approved regulations (see 40 CFR 52.320(c));
4. EPA-approved source-specific requirements (see 40 CFR 52.320(d)); and,
5. EPA-approved nonregulatory provisions such as transportation control measures, statutory provisions, control strategies, monitoring networks, etc. (see 40 CFR 52.320(e)).

#### H. When a SIP Revision Becomes Federally Enforceable

All revisions to the applicable SIP are federally enforceable as of the effective date of EPA's approval of the respective revision. In general, SIP revisions become effective 30 to 60 days after publication of EPA's SIP approval action in the **Federal Register**. In specific cases, a SIP revision action may become effective less than 30 days or greater than 60 days after the **Federal**

**Register** publication date. In order to determine the effective date of EPA's approval for a specific Colorado SIP provision that is listed in 40 CFR 52.320(c), (d), or (e), consult the volume and page of the **Federal Register** cited in 40 CFR 52.320 for that particular provision.

#### I. The Historical Record of SIP Revision Approvals

To facilitate enforcement of previously approved SIP provisions and to provide a smooth transition to the new SIP processing system, we are retaining the original Identification of plan section (40 CFR 52.354). This section previously appeared at 40 CFR 52.320. After an initial two-year period, we will review our experience with the new table format and will decide whether to retain the original identification of plan section (40 CFR 52.354) for some further period.

#### II. What EPA is doing in this action?

This action constitutes a "housekeeping" exercise to reformat the codification of the EPA-approved Colorado SIP.

#### III. Good Cause Exemption

EPA has determined that this action falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon a finding of "good cause" authorizes agencies to dispense with public participation, and section 553(d)(3), which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). This action simply reformats the codification of provisions which are already in effect as a matter of law.

Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Likewise, there is no purpose served by delaying the effective date of this action.

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Colorado regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available electronically through [www.regulations.gov](http://www.regulations.gov) and/or in hard copy at the appropriate EPA office (see

the **ADDRESSES** section of this preamble for more information).

#### IV. Statutory and Executive Order Reviews

##### A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and is therefore not subject to review by the Office of Management and Budget. This rule is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866. Because the agency has made a “good cause” finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute as indicated in the **SUPPLEMENTARY INFORMATION** section, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. This rule does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). EPA’s compliance with these statutes and Executive Orders for the

underlying rules are discussed in previous actions taken on the state’s rules.

##### B. Submission to Congress and the Comptroller General

The Congressional Review Act (5 U.S.C. 801 *et seq.*), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This action simply codifies provisions which are already in effect as a matter of law in federal and approved state programs. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding and established an effective date of September 28, 2015. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This change to the identification of plan for Colorado is not a “major rule” as defined by 5 U.S.C. 804(2).

##### C. Petitions for Judicial Review

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

##### 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: July 10, 2015.

**Shaun L. McGrath,**

*Regional Administrator, Region 8.*

40 CFR part 52 is amended to read as follows:

#### **PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

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

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

##### **Subpart G—Colorado**

###### **§ 52.320 [Redesignated as § 52.354]**

- 2. Section 52.320 is redesignated as § 52.354, and in newly redesignated § 52.354, revise the section heading and paragraph (a) to read as follows:

###### **§ 52.354 Original identification of plan.**

(a) This section identifies the original “Air Implementation Plan for the State of Colorado” and all revisions submitted by Colorado that were federally approved prior to June 1, 2015.

\* \* \* \* \*

- 3. Add § 52.320 to read as follows:

###### **§ 52.320 Identification of plan.**

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan for Colorado under section 110 of the Clean Air Act, 42 U.S.C. 7410 and 40 CFR part 51 to meet national ambient air quality standards or other requirements under the Clean Air Act.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to June 1, 2015, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as submitted by the state to EPA, and notice of any change in the material will be published in the **Federal Register**. Entries for paragraphs (c) and (d) of this section with EPA approval dates after June 1, 2015, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 8 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the State Implementation Plan as of June 1, 2015.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental

Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202–1129; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, West Building, 1301 Constitution Ave. NW., Washington, DC 20460; and, the National Archives and Records

Administration (NARA). For information on the availability of materials from the docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) at (202) 566–1742. For information on the availability of this material at NARA, call (202) 741–6030, or go to [http://](http://www.archives.gov/federal-register/cfr/ibr-locations.html)

[www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html). Copies of the Colorado regulations we have approved are also available at <http://www.epa.gov/region8/air/sip.html>.  
(c) EPA-approved regulations.

Title	State effective date	EPA Effective date	Final rule citation/date	Comments
<b>5 CCR 1001–01, Procedural Rules</b>				
State Implementation Plan .....	3/30/1998	5/10/2012	77 FR 21451, 04/10/12.	
<b>5 CCR 1001–02, Common Provisions Regulation</b>				
I. Definitions, Statement of Intent, and General Provisions Applicable to all Emission Control Regulations adopted by the Colorado Air Quality Control Commission.	9/30/2002	4/29/2013	78 FR 19125, 03/29/13.	
II. General .....	9/30/2002	4/29/2013	78 FR 19125, 03/29/13.	
<b>5 CCR 1001–03, Regulation Number 1, Emission Control for Particulate Matter, Smoke, Carbon Monoxide, and Sulfur Oxides</b>				
Definitions .....	10/2/2005	2/17/2012	77 FR 2466, 01/18/12.	
I. Applicability: Referenced Federal Regulations .....	10/2/2005	2/17/2012	77 FR 2466, 01/18/12.	
II. Smoke and Opacity .....	10/2/2005	2/17/2012	77 FR 2466, 01/18/12.	
III. Particulate Matter .....	10/2/2005	2/17/2012	77 FR 2466, 01/18/12.	
IV. Continuous Emission Monitoring Requirements for New or Existing Sources.	10/2/2005	2/17/2012	77 FR 2466, 01/18/12.	
V. Emission Standards for Existing Iron and Steel Plant Operations.	10/2/2005	2/17/2012	77 FR 2466, 01/18/12.	
VI. Sulfur Dioxide Emission Regulations .....	10/2/2005	2/17/2012	77 FR 2466, 01/18/12.	
VII. Emission Regulations for Certain Electric Generating Stations Owned and Operated by the Public Service Company of Colorado.	10/2/2005	2/17/2012	77 FR 2466, 01/18/12.	
VIII. Restrictions on the Use of Oil as a Backup Fuel	10/2/2005	2/17/2012	77 FR 2466, 01/18/12.	
IX. Emission Regulations Concerning Areas Which Are Nonattainment for Carbon Monoxide—Refinery Fluid Bed Catalytic Cracking Units:	10/2/2005	2/17/2012	77 FR 2466, 01/18/12.	
Appendix A, Method of Measuring Opacity from Fugitive Particulate Emission Sources.	5/30/1982	1/2/1987	51 FR 43609, 12/03/86.	
Appendix B, Method of Measurement of Off-Property Transport of Fugitive Particulate Emissions.	5/30/1982	1/2/1987	51 FR 43609, 12/03/86.	
<b>5 CCR 1001–05, Regulation Number 3, Part A, Concerning General Provisions Applicable to Reporting and Permitting</b>				
I. Applicability .....	12/15/2010	5/27/2014	79 FR 22772, 04/24/14.	Except II.D.1.sss., II.D.1.ttt., II.D.1.xxx., II.D.1.fff. and Section VI.D.1.
II. Air Pollutant Emission Notice (APEN) Requirements.	4/30/2008	3/17/2014	79 FR 8632, 02/13/14 .....	
III. Administrative Permit Amendment Procedures .....	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
IV. Operational Flexibility .....	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
V. Certification And Trading Of Emission Reduction Credits Offset And Netting Transactions.	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
VI. Fees .....	12/15/2010	5/27/2014	79 FR 22772, 04/24/14.	
VII. Confidential Information or Data Contained in Air Pollutant Emission Notices, Permit Applications, or Reports Submitted Pursuant to Part C, Section V.C.6.	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
VIII. Technical Modeling and Monitoring Requirements.	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
Appendix A, Method For Determining De Minimis Levels For Non-Criteria Reportable Pollutants.	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
Appendix B, Non-criteria Reportable Pollutants (Sorted by BIN).	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
<b>5 CCR 1001–05, Regulation Number 3, Part B, Concerning Construction Permits</b>				
I. Applicability .....	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
II. General Requirements For Construction Permits ...	12/15/2010	5/27/2014	79 FR 22772, 04/24/14.	
III. Construction Permit Review Procedures .....	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	

Title	State effective date	EPA Effective date	Final rule citation/date	Comments
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**5 CCR 1001–05, Regulation Number 3, Part D, Concerning Major Stationary Source New Source Review and Prevention of Significant Deterioration**

I. Applicability .....	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
II. Definitions .....	12/15/2010	5/27/2014	79 FR 22772, 04/24/14.	
III. Permit Review Procedures .....	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
IV. Public Comment Requirements .....	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
V. Requirements Applicable to Nonattainment Areas	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
VI. Requirements applicable to attainment and unclassifiable areas and pollutants implemented under Section 110 of the Federal Act (Prevention of Significant Deterioration Program).	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
VII. Negligibly Reactive Volatile Organic Compounds (NRVOCs).	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
VIII. Area Classifications .....	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
IX. Redesignation .....	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
X. Air Quality Limitations .....	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
XI. Exclusions From Increment Consumption .....	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
XII. Innovative Control Technology .....	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
XIII. Federal Class I Areas .....	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	
XIV. Visibility .....	2/14/2011	1/30/2013	77 FR 76871, 12/31/12.	
XV. Actuals PALs .....	4/30/2008	3/17/2014	79 FR 8632, 02/13/14.	

**5 CCR 1001–05, Regulation Number 3, Part F, Regional Haze Limits—Best Available Retrofit Technology (BART) and Reasonable Progress (RP)**

VI. Regional Haze Determinations .....	2/14/2011	1/30/2013	77 FR 76871, 12/31/12.	
VII. Monitoring, Recordkeeping, and Reporting for Regional Haze Limits.	2/14/2011	1/30/2013	77 FR 76871, 12/31/12.	

**5 CCR 1001–06, Regulation Number 4, New Wood Stoves and the Use of Certain Woodburning Appliances During High Pollution Days**

I. Definitions .....	8/30/1993	5/19/1997	62 FR 18716, 04/17/97.	
II. Requirements for Sale and Installation of Wood Stoves.	8/30/1993	5/19/1997	62 FR 18716, 04/17/97.	
III. Approval Procedure for Pellet Stoves .....	8/30/1993	5/19/1997	62 FR 18716, 04/17/97.	
IV. Enforcement .....	8/30/1993	5/19/1997	62 FR 18716, 04/17/97.	
V. List of Certified Wood Stoves .....	8/30/1993	5/19/1997	62 FR 18716, 04/17/97.	
VI. High Pollution Days .....	8/30/1993	5/19/1997	62 FR 18716, 04/17/97.	
VII. Requirements for Installation of Fireplaces .....	8/30/1993	5/19/1997	62 FR 18716, 04/17/97.	
VIII. Implementation of Local Control Strategies .....	8/30/1993	5/19/1997	62 FR 18716, 04/17/97.	
IX. References .....	8/30/1993	5/19/1997	62 FR 18716, 04/17/97.	

**5 CCR 1001–08, Regulation Number 6, Standards of Performance for New Stationary Sources**

IV. Standards of Performance for New Sources of Sulfur Dioxide.	3/30/1981	1/6/1982	46 FR 59536, 12/07/81.	
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**5 CCR 1001–09, Regulation Number 7, Control of Ozone Via Ozone Precursors (Emissions of Volatile Organic Compounds and Nitrogen Oxides)**

I. Applicability .....	1/30/2009	9/6/2011	76 FR 47443, 08/05/11 ...	Except sections I.A.1.b, I.B.1.b, I.B.2.b, I.B.2.d Except sections II.A.12, II.C.1, and II.D.
II. General Provisions .....	1/30/2009	9/6/2011	76 FR 47443, 08/05/11 ...	
III. General Requirements for Storage and Transfer of Volatile Organic Compounds.	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
IV. Storage of Highly Volatile Organic Compounds ....	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
V. Disposal of Volatile Organic Compounds .....	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
VI. Storage and Transfer of Petroleum Liquid .....	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
VII. Crude Oil .....	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
VIII. Petroleum Processing and Refining .....	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
IX. Surface Coating Operations .....	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
X. Use of Solvents for Degreasing and Cleaning .....	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
XI. Use of Cutback Asphalt .....	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
XII. Volatile Organic Compound Emissions From Oil and Gas Operations.	3/4/2007	3/4/2007	73 FR 8194, 02/13/08.	
XIII. Graphic Arts .....	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
XIV. Pharmaceutical Synthesis .....	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	
XV. Control of Volatile Organic Compound Leaks from Vapor Collection Systems and Vapor Control Systems Located at Gasoline Terminals, Gasoline Bulk Plants, and Gasoline Dispensing Facilities.	1/30/2009	9/6/2011	76 FR 47443, 08/05/11.	

Title	State effective date	EPA Effective date	Final rule citation/date	Comments
XVI. Control of Emissions from Stationary and Portable Engines in the 8-Hour Ozone Control Area.	1/30/2009	9/6/2011	70 FR 48652, 08/05/11.	
XVII.E.3.a., (Regional Haze SIP) Rich Burn Reciprocating Internal Combustion Engines.	2/14/2011	1/30/2013	77 FR 76871, 12/31/12.	
Appendix A. Criteria for Control of Vapors from Gasoline Transfer to Storage Tanks.	10/30/1989	6/29/1995	60 FR 28055, 05/30/95.	
Appendix B. Criteria for Control of Vapors from Gasoline Transfer at Bulk Plants (Vapor Balance System).	10/30/1989	6/20/1995	60 FR 28055, 05/30/95.	
Appendix C. Minimum Cooling Capacities for Refrigerated Freeboard Chillers on Vapor Degreasers.	5/22/1980	4/13/1981	46 FR 16687, 03/13/81.	
Appendix D. Test Procedures for Annual Pressure/Vacuum Testing of Gasoline Transport Tanks.	10/30/1989	6/29/1995	60 FR 28055, 05/30/95.	
Appendix E. Emission Limit Conversion Procedure ...	10/30/1989	6/29/1995	60 FR 28055, 05/30/95.	

**5 CCR 1001–12, Regulation Number 10, Criteria for Analysis of Conformity**

I. Requirement to Comply with the Federal Rule .....	1/30/2012	4/3/2014	79 FR 12079, 03/04/14.	
II. Definitions .....	1/30/2012	4/3/2014	79 FR 12079, 03/04/14.	
III. Interagency Consultation .....	1/30/2012	4/3/2014	79 FR 12079, 03/04/14.	
IV. Emission reduction credit for certain control measures.	1/30/2012	4/3/2014	79 FR 12079, 03/04/14.	
V. Enforceability of design concept and scope and project-level mitigation and control measures.	1/30/2012	4/3/2014	79 FR 12079, 03/04/14.	

**5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part A, General Provisions, Area of Applicability, Schedules for Obtaining Certification of Emissions Control, Definitions, Exemptions, and Clean Screening/Remote Sensing**

I. Applicability .....	1/30/2006	10/16/2007	72 FR 46148, 08/17/07.	
II. Definitions .....	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
III. Exemption from Section 42–4–314, C.R.S. for Department of Defense Personnel Participating in the Privately Owned Vehicle Import Control Program.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
IV. Clean Screen/Remote Emissions Sensing .....	1/30/2006	10/16/2007	72 FR 46148, 08/17/07.	

**5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part B, Standards and Procedures for the Approval, Operation, Gas Span Adjustment, Calibration and Certification of the Division Approved Test Analyzer Systems for Use in the Basic and Enhanced Areas and Test Analyzer Systems for Licensed Dealers in the Enhanced Area**

I. Approval of the Colo '94 Test Analyzer Systems ....	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
II. Application for Approval of Colo '94 Test Analyzer Systems Equipment Manufacturers.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
III. Performance and Design Specification for the Colo '94 Exhaust Gas Analyzers.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
IV. Span Gases For Use With Colo '94 Test Analyzer Systems.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
V. Documentation, Logistics, and Warranty Requirements.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
VI. Calibration of Colorado '94 Test Analyzer Systems.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
VII. Approval of the Colorado Automobile Dealers Transient Mode Test Analyzer System.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
VIII. Applications for Approval of the Colorado Automobile Dealers Transient Mode Test Analyzer System.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
IX. Requests for Approval of Clean Screen Test Analyzer Systems.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	

**5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part C, Inspection Procedures and Requirements for Exhaust Emissions, Fuel Evaporation Control, Visible Smoke Emissions, Emissions Control Systems, Chlorofluorocarbon Leak Detection; and Practices to Ensure Proper Emissions Related Adjustments and Repairs**

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II. Exhaust Emissions Inspection Procedures .....	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
III. Emissions Control Systems Inspection Procedures.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
IV. Evaporative Fuel Control Inspection Procedures ..	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
V. Detection of Chlorofluorocarbons .....	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
VI. Free Reinspection .....	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
VII. Repair Information .....	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
VIII. Certification of Emissions Control .....	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
IX. Adjustment Procedures .....	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
X. Emissions Related Repairs .....	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	



Title	State effective date	EPA Effective date	Final rule citation/date	Comments
XI. Engine Changes .....	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
XII. Clean Screen Inspection Program Procedures ....	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	

**5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part D, Qualification and Licensing of Emissions Mechanics, Emissions Inspectors and Clean Screen Inspectors; Licensing of Emissions Inspection and Readjustment Stations, Inspection-Only Stations, Inspection-Only Facilities, Fleets, Motor Vehicle Dealer Test Facilities and Enhanced Inspection Centers; Qualification of Clean Screen Inspection Sites; and Registration of Emissions Related Repair Facilities and Technicians**

I. Licensing of Emissions Inspection and Readjustment Stations, Inspection-Only Stations, Inspection-Only Facilities, Enhanced Inspection Centers, Fleet Inspection Stations and Motor Vehicle Dealer Test Facilities.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
II. Qualification and Licensing of Emission Mechanics, and Emissions Inspectors.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
III. Registration of Emissions Related Repair Facilities.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
IV. Requirements for Clean Screen/Remote Sensing Sites.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
V. Qualification of Clean Screen Emissions Inspectors.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
VI. Requalification Requirements for all Clean Screen Emissions Inspectors.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
VII. Transmittal of Letters of Qualification and Issuance of Clean Screen Inspector Licenses.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
VIII. Lapse of Certificate of Qualification for Clean Screen Inspector.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
IX. Program License Application Performance Review Criteria.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	

**5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part E, Prohibited Acts and Penalties to Ensure Proper Inspection Procedures, Adherence to Prescribed Procedures and Effective Emissions Related Repairs**

I. The Grounds Upon Which The License Of An Emissions Mechanic, Emissions Inspector Or Any Type Of AIR Program Inspection Business May Be Suspended, For A Period Of Time Not Less Than Six Months, Or Revoked.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
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**5 CCR 1001–13, Regulation Number 11, Motor Vehicle Emissions Inspection Program—Part F, Maximum Allowable Emissions Limits for Motor Vehicle Exhaust, Evaporative and Visible Emissions for Light-Duty and Heavy-Duty Vehicles**

I. The Idle Short Test Concentration Limits For Light-Duty Vehicles And Heavy-Duty Trucks Specified In Sections I (A) And II (A) Respectively Of This Part F Are Those Necessary To Comply With Emissions Reductions As The Program Matures.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
II. Heavy-Duty Vehicles (1978 and Earlier Greater Than 6000 lbs. GVWR) Subject to Idle Short Test(s).	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
III. Transient Test Mass Emissions Limits In Grams/Mile (GPM).	1/30/2006	1/22/2013	77 FR 75388, 12/20/12.	
IV. Evaporative Emissions Control Standards .....	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
V. Vehicles shall not exhibit any continuous gray, blue, blue-black, or black smoke of greater than 5% opacity from the engine crankcase and/or tailpipe(s) during any engine operating conditions of applicable inspection procedures.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
VI. Clean Screen Program Maximum Allowable Emissions Limits.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	

**5 CCR 1001–13, Regulation Number 11, Appendices**

Appendix A, Specifications for Colorado 94 Analyzer	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
Appendix B, Standards and Specifications for the Suppliers of Span and Calibration Gases.	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	

**5 CCR 1001–14, Emission Budgets for Nonattainment Areas in the State of Colorado**

Budgets .....	8/30/1995	4/30/1998	63 FR 15294, 03/31/98.	
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Title	State effective date	EPA Effective date	Final rule citation/date	Comments
<b>5 CCR 1001–18, Regulation Number 16, Street Sanding Emissions</b>				
I. Street Sanding Materials Specifications .....	4/19/2001	10/16/2002	67 FR 58335, 09/16/02.	
II. Street Sanding Requirements Specific to the Denver PM–10 Attainment/Maintenance Area.	4/19/2001	10/16/2002	67 FR 58335, 09/16/02.	
<b>5 CCR 1001–20, Nonattainment-Attainment/Maintenance Areas</b>				
I. Pagosa Springs Attainment/Maintenance Area .....	5/30/2000	8/14/2001	66 FR 32556, 06/15/01.	
II. Telluride Attainment/Maintenance Area .....	5/30/2000	8/14/2001	66 FR 32556, 06/15/01.	
III. Aspen/Pitkin County PM–10 Attainment/Maintenance Area.	2/28/2001	7/14/2003	68 FR 26212, 05/15/03.	
IV. Lamar Attainment/Maintenance Area .....	12/30/2001	11/25/2005	70 FR 61563, 10/25/05.	
V. Canon City PM–10 Nonattainment Area .....	12/30/1993	2/13/1995	59 FR 64332, 12/14/94.	
VIII. Steamboat Springs PM <sub>10</sub> Attainment/Maintenance Area.	11/24/2004	12/30/2001	69 FR 62210, 10/25/04.	

(d) EPA-approved source-specific requirements.

Title	State effective date	EPA effective date	Final rule citation/date	Comments
Long-Term Strategy Review and Revision of Colorado’s State Implementation Plan for Class I Visibility Protection: Part I: Hayden Station Requirements.	8/15/1996	2/18/1997	62 FR 2305, 01/16/97.	
Revision of Colorado’s State Implementation Plan for Class I Visibility Protection Craig Station Units 1 and 2 Requirements.	4/19/2001	8/6/2001	66 FR 35374, 07/05/01.	

(e) EPA-approved nonregulatory provisions.

Title	State effective date	EPA effective date	Final rule citation/date	Comments
<b>Legislation</b>				
Concerning Air Pollution Control, and, in connection therewith, revising the Air Program to comply with requirements of the Federal “Clean Air Act Amendments of 1990”.	7/1/1993	12/8/1994	59 FR 55584, 11/08/94.	
Concerning Legislative Procedures for the Approval of State Implementation Plans and Regulations Related to Air Pollution.	5/31/1995	4/30/1998	63 FR 15294, 03/31/98.	

**Maintenance Plans**

**Aspen**

Revised PM <sub>10</sub> Maintenance Plan for the Aspen Attainment/Maintenance Area.	12/16/2010	11/18/2013	78 FR 57496, 09/19/13.	
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**Canon City**

PM <sub>10</sub> Maintenance Plan for Canon City .....	11/20/2008	9/9/2013	78 FR 41307, 07/10/13.	
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**Colorado Springs**

Colorado Springs Carbon Monoxide Maintenance Plan.	12/17/2009	9/30/2013	78 FR 46521, 08/01/13.	
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**Denver Metropolitan Area**

1982 Denver Regional Element of the State Air Quality Implementation Plan.	3/4/2001	10/11/2001	66 FR 47086, 09/11/01.	
Carbon Monoxide Maintenance Plan for the Denver Metropolitan Area.	8/30/2003	11/15/2004	69 FR 55752, 09/16/04.	

Title	State effective date	EPA effective date	Final rule citation/date	Comments
Ozone Redesignation Request and Maintenance Plan for the Denver Metropolitan Area.	1/11/2001	10/11/2001	66 FR 47086, 09/11/01.	
PM <sub>10</sub> Redesignation Request and Maintenance Plan For the Denver Metropolitan Area.	4/19/2001	10/16/2002	67 FR 58335, 09/16/02.	
Revision to the Colorado State Implementation Plan: Concerning the removal of the Colorado Clean Vehicle Fleet Program from the SIP, and the adoption of a replacement program.	3/1/2000	1/14/2002	66 FR 64751, 12/14/01.	
Early Action Compact Ozone Action Plan .....	5/31/2004	9/19/2005	70 FR 48652, 08/19/05.	
<b>Fort Collins</b>				
Revised Carbon Monoxide Maintenance Plan, Fort Collins Attainment/Maintenance Area.	12/16/2010	11/12/2013	78 FR 56164, 09/12/13.	
<b>Greeley</b>				
Greeley Carbon Monoxide Maintenance Plan .....	12/17/2009	10/1/2013	78 FR 46816, 08/02/13.	
<b>Lamar</b>				
PM <sub>10</sub> Redesignation Request and Maintenance Plan for the Lamar Area.	12/30/2001	11/25/2005	70 FR 61563, 10/25/05.	
<b>Longmont</b>				
Revised Carbon Monoxide Maintenance Plan for the Longmont Attainment/Maintenance Area.	3/1/2004	11/29/2004	69 FR 58264, 09/30/04.	
<b>Pagosa Springs</b>				
Final Revised PM <sub>10</sub> Maintenance Plan for the Pagosa Springs Attainment/Maintenance Area.	11/19/2009	4/9/2014	79 FR 13256, 03/10/14.	
<b>Steamboat Springs</b>				
Revised PM <sub>10</sub> Maintenance Plan for the Steamboat Springs Attainment/Maintenance Area.	1/30/2012	3/23/2015	80 FR 2827, 01/21/15.	
<b>Telluride</b>				
Revised PM <sub>10</sub> Attainment/Maintenance Plan Telluride Attainment/Maintenance Area.	11/19/2009	3/13/2014	79 FR 8090, 02/11/14.	
<b>Local Ordinances/Resolutions</b>				
Adopting the Fort Collins Better Air Campaign for Inclusion in the Fort Collins Element of the State Implementation Plan for Air Quality.	9/5/1989	6/17/1991	56 FR 15499, 04/17/91.	
<b>Visibility</b>				
State Implementation Plan for Class I Visibility Protection, State of Colorado.	11/19/1987	10/11/1988	53 FR 30428, 08/12/88.	
Long-Term Strategy Review and Revision of Colorado's State Implementation Plan for Class I Visibility Protection, Part II: Revision of the Long-Term Strategy.	11/18/2004	12/4/2006	71 FR 64465, 11/02/06.	

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R10-OAR-2015-0483; FRL-9934-61-Region 10]

**Approval and Promulgation of Implementation Plans; Washington: Update to the Spokane Regional Clean Air Agency Solid Fuel Burning Device Standards**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the Washington State Department of Ecology (Ecology) on July 10, 2015. The SIP submission contains revisions to the Spokane Regional Clean Air Agency (SRCAA) solid fuel burning device regulations to control particulate matter from residential wood combustion. The updated regulations reflect the State of Washington’s statutory changes setting fine particulate matter trigger levels for impaired air quality burn bans. The submission also contains updates to the regulations to improve the clarity of the language. We are approving these changes because they meet the requirements of the Clean Air Act and strengthen the Washington SIP.

**DATES:** This final rule is effective October 28, 2015.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R10-OAR-2015-0483. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Programs Unit, Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA, 98101. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** For information please contact Jeff Hunt at (206) 553-0256, [hunt.jeff@epa.gov](mailto:hunt.jeff@epa.gov), or by using the above EPA, Region 10 address.

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- I. Background Information
- II. Final Action
- III. Incorporation by Reference
- IV. Statutory and Executive Orders Review

**I. Background Information**

On August 10, 2015, the EPA proposed to approve revisions to the SRCAA solid fuel burning device

regulations (80 FR 47880). An explanation of the CAA requirements, a detailed analysis of the submittal, and the EPA’s reasons for approval were provided in the notice of proposed rulemaking, and will not be restated here. The public comment period for this proposed rule ended on September 9, 2015. The EPA received no comments on the proposal.

**II. Final Action**

The EPA is approving Washington’s SIP revision submitted on July 10, 2015. Specifically, the EPA is approving and incorporating by reference into the SIP the SRCAA regulations shown in Table 1. We note that Ecology and SRCAA submitted Regulation I, Section 8.11, *Regulatory Actions and Penalties* to demonstrate adequate enforcement authority to implement the program. Regulations describing agency enforcement authority are not generally incorporated by reference into the SIP to avoid potential conflict with the EPA’s independent authorities. Therefore, we are approving Section 8.11 as providing adequate enforcement authority, but we are not incorporating this section by reference into the SIP, codified in 40 CFR 52.2470(c). Similarly, SRCAA Section 8.04 incorporates by reference the statewide Ecology solid fuel burning device regulations contained in WAC 173-433. To the extent that SRCAA’s regulations reference WAC 173-433-130, 173-433-170, and 173-433-200 which contain nuisance, fee, and enforcement provisions, Washington did not submit these provisions for approval, consistent with the EPA’s May 9, 2014 final action on the statewide Ecology regulations (79 FR 26628).

TABLE 1—APPROVED AND INCORPORATED BY REFERENCE SRCAA REGULATIONS

Agency	Citation (section)	Title	State effective date	Submitted	Explanation
<b>Regulation I—Article VIII—Solid Fuel Burning Device Standards</b>					
SRCAA	8.01	Purpose .....	09/02/14	07/10/15	Except SRCAA’s incorporation by reference of WAC 173-433-130, 173-433-170, and 173-433-200.
SRCAA	8.02	Applicability .....	09/02/14	07/10/15	
SRCAA	8.03	Definitions .....	09/02/14	07/10/15	
SRCAA	8.04	Emission Performance Standards .....	09/02/14	07/10/15	
SRCAA	8.05	Opacity Standards .....	09/02/14	07/10/15	
SRCAA	8.06	Prohibited Fuel Types .....	09/02/14	07/10/15	
SRCAA	8.07	Curtaiment (Burn Ban) .....	09/02/14	07/10/15	
SRCAA	8.08	Exemptions .....	09/02/14	07/10/15	
SRCAA	8.09	Procedure to Geographically Limit Solid Fuel Burning Devices.	09/02/14	07/10/15	
SRCAA	8.10	Restrictions on Installation and Sales of Solid Fuel Burning Devices.	09/02/14	07/10/15	

### III. Incorporation by Reference

In accordance with requirements of 1 CFR 51.5, we are revising our incorporation by reference in 40 CFR 52.2470(c)—Table 9 “Additional Regulations Approved for the Spokane Regional Clean Air Agency (SRCAA) Jurisdiction” to reflect the regulations shown in Table 1. Also, for the reasons stated above, the EPA is approving but not incorporating by reference SRCAA Regulation I, Section 8.11, *Regulatory Actions and Penalties*. We are therefore revising our incorporation by reference in 40 CFR 52.2470(c)—Table 9 “Additional Regulations Approved for the Spokane Regional Clean Air Agency (SRCAA) Jurisdiction” to move this entry to 40 CFR 52.2470(e)—Table 1 “Approved but not Incorporated by Reference Statutes and Regulations.” The EPA has made, and will continue to make, these documents generally available electronically through [www.regulations.gov](http://www.regulations.gov) and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

### IV. Statutory and Executive Orders Review

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

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

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

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

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

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

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and

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

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not impose substantial direct costs on tribal governments or preempt tribal law. This SIP revision is not approved to apply in Indian reservations in the State or any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction.

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

“major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 27, 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 14, 2015.

**Dennis J. McLerran,**

*Regional Administrator, Region 10.*

For the reasons set forth in the preamble, 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 WW—Washington

■ 2. In § 52.2470:

■ a. In paragraph (c), table 9 is amended by revising entries 8.01 through 8.10 and removing entry 8.11.

■ b. In paragraph (e), table 1 is amended by adding a heading at the end of the table entitled “Spokane Regional Clean Air Agency Regulations” and entry 8.11.

The revisions and additions read as follows:

#### § 52.2470 Identification of plan.

*	*	*	*
(c)	*	*	*

TABLE 9—ADDITIONAL REGULATIONS APPROVED FOR THE SPOKANE REGIONAL CLEAN AIR AGENCY (SRCAA) JURISDICTION

State citation	Title/subject	State effective date	EPA approval date	Explanations
*	*	*	*	*
<b>Spokane Regional Clean Air Agency Regulations</b>				
*	*	*	*	*
<b>Regulation I—Article VIII—Solid Fuel Burning Device Standards</b>				
8.01	Purpose	09/02/14	09/28/15 [Insert <b>Federal Register</b> citation].	
8.02	Applicability	09/02/14	09/28/15 [Insert <b>Federal Register</b> citation].	
8.03	Definitions	09/02/14	09/28/15 [Insert <b>Federal Register</b> citation].	
8.04	Emission Performance Standards	09/02/14	09/28/15 [Insert <b>Federal Register</b> citation].	Except the incorporation by reference of WAC 173–433–130, 173–433–170, and 173–433–200.
8.05	Opacity Standards	09/02/14	09/28/15 [Insert <b>Federal Register</b> citation].	
8.06	Prohibited Fuel Types	09/02/14	09/28/15 [Insert <b>Federal Register</b> citation].	
8.07	Curtailement (Burn Ban)	09/02/14	09/28/15 [Insert <b>Federal Register</b> citation].	
8.08	Exemptions	09/02/14	09/28/15 [Insert <b>Federal Register</b> citation].	
8.09	Procedure to Geographically Limit Solid Fuel Burning Devices.	09/02/14	09/28/15 [Insert <b>Federal Register</b> citation].	
8.10	Restrictions on Installation and Sales of Solid Fuel Burning Devices.	09/02/14	09/28/15 [Insert <b>Federal Register</b> citation].	
*	*	*	*	*

\* \* \* \* \* (e) \* \* \*

TABLE 1—APPROVED BUT NOT INCORPORATED BY REFERENCE STATUTES AND REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanations
*	*	*	*	*
<b>Spokane Regional Clean Air Agency Regulations</b>				
8.11	Regulatory Actions and Penalties	09/02/14	09/28/15 [Insert <b>Federal Register</b> citation].	

\* \* \* \* \*

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 622**

[Docket No. 150226189–5859–03]

RIN 0648–BE91

**Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures; Correction**

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

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** NMFS corrects the final rule that implemented management measures described in a framework action to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP), which published in the **Federal Register** on May 1, 2015. The framework final rule published shortly after the final rule for Amendment 40 to the FMP and not all of the regulatory text implemented by the Amendment 40 final rule was incorporated into the final rule for the framework amendment. Specifically, the express references to the red snapper component quotas, annual catch targets (ACTs), and seasons lengths were left out of the final rule for the framework amendment. The purpose of this correcting amendment is to fix the error by reinstating the omitted regulatory text.

**DATES:** This correction is effective September 28, 2015.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Meyer, telephone 727–824–5305; email: [Cynthia.Meyer@noaa.gov](mailto:Cynthia.Meyer@noaa.gov).

**SUPPLEMENTARY INFORMATION:****Background**

The final rule for Amendment 40 to the FMP published on April 22, 2015 (80 FR 22422), and established two components within the recreational sector for Gulf of Mexico (Gulf) red snapper (a Federal charter vessel/headboat (for-hire) component and a private angling component), allocated the red snapper recreational quota between the components, established recreational component ACTs, established separate seasonal closures for the two components, and established component specific overage adjustments the year following an overage of the

total recreational annual catch limit (ACL).

The final rule for the framework amendment published on May 1, 2015, and increased the commercial and recreational quotas for red snapper in the Gulf reef fish fishery for the 2015, 2016, and 2017 fishing years, and subsequent fishing years (80 FR 24832). This rule did not change the structure of the separate components quotas and ACTs that were implemented in the Amendment 40 final rule.

The regulatory text in the Amendment 40 final rule in § 622.41(q)(2)(i) and (ii), that expressly referred to component specific seasons and overage adjustments the year following an overage of the total recreational ACL, was not carried over into the final rule for the framework amendment. This notification corrects § 622.41(q)(2)(i) and (ii) by adding the necessary language from the Amendment 40 final rule back into the regulations.

**Correction**

As published, the final rule for the framework amendment, published May 1, 2015 (80 FR 24832), did not reflect the regulatory text implemented by the final rule for Amendment 40, published April 22, 2015 (80 FR 22422). Language is added to § 622.41(q)(2)(i) and (ii) to correct that omission.

**Classification**

The Regional Administrator, Southeast Region, NMFS has determined that this correcting amendment is necessary for the conservation and management of Gulf red snapper and is consistent with Amendment 40, the framework amendment, the FMP, the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable law.

This final rule has been determined to be not significant under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries, NOAA, finds good cause to waive prior notice and opportunity for additional public comment for this action because it would be unnecessary and contrary to the public interest. Providing prior notice and the opportunity for public comment is unnecessary because the public received notice and an opportunity to comment on the proposed rules for the framework amendment and Amendment 40 and the final rule for Amendment 40 included this regulatory text. This correcting amendment reinstates the regulatory text that was inadvertently omitted from the final rule for the framework action

that published on May 1, 2015 (80 FR 24832). If the rule was delayed to allow for prior notice and opportunity for public comment, it would cause confusion because the public believes that the omitted text is already included in the regulations.

For the same reasons, the Assistant Administrator also finds good cause, pursuant to 5 U.S.C. 553(d), to waive the 30-day delay in effective date for this correcting amendment. If the rule was delayed to allow for the 30-day delay in effectiveness, it would continue to cause confusion because the public believes that the omitted text is already included in the regulations.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable. Accordingly, no Regulatory Flexibility Analysis is required and none has been prepared.

**List of Subjects in 50 CFR Part 622**

Commercial, Fisheries, Fishing, Gulf of Mexico, Quotas, Recreational, Red snapper.

Dated: September 21, 2015.

**Eileen Sobeck,**

*Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

Accordingly, 50 CFR part 622 is corrected by making the following correcting amendments:

**PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC**

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.41, paragraphs (q)(2)(i) and (ii) are revised to read as follows:

**§ 622.41 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).**

\* \* \* \* \*  
(q) \* \* \*  
(2) \* \* \*

(i) The AA will determine the length of the red snapper recreational fishing season, or recreational fishing seasons for the Federal charter vessel/headboat and private angling components, based on when recreational landings are projected to reach the recreational ACT, or respective recreational component ACT specified in paragraph (q)(2)(iii) of this section, and announce the closure date(s) in the **Federal Register**. These seasons will serve as in-season accountability measures. On and after the effective date of the recreational

closure or recreational component closure notifications, the bag and possession limit for red snapper or for the recreational component is zero. When the recreational sector or Federal charter vessel/headboat component is closed, this bag and possession limit applies in the Gulf on board a vessel for which a valid Federal charter vessel/headboat permit for Gulf reef fish has been issued, without regard to where such species were harvested, *i.e.*, in state or Federal waters.

(ii) In addition to the measures specified in paragraph (q)(2)(i) of this section, if red snapper recreational landings, as estimated by the SRD, exceed the total recreational quota specified in § 622.39(a)(2)(i)(A), and red snapper are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to reduce the total recreational quota by the amount of the quota overage in the prior fishing year, and reduce the applicable recreational component quota(s) specified in § 622.39(a)(2)(i)(B) and (C) and the applicable recreational component ACT(s) specified in paragraph (q)(2)(iii) of this section (based on the buffer between the total recreational ACT and the total recreational quota specified in the FMP), unless NMFS determines based upon the best scientific information available that a greater, lesser, or no overage adjustment is necessary.

\* \* \* \* \*

[FR Doc. 2015-24577 Filed 9-25-15; 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-XE210

**Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish 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 exchanging allocations of Amendment 80 cooperative quota (CQ) for Amendment 80 acceptable biological catch (ABC) reserves. This action is necessary to allow the 2015 total allowable catch of flathead sole, rock sole, and yellowfin sole in the Bering Sea and Aleutian Islands management area to be harvested.

**DATES:** Effective September 28, 2015, through December 31, 2015.

**FOR FURTHER INFORMATION CONTACT:** Steve Whitney, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the Bering Sea and Aleutian Islands management area (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 flathead sole, rock sole, and yellowfin sole Amendment 80 allocations of the total allowable catch (TAC) specified in the BSAI are 16,655 metric tons (mt), 53,840 mt, and 111,892 mt as established by the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015). The 2015 flathead sole, rock sole, and yellowfin sole Amendment 80 ABC reserves are 37,399 mt, 100,418 mt, and 89,121 mt as established by the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015).

The Alaska Seafood cooperative has requested that NMFS exchange 5,620 mt of flathead sole and 1,450 mt of rock sole Amendment 80 allocations of the TAC for 7,070 mt of yellowfin sole Amendment 80 ABC reserves under § 679.91(i). Therefore, in accordance with § 679.91(i), NMFS exchanges 5,620 mt of flathead sole and 1,450 mt of rock sole Amendment 80 allocations of the TAC for 7,070 mt of yellowfin sole Amendment 80 ABC reserves in the BSAI. This action also decreases and increases the TACs and Amendment 80 ABC reserves by the corresponding amounts. Tables 11 and 13 of the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015) and as revised (80 FR 55562, September 16, 2015) are further revised as follows:

**TABLE 11—FINAL 2015 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS**

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian district	Central Aleutian district	Western Aleutian district	BSAI	BSAI	BSAI
TAC .....	8,000	7,000	9,000	18,355	67,475	156,670
CDQ .....	856	749	963	2,320	7,085	16,543
ICA .....	100	75	10	5,000	8,000	5,000
BSAI trawl limited access .....	704	618	161	0	0	16,165
Amendment 80 .....	6,340	5,558	7,866	11,035	52,390	118,962
Alaska Groundfish Cooperative .....	3,362	2,947	4,171	1,708	13,318	44,455
Alaska Seafood Cooperative .....	2,978	2,611	3,695	9,327	39,072	74,507

**Note:** Sector apportionments may not total precisely due to rounding.



TABLE 13—FINAL 2015 AND 2016 ABC SURPLUS, COMMUNITY DEVELOPMENT QUOTA (CDQ) ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE

[Amounts are in metric tons]

Sector	2015 Flathead sole	2015 Rock sole	2015 Yellowfin sole	2016 Flathead sole	2016 Rock sole	2016 Yellowfin sole
ABC .....	66,130	181,700	248,800	63,711	164,800	245,500
TAC .....	18,355	67,475	156,670	24,250	69,250	149,000
ABC surplus .....	47,775	114,225	92,130	39,461	95,550	96,500
ABC reserve .....	47,775	114,225	92,130	39,461	95,550	96,500
CDQ ABC reserve .....	4,756	12,357	10,079	4,222	10,224	10,326
Amendment 80 ABC reserve .....	43,019	101,868	82,051	35,239	85,326	86,175
Alaska Groundfish Cooperative for 2015 <sup>1</sup> .....	3,836	24,840	35,408	n/a	n/a	n/a
Alaska Seafood Cooperative for 2015 <sup>1</sup> ..	39,183	77,028	46,643	n/a	n/a	n/a

<sup>1</sup> The 2016 allocations for Amendment 80 species between Amendment 80 cooperatives and the Amendment 80 limited access sector will not be known until eligible participants apply for participation in the program by November 1, 2015.

### 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 flatfish exchange by the

Alaska Seafood cooperative the BSAI. 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 17, 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 22, 2015.

**Emily H. Menashes,**

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

[FR Doc. 2015-24542 Filed 9-25-15; 8:45 am]

**BILLING CODE 3510-22-P**

# Proposed Rules

Federal Register

Vol. 80, No. 187

Monday, September 28, 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 72

[NRC–2015–0134]

RIN 3150–AJ62

#### List of Approved Spent Fuel Storage Casks: Holtec International, HI–STORM Flood/Wind Multipurpose Storage System, Certificate of Compliance No. 1032, Amendment No. 0, Revision 1

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its spent fuel storage regulations by revising the Holtec International (Holtec), HI–STORM (Holtec International Storage Module) Flood/Wind (FW) Multipurpose Canister Storage (MPC) System listing within the “List of approved spent fuel storage casks” to add Amendment No. 0, Revision 1, to Certificate of Compliance (CoC) No. 1032. This revision corrects the CoC’s expiration date (editorial change), clarifies heat load limits for helium backfill ranges, clarifies the wording for the Limiting Condition of Operation (LCO) on vent blockage, and revises the vacuum drying system heat load.

**DATES:** Submit comments by October 28, 2015. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2015–0134. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the

individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Email comments to:* [Rulemaking.Comments@nrc.gov](mailto: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.

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:** Solomon Sahle, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3781; email: [Solomon.Sahle@nrc.gov](mailto:Solomon.Sahle@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Obtaining Information and Submitting Comments

###### A. Obtaining Information

Please refer to Docket ID NRC–2015–0134 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2015–0134.

- *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](mailto:pdr.resource@nrc.gov). For the

convenience of the reader, instructions about obtaining materials referenced in this document are provided in the “Availability of Documents” section.

- *NRC’s PDR:* You may examine and purchase copies of public documents at the NRC’s PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

###### B. Submitting Comments

Please include Docket ID NRC–2015–0134 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into ADAMS.

The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

##### II. Procedural Background

This proposed rule is limited to the changes contained in Amendment No. 0, Revision 1, to CoC No. 1032 and does not include other aspects of the Holtec HI–STORM FW MPC Storage System. Because the NRC considers this action noncontroversial and routine, the NRC is publishing this proposed rule concurrently with a direct final rule in the Rules and Regulations section of this issue of the **Federal Register**. Adequate protection of public health and safety continues to be ensured.

The direct final rule will become effective on April 25, 2016. However, if the NRC receives significant adverse comments on this proposed rule by October 28, 2015, then the NRC will publish a document that withdraws the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments received in response to these proposed revisions in a subsequent final rule. Absent significant modifications to

the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action in the event the direct final rule is withdrawn.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC staff to make a change (other than editorial) to the rule, CoC, or Technical Specifications (TSs). For additional procedural information and the

regulatory analysis, see the direct final rule published in the Rules and Regulations section of this issue of the **Federal Register**.

**III. Background**

Section 218(a) of the Nuclear Waste Policy Act (NWPA) of 1982, as amended, requires that “the Secretary [of the Department of Energy] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.” Section 133 of the NWPA states, in part, that “[the Commission] shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 219(a) [sic: 218(a)] for use at the site of any civilian nuclear power reactor.”

To implement this mandate, the Commission approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule which added a new subpart K in part 72 of Title 10 of the *Code of Federal Regulations* (10 CFR) entitled “General License for

Storage of Spent Fuel at Power Reactor Sites” (55 FR 29181; July 18, 1990). This rule also established a new subpart L within 10 CFR part 72 entitled, “Approval of Spent Fuel Storage Casks,” which contains procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a direct final rule on March 28, 2011 (76 FR 17019), that approved the Holtec HI-STORM FW MPC Storage System and added it to the list of NRC-approved cask designs in 10 CFR 72.214 as CoC No. 1032.

**IV. Plain Writing**

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, well-organized manner that also follows other best practices appropriate to the subject or field and the intended audience. 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 proposed rule with respect to clarity and effectiveness of the language used.

**V. 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.
Proposed CoC No. 1032, Amendment No. 0, Revision 1 .....	ML15124A631
Appendix A of Proposed TSs .....	ML15124A636
Appendix B of Proposed TS .....	ML15124A642
Preliminary SER .....	ML15124A644
September 16, 2014, application .....	ML14262A070
March 12, 2015, supplement to application .....	ML15071A472

The NRC may post materials related to this document, including public comments, on the Federal rulemaking Web site at <http://www.regulations.gov> under Docket ID NRC–2015–0134. 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–2015–0134); (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 72**

Administrative practice and procedure, Criminal penalties, Hazardous waste, Indians, Intergovernmental relations, Manpower

training programs, Nuclear energy, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 552 and 553; the NRC is proposing to adopt the following amendments to 10 CFR part 72.

**PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE**

■ 1. The authority citation for part 72 continues to read as follows:

**Authority:** Atomic Energy Act of 1954, secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act

of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161, 10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

■ 2. In § 72.214, Certificate of Compliance No. 1032 is revised to read as follows:

**§ 72.214 List of approved spent fuel storage casks.**

\* \* \* \* \*

Certificate Number: 1032.

Initial Certificate Effective Date: June 13, 2011, superseded by Amendment Number 0, Revision 1, on April 25, 2016.

Amendment Number 0, Revision 1, Effective Date April 25, 2016.

Amendment Number 1 Effective Date: December 17, 2014, superseded by Amendment.

Number 1, Revision 1, on June 2, 2015.

Amendment Number 1, Revision 1, Effective Date: June 2, 2015.

SAR Submitted by: Holtec International, Inc.

SAR Title: Final Safety Analysis Report for the Holtec International HI-STORM FW System.

Docket Number: 72-1032.

Certificate Expiration Date: June 12, 2031.

Model Number: HI-STORM FW MPC-37, MPC-89.

\* \* \* \* \*

Dated at Rockville, Maryland, this 18th day of September, 2015.

For the Nuclear Regulatory Commission.

**Michael F. Weber,**

*Acting, Executive Director for Operations.*

[FR Doc. 2015-24475 Filed 9-25-15; 8:45 am]

**BILLING CODE 7590-01-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2015-3636; Directorate Identifier 2015-NM-043-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.) Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for all Airbus Defense and Space S.A.

(formerly known as Construcciones Aeronauticas, S.A.) Model CN-235, CN-235-100, CN-235-200, and CN-235-300 airplanes. This proposed AD was prompted by a report of cracks on the lugs of the inboard and outboard control rod fittings of the right hand (RH) and left hand (LH) side ailerons. This proposed AD would require a one-time non-destructive test (NDT) inspection of the inboard and outboard control rod fittings of the RH and LH side ailerons for cracks and corrosion, and repair if necessary. We are proposing this AD to detect and correct cracks and corrosion on the lugs of the inboard and outboard control rod fittings of the RH and LH side ailerons, which could lead to reduced controllability of the airplane.

**DATES:** We must receive comments on this proposed AD by November 12, 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 service information identified in this proposed AD, contact EADS-CASA, Military Transport Aircraft Division (MTAD), Integrated Customer Services (ICS), Technical Services, Avenida de Aragón 404, 28022 Madrid, Spain; telephone: +34 91 585 55 84; fax: +34 91 585 55 05; email:

*MTA.TechnicalService@casa.eads.net*;

Internet <http://www.eads.net>. 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-2015-3636; 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 Operations 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:**

Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone: 425-227-1112; 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-2015-3636; Directorate Identifier 2015-NM-043-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**

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2015-0040, dated March 6, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for all Airbus Defense and Space S.A. (formerly known as Construcciones Aeronauticas, S.A.) Model CN-235, CN-235-100, CN-235-200, and CN-235-300 airplanes. The MCAI states:

A CN-235 operator recently reported finding, during scheduled maintenance tasks, cracks on the lugs of the control rod fittings (inboard and outboard) of the ailerons [Right Hand (RH) and Left Hand (LH) side] of two aeroplanes. At the time of the finding, the two affected aeroplanes had accumulated between 16,000 and 17,000 flight hours (FH), around 6,000 flight cycles and had been in service for 20 years. Following the investigation results, it was determined that these cracks were due to stress corrosion.

This condition, if not detected and corrected, could lead to aileron fittings

failure, possibly resulting in reduced control of the aeroplane.

To address this unsafe condition and verify the integrity of the fittings, EADS-CASA (Airbus Military) issued Alert Operators Transmission (AOT) CN235-57-0001 to provide instructions for a one-time Non-Destructive (NDT) inspection of the affected fittings for cracks and corrosion.

For the reasons described above, this [EASA] AD requires a one-time NDT inspection of the affected aileron fittings and, if discrepancies are detected, accomplishment of applicable corrective action(s) [repair of any cracked or corroded parts].

You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-3636.

#### Related Service Information Under 14 CFR part 51

Airbus Defense and Space S.A. (formerly known as Construcciones Aeronauticas, S.A.) has issued Airbus Military Alert Operators Transmission (AOT) AOT-CN235-57-0001, Revision 1, dated March 14, 2014. The service information describes procedures for a one-time NDT inspection of the inboard and outboard control rod fittings of the RH and LH side ailerons for cracks and corrosion, and repair if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section of this NPRM.

#### FAA's Determination and Requirements of this Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with 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 the same type design.

#### Costs of Compliance

We estimate that this proposed AD affects 24 airplanes of U.S. registry.

We also estimate that it would take about 30 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be \$61,200, or \$2,550 per product.

#### Authority for This Rulemaking

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

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

#### Regulatory Findings

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

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

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

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

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

#### The Proposed Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.):** Docket No. FAA-2015-3636; Directorate Identifier 2015-NM-043-AD.

#### (a) Comments Due Date

We must receive comments by November 12, 2015.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to Airbus Defense and Space S.A. (formerly known as Construcciones Aeronauticas, S.A.) Model CN-235, CN-235-100, CN-235-200, and CN-235-300 airplanes, certificated in any category, all manufacturer serial numbers.

#### (d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

#### (e) Reason

This AD was prompted by a report of cracks on the lugs of the inboard and outboard control rod fittings of the right hand (RH) and left hand (LH) side ailerons. We are issuing this AD to detect and correct cracks and corrosion on the lugs of the inboard and outboard control rod fittings of the RH and LH side ailerons, which could lead to reduced controllability of the airplane.

#### (f) Compliance

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

#### (g) One-Time Non-Destructive Test (NDT) Inspection

(1) At the later of the compliance times specified in paragraph (g)(1)(i) or (g)(1)(ii) of this AD: Do a one-time NDT inspection of the inboard and outboard control rod fittings of the RH and LH side ailerons for cracks, and a one-time general visual inspection for corrosion, in accordance with Airbus Military Alert Operators Transmission (AOT) AOT-CN235-57-0001, Revision 1, dated March 14, 2014.

(i) Before exceeding 8,000 flight hours or 10 years since first flight of the airplane, whichever occurs first.

(ii) Within 3 months after the effective date of this AD.

(2) If any crack or corrosion is found during any inspection required by paragraph (g)(1) of this AD, before further flight, contact the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus Defense and Space S.A.'s (formerly known as Construcciones Aeronauticas, S.A.) EASA Design Organization Approval (DOA) for approved repair instructions, and before further flight, accomplish the repair accordingly.

#### (h) 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: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone: 425-227-1112; 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) *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 the EASA; or Airbus Defense and Space S.A.'s (formerly known as Construcciones Aeronauticas, S.A.) EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

#### (i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2015-0040, dated March 6, 2015, 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-2015-3636.

(2) For service information identified in this AD, contact EADS-CASA, Military Transport Aircraft Division (MTAD), Integrated Customer Services (ICS), Technical Services, Avenida de Aragón 404, 28022 Madrid, Spain; telephone +34 91 585 55 84; fax +34 91 585 55 05; email [MTA.TechnicalService@casa.eads.net](mailto:MTA.TechnicalService@casa.eads.net); Internet <http://www.eads.net>. 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 September 16, 2015.

**Michael Kaszycki,**

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

[FR Doc. 2015-24424 Filed 9-25-15; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2015-3635; Directorate Identifier 2015-NM-037-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for all Airbus Model A318, A319, A320, and A321 series airplanes. This proposed AD was prompted by an evaluation by the design approval holder (DAH) indicating that the fuselage skin repairs are subject to widespread fatigue damage (WFD). This proposed AD would require an inspection to determine whether any fuselage external skin (doubler) repairs have been accomplished, an inspection for cracking of certain repaired external fuselage skin areas in the fuselage, and repair if necessary. We are proposing this AD to detect and correct fatigue cracking of the fuselage skin, which could result in reduced structural integrity of the airplane.

**DATES:** We must receive comments on this proposed AD by November 12, 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 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](mailto:account.airworth-eas@airbus.com); Internet <http://www.airbus.com>. You

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

#### 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-2015-3635; 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 Operations 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-2015-3635; Directorate Identifier 2015-NM-037-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

Structural fatigue damage is progressive. It begins as minute cracks, and those cracks grow under the action of repeated stresses. This can happen because of normal operational conditions and design attributes, or because of isolated situations or incidents such as material defects, poor fabrication quality, or corrosion pits, dings, or scratches. Fatigue damage can occur locally, in small areas or structural design details, or globally.

Global fatigue damage is general degradation of large areas of structure with similar structural details and stress levels. Multiple-site damage is global damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Global damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site-damage and multiple-element-damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane, in a condition known as widespread fatigue damage (WFD). As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

The FAA's WFD final rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that DAHs establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule (75 FR 69746, November 15, 2010) does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this action is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European

Union, has issued EASA Airworthiness Directive 2015–0036R1, dated March 31, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition on all Model A318, A319, A320, and A321 series airplanes. The MCAI states:

During A320 family Extended Service Goal full scale fatigue tests, it was demonstrated that the inspection thresholds defined in the current Structural Repair Manual (SRM) for the A320 family skin repairs are insufficient to detect possible cracks becoming after repairs. The findings are limited to 1.2 [millimeter] (mm) fuselage skin and cover for all cut-out external repairs. The internal repairs are not affected.

This condition, if not detected and corrected, could affect the structural integrity of the fuselage at the repaired skin area(s).

To address this potential unsafe condition, Airbus issued Alert Operators Transmission (AOT) A53N007–14 to provide inspection instructions.

For the reasons described above, EASA issued AD 2015–0036 [<http://www.casa.gov.au/scripts/nc.dll?WCMS:OLDASSET::svPath=/ADFiles/over/a320/,svFileName=2015-0036.pdf>] to require a one-time inspection of the affected areas and, depending on findings, accomplishment of applicable repair instructions.

Since that AD was issued, operators have questioned the inspection threshold for A318 aeroplanes (not yet in the Airbus AOT), which is actually identical to that for A319 aeroplanes. In addition, an error has been detected in paragraph (1), since external doublers may have been installed in the affected area by a modification that may not be recorded as repair.

Such doubler installations are also subject to the inspection requirements of this AD, which is therefore revised to provide clarifications, correcting paragraph (1) and introducing a Note.

Required actions include an inspection to determine whether any fuselage external skin (doubler) repairs have been accomplished, an external ultrasonic inspection or an internal low/high frequency eddy current inspection for cracking of certain repaired external fuselage skin areas in the fuselage, and repair if necessary. The compliance times vary depending on airplane configuration. The earliest compliance time is within 25,200 flight cycles since last repair, or within 350 flight cycles after the effective date of the AD, whichever occurs later. The latest compliance time is within 45,000 flight cycles since last repair; within 1,500 flight cycles from the effective date of the AD, without exceeding 49,100 flight cycles since last repair; or within 350 flight cycles since the effective date of the AD; whichever occurs last. You may examine the MCAI in the AD docket on the Internet at <http://>

[www.regulations.gov](http://www.regulations.gov) by searching for and locating Docket No. FAA–2015–3635.

### Related Service Information Under 1 CFR Part 51

Airbus has issued Alert Operators Transmission A53N007–14, dated July 22, 2014. The service information describes procedures for an inspection to detect cracking on repaired 1.2 millimeter fuselage skin areas on fuselage sections 11, 12, 13, 14, 16, and 17 at external doubler repairs. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section of this NPRM.

### FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with 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.

### Costs of Compliance

We estimate that this proposed AD affects 940 airplanes of U.S. registry.

We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is \$85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be \$159,800, or \$170 per product.

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

### Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in “Subtitle VII, Part A, Subpart III, Section 44701:



General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### Regulatory Findings

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

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

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

### List of Subjects in 14 CFR Part 39

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

### The Proposed Amendment

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

### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**Airbus:** Docket No. FAA–2015–3635; Directorate Identifier 2015–NM–037–AD.

#### (a) Comments Due Date

We must receive comments by November 12, 2015.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to the Airbus airplanes specified 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 53, Fuselage.

#### (e) Reason

This AD was prompted by an evaluation by the design approval holder indicating that the fuselage skin repairs are subject to widespread fatigue damage. We are issuing this AD to detect and correct fatigue cracking of the fuselage skin, which could result in reduced structural integrity of the airplane.

#### (f) Compliance

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

#### (g) Inspection To Determine Repair Areas

At the applicable time specified in paragraph (g)(1) or (g)(2) of this AD: Do an inspection to determine whether any fuselage external skin (doubler) repairs have been accomplished on fuselage sections 11, 12, 13, 14, 16, and 17 with a skin thickness of 1.2 millimeters. A review of airplane maintenance records is acceptable in lieu of this inspection if the identification of applicable repairs can be conclusively determined from that review.

(1) For Model A319, A320, and A321 series airplanes: Except as specified in paragraph (h)(1) and (h)(2) of this AD, at the applicable time specified in paragraphs 4.1.1.b., and 4.1.1.c., of “Accomplishment Timescale,” of Airbus Alert Operators Transmission (AOT) A53N007–14, dated July 22, 2014, or within 350 flight cycles after the effective date of this AD, whichever occurs later.

(2) For Model A318 series airplanes: Except as specified in paragraph (h)(1) and (h)(2) of this AD, at the Model A319 airplane time specified in paragraphs 4.1.1.b., and 4.1.1.c., of “Accomplishment Timescale,” of Airbus AOT A53N007–14, dated July 22, 2014, or within 350 flight cycles after the effective date of this AD, whichever occurs later.

#### (h) Exceptions to Service Information

(1) Where paragraphs 4.1.1.b., and 4.1.1.c., of “Accomplishment Timescale,” of Airbus AOT A53N007–14, dated July 22, 2014, specifies “FC”, this AD specifies “flight cycles.”

(2) Where paragraphs 4.1.1.b., and 4.1.1.c., of “Accomplishment Timescale,” of Airbus AOT A53N007–14, dated July 22, 2014, specifies “from AOT issuance”, this AD specifies “as of the effective date of this AD.”

#### (i) Inspection for Cracking

If, during the inspection required by paragraph (g) of this AD, it is determined that any fuselage external skin (doubler) repair has been accomplished on fuselage section 11, 12, 13, 14, 16, or 17: At the applicable time specified paragraph (g)(1) or (g)(2) of this AD, do an external ultrasonic inspection (US) or an internal low frequency eddy current (LFEC) inspection for cracking of all of the repaired 1.2 millimeter (mm) fuselage skin areas, in accordance with the instructions specified in paragraph 4.2.2 “Inspection Requirements,” of Airbus AOT A53N007–14, dated July 22, 2014, except as provided by paragraph (j) of this AD.

#### (j) Optional Inspection for Cracking

As an optional method of compliance to the US or LFEC inspection required by paragraph (i) of this AD: Do a high frequency eddy current (HFEC) inspection for cracking in the cut-out surrounding the fastener area, at and in front (approximately 10–15 millimeters) of the fastener row, after doubler removal and before any new extended doubler installation, 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).

#### (k) Optional Repetitive Inspections

In lieu of doing the inspection required by paragraph (i) of this AD: Within the applicable compliance time specified in paragraph 4.1.1 “Accomplishment Timescale,” of Airbus AOT A53N007–14, dated July 22, 2014, after accomplishing the inspections required by paragraph (g) of this AD, do a detailed inspection or HFEC inspection and repeat the inspection thereafter within the applicable compliance times specified in paragraph 4.1.1 “Accomplishment Timescale,” of Airbus AOT A53N007–14, dated July 22, 2014. The inspections must be done in accordance with the instructions of paragraph 4.2.2 “Inspection Requirements,” of Airbus AOT A53N007–14, dated July 22, 2014. For Model A318 series airplanes, use the applicable compliance times and instructions specified in Airbus AOT A53N007–14, dated July 22, 2014, that are specified for Model A319 series airplanes.

#### (l) Repair

If any crack is found during any inspection required by paragraph (i), (j), or (k) of this AD: Before further flight, repair the cracking, in accordance with the instructions of paragraph 4.2.3 “Findings,” of Airbus AOT A53N007–14, dated July 22, 2014, except where Airbus AOT A53N007–14, dated July 22, 2014, specifies to contact Airbus for a repair design approval sheet or for further instructions, this AD requires repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or Airbus’s EASA DOA.

#### (m) FAA-Approved Maintenance or Inspection Program Revision

Concurrently with the accomplishment of any repair required by paragraph (l) of this



AD, revise the post-repair inspection threshold(s) in the applicable FAA-approved maintenance program or inspection program, as applicable, in accordance with the instructions specified in paragraph 4.1.1 "Accomplishment Timescale," of Airbus AOT A53N007-14, dated July 22, 2014; except for Model A318 series airplanes use the instructions specified for Model A319 series airplanes.

**(n) 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](mailto: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.

(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 the EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

**(o) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2015-0036R1, dated March 31, 2015, 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-2015-3635.

(2) For service information identified in this AD, contact Airbus, Airworthiness Office—ELAS, 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](mailto:account.airworth-eas@airbus.com); Internet <http://www.airbus.com>. 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 September 16, 2015.

**Michael Kaszycki,**

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

[FR Doc. 2015-24423 Filed 9-25-15; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 1**

[REG-132634-14]

**RIN 1545-BM43**

**Qualifying Income From Activities of Publicly Traded Partnerships With Respect to Minerals or Natural Resources; Hearing**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of public hearing on proposed rulemaking.

**SUMMARY:** This document provides notice of public hearing on proposed regulations relates to section 7704(d)(1)(E) of the Internal Revenue Code relating to qualifying income from exploration, development, mining or production, processing, refining, transportation, and marketing of minerals or production, processing, refining, transportation, and marketing of minerals or natural resources.

**DATES:** The public hearing is being held on Tuesday, October 27, 2015, at 10 a.m. The IRS must receive outlines of the topics to be discussed at the public hearing by Wednesday, October 7, 2015.

**ADDRESSES:** The public hearing is being held in the IRS Auditorium, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224. Send Submissions to CC:PA:LPD:PR (REG-132634-14), Room 5205, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday to CC:PA:LPD:PR (REG-132634-14), Couriers Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC or sent electronically via the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov) (IRS-2015-0021).

**FOR FURTHER INFORMATION CONTACT:** Concerning the regulations, Caroline E. Hay (202) 317-5279; concerning submissions of comments, the hearing and/or to be placed on the building access list to attend the hearing, Regina Johnson at (202) 317-6901 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is the notice of proposed rulemaking (REG-132634-14) that was published in the **Federal Register** on Wednesday, May 6, 2015 (73 FR 25970). The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing that submitted

written comments by August 4, 2015 must submit an outline of the topics to be addressed and the amount of time to be devoted to each topic by Wednesday, October 7, 2015.

A period of 10 minutes is allotted to each person for presenting oral comments. After the deadline for receiving outlines has passed, the IRS will prepare an agenda containing the schedule of speakers. Copies of the agenda will be made available, free of charge, at the hearing or in the Freedom of Information Reading Room (FOIA RR) (Room 1621) which is located at the 11th and Pennsylvania Avenue, entrance, of 1111 Constitution Avenue NW., Washington, DC.

Because of access restrictions, the IRS will not admit visitors beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this document.

**Martin V. Franks,**

*Chief, Publications and Regulations Branch, Associate Chief Counsel (Procedure and Administration).*

[FR Doc. 2015-24568 Filed 9-25-15; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF LABOR**

**Mine Safety and Health Administration**

**30 CFR Part 75**

**RIN 1219-AB78**

**Proximity Detection Systems for Mobile Machines in Underground Coal Mines**

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Proposed rule; scheduling of public hearing.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) is announcing the date and location of public hearings on the Agency's proposed rule addressing Proximity Detection Systems for Mobile Machines in Underground Coal Mines, published on September 2, 2015.

**DATES:** The public hearing dates and locations are listed in the **SUPPLEMENTARY INFORMATION** section of this document. Comments must be received by midnight Eastern Standard Time on December 1, 2015.

**ADDRESSES:** Comments, requests to speak, and informational materials for

the rulemaking record may be sent to MSHA by any of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* [zzMSHA-comments@dol.gov](mailto:zzMSHA-comments@dol.gov).

- *Fax:* 202–693–9441.
- *Mail:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, Virginia 22202–5452.

- *Hand Delivery/Courier:* MSHA, 201 12th Street South, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m. Monday through Friday, except Federal holidays. Sign in at the receptionist’s desk on the 4th Floor East, Suite 4E401.

**FOR FURTHER INFORMATION CONTACT:** Sheila A. McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at

[McConnell.Sheila.A@dol.gov](mailto:McConnell.Sheila.A@dol.gov) (Email), 202–693–9440 (Voice), or 202–693–9441 (Fax).

**SUPPLEMENTARY INFORMATION:**

*Instructions:* All submissions must include MSHA and RIN 1219–AB78 or Docket No. MSHA–2014–0019. Do not include personal information that you do not want publicly disclosed; MSHA will post all comments without change to <http://www.regulations.gov> and <http://www.msha.gov/currentcomments.asp>, including any personal information provided. For additional instructions for participation in public hearings on this rulemaking, see the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* For access to the docket to read comments received, go to <http://www.regulations.gov> or <http://www.msha.gov/currentcomments.asp>.

To read background documents, go to <http://www.regulations.gov>. Review the docket in person at MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m. Monday through Friday, except Federal Holidays. Sign in at the receptionist’s desk on the 4th floor East, Suite 4E401.

*Email Notification:* To subscribe to receive an email notification when MSHA publishes rules, program information, instructions, or policy, in the **Federal Register**, go to <http://www.msha.gov/subscriptions/subscribe.aspx>.

The hearings will be held in Denver, CO; Birmingham, AL; Beaver, WV; and Indianapolis, IN. Please see the information contained in the table below for locations, dates, and times.

Date and time	Location	Contact No.
October 6, 2015; 9:00 a.m .....	Embassy Suites Denver, Downtown/Convention Center, 1420 Stout Street, Denver, CO 80202.	303–592–1000
October 8, 2015; 9:00 a.m .....	Sheraton, Birmingham/Jefferson Convention Complex, 2100 Richard Arrington Jr. Blvd N., Birmingham AL 35203.	205–324–5000
October 19, 2015; 8:00 a.m .....	National Mine Health and Safety Academy, 1301 Airport Road, Beaver, West Virginia 25813.	304–256–3227
October 29, 2015; 9:00 a.m .....	Indianapolis Marriott Downtown, 350 W. Maryland Street, Indianapolis, IN 46225 ..	317–822–3500

Each hearing will begin with an opening statement from MSHA, followed by an opportunity for members of the public to make oral presentations. Each hearing will end after the last speaker has spoken. Persons do not have to make a written request to speak; however, persons and organizations wishing to speak are encouraged to notify MSHA in advance for scheduling purposes. MSHA requests that parties making presentations at the hearings submit them no later than five days prior to the hearing. Presentations and

accompanying documentation will be included in the rulemaking record.

The hearings will be conducted in an informal manner. Formal rules of evidence or cross examination will not apply. The hearing panel may ask questions of speakers and speakers may ask questions of the hearing panel. Verbatim transcripts of the proceedings will be prepared and made a part of the rulemaking record. Copies of the transcripts will be available to the public. The transcripts may also be viewed at <http://www.regulations.gov>

and <http://www.msha.gov/tscripts.htm>. MSHA will accept comments and other appropriate information for the record from any interested party, including those not presenting oral statements. Comments must be received by midnight Eastern Standard Time on December 1, 2015.

**Joseph A. Main,**

*Assistant Secretary of Labor for Mine Safety and Health.*

[FR Doc. 2015–24574 Filed 9–25–15; 8:45 am]

**BILLING CODE 4510–43–P**

# Notices

Federal Register

Vol. 80, No. 187

Monday, September 28, 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

### Forest Service

#### Notice of New Fee Site and Change in Fee Program Structure; Federal Lands Recreation Enhancement Act (Title VIII, Pub. L. 108-447)

**AGENCY:** Coconino National Forest, USDA Forest Service, Arizona.

**ACTION:** Notice of new fee sites and change in fee program structure.

**SUMMARY:** The Coconino National Forest is proposing to begin charging a new fee for the following two facilities: Dry Creek Vista Picnic Site and Fay Canyon Vista and Trailhead. These sites are part of a larger Red Rock Pass fee proposal. For more details, go to [www.fs.usda.gov/coconino](http://www.fs.usda.gov/coconino).

*Dry Creek Vista Picnic Site:* This site is located 2 miles northwest of Sedona, Arizona within the Red Rock Ranger District on Dry Creek Road. The site is a developed day use picnic site with a toilet, 40 surfaced parking spaces, interpretive kiosk, trash containers, scenic vista, picnic tables, security patrols, and access to several non-motorized trails. The site supports a variety of public recreation day uses. The site is proposed to be included as a fee site within the Red Rock Pass Fee Program. The charge is \$5.00/day.

*Fay Canyon Vista and Trailhead:* This site is located 3 miles northwest of Sedona, Arizona within the Red Rock Ranger District on Boynton Pass Road. The site is a developed day use site with a toilet, 42 surfaced parking spaces, interpretive kiosk, trash containers, scenic vista, picnic tables, security patrols, and access to the Fay, Cockscomb and Aerie trails. The site supports a variety of public recreation day uses. The site is proposed to be included as a fee site within the Red Rock Pass Fee Program. The charge is \$5.00/day.

**DATES:** Should the fee proposal be approved by the Regional Forester, these new fees will go into effect no sooner than six months after the date of publication in the **Federal Register**.

**ADDRESSES:** Address all comments concerning this notice to Forest Supervisor, Coconino National Forest, 1824 South Thompson Street, Flagstaff, Arizona 86001.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Burns, Red Rock District Recreation Staff Officer, Coconino National Forest, 928-203-7529 or via email at [jmburns@fs.fed.us](mailto:jmburns@fs.fed.us).

**SUPPLEMENTARY INFORMATION:** Dry Creek Vista Picnic Site; Fay Canyon Vista Trailhead. These locations are extremely popular with over 500 visitors per day during spring and fall using the sites for recreation. The amenities at these sites are critical both for public services and for resource protection. The general area is rich in archaeological remains and also has sensitive soils. The developed sites have adequate amenities to mitigate resource damage which can accompany such high recreation pressure. The fee revenue will be used to maintain the sites and provide public security: pump the vault toilet, provide janitorial service, remove garbage, provide interpretation, repair signs and parking surfaces and support Forest Service patrols in the area for visitor assistance and security. Dry Creek site: T.17N., R.5E., Sec. 3, NE1/4NW1/4N1/2; Fay Canyon site: T.17N., R.5E., Sec.31, GSRBM. These two new fee proposals are part of a larger fee modification proposal on the Coconino National Forest.

The full fee proposal can be found on the Coconino (or Red Rock) National Forest Web site at: <http://www.fs.usda.gov/main/coconino/landmanagement/planning>.

Dated: September 21, 2015.

**Laura Jo West,**

*Coconino National Forest Supervisor.*

[FR Doc. 2015-24566 Filed 9-25-15; 8:45 am]

**BILLING CODE 3411-15-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* Socio-Economic Survey; Manell-Geus (Guam).

*OMB Control Number:* 0648-xxxx.

*Form Number(s):* None.

*Type of Request:* Regular (request for a new information collection).

*Number of Respondents:* 380.

*Average Hours per Response:*

Household questionnaire, 1 hour; key informant interviews, 1.5 hours; focus groups, 2 hours.

*Burden Hours:* 425 (annualized to 142).

*Needs and Uses:* This request is for a new information collection.

The purpose of this information collection is to obtain information from individuals in Merizo, Guam. Specifically, NOAA is seeking information on the knowledge, attitudes and perceptions of watershed and coral reef conditions, as well as information on knowledge and attitudes related to specific reef protection activities in the Manell-Geus watershed and adjacent waters. In addition, this survey will provide for the ongoing collection of social and economic data related to the communities affected by coral reef conservation programs.

Manell-Geus is one of ten sites in the nation selected as a focus area for NOAA's Habitat Blueprint initiative. Community support and engagement are key elements towards successfully building resilience. We intend to use the information collected through this instrument for research purposes as well as measuring and improving the results of our coral reef protection programs. Because many of our efforts to protect reefs rely on education and changing attitudes toward reef protection, the information collected will allow NOAA staff to ensure programs are designed appropriately at the start, future

program evaluation efforts are as successful as possible, and outreach efforts are targeting the intended recipients with useful information.

**Affected Public:** Individuals or households.

**Frequency:** Once every three-four years.

**Respondent's Obligation:** Voluntary.

This information collection request may be viewed at [reginfo.gov](http://reginfo.gov). Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov) or fax to (202) 395-5806.

Dated: September 23, 2015.

**Sarah Brabson,**

*NOAA PRA Clearance Officer.*

[FR Doc. 2015-24526 Filed 9-25-15; 8:45 am]

**BILLING CODE 3510-JS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XE208**

### Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

**ACTION:** Notice; public meeting.

**SUMMARY:** The Mid-Atlantic Fishery Management Council's (Council) Northeast Trawl Advisory Panel (NTAP) will hold a public meeting.

**DATES:** The meeting will be held on Thursday, October 15, 2015, from 8 a.m. to 5 p.m. For agenda details, see

**SUPPLEMENTARY INFORMATION.**

**ADDRESSES:** The meeting will held at the Radisson Hotel Providence Airport, 2081 Post Road, Warwick, RI 02886; telephone: (401) 739-3000.

**Council address:** Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674-2331 or on their Web site at [www.mafmc.org](http://www.mafmc.org).

**FOR FURTHER INFORMATION CONTACT:** Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526-5255.

**SUPPLEMENTARY INFORMATION:** The NTAP is a joint advisory panel of the Mid-Atlantic and New England Fishery Management Councils. It is composed of

Council members, fishing industry, academic, and government and non-government fisheries experts who will provide advice and direction on the conduct of trawl research. The NTAP was established to bring commercial fishing, fisheries science, and fishery management professionals in the northeastern US together to identify concerns about regional research survey performance and data, to identify methods to address or mitigate these concerns, and to promote mutual understanding and acceptance of the results of this work among their peers and in the broader community. Topics to be discussed at the meeting include: review NTAP Charter, review NEFSC Trawl Survey, and discuss additional trawl research/complementary surveys.

### Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526-5251, at least 5 days prior to the meeting date.

Dated: September 23, 2015.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2015-24554 Filed 9-25-15; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF DEFENSE

### Corps of Engineers, Department of the Army

#### Intent To Prepare a Draft Environmental Impact Statement (EIS) for a Permit Application for Upper Llagas Creek Flood Protection Project in Santa Clara County, California

**AGENCY:** U.S. Army Corps of Engineers, San Francisco District, DoD.

**ACTION:** Notice of Intent (NOI).

**SUMMARY:** The U.S. Army Corps of Engineers (Corps), San Francisco District, has received a permit application for a Department of the Army permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act (33 U.S.C. 403) from the Santa Clara Valley Water Control District to construct flood conveyance features and to deepen and widen Upper Llagas Creek (Proposed Action). As part of the permit process, the Corps is evaluating the environmental effects associated with construction and implementation of these additional flood protection measures within the communities of Morgan Hill, San Martin, and Gilroy.

The primary federal involvement associated with the Proposed Action is the discharge of fill material within federal jurisdictional areas and Waters of the United States and work within Navigable Waters of the United States. In addition, the Proposed Action could have potential significant effects on the human environment. Therefore, the Corps will prepare an EIS in compliance with the National Environmental Policy Act (NEPA) to render a final decision on the Santa Clara Valley Water District's permit application. The Corps' decision will be to either issue or deny a Department of the Army permit for the Proposed Action. The Draft EIS is intended to be sufficient in scope to address federal, state, and local requirements and environmental issues concerning the Proposed Action and permit review.

### FOR FURTHER INFORMATION CONTACT:

Questions about the Proposed Action and Draft EIS should be directed to Mr. James Mazza, Corps Regulatory Project Manager, by telephone at (415) 503-6775 or by email at [james.c.mazza@usace.army.mil](mailto:james.c.mazza@usace.army.mil). Written comments should be addressed to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Division, Attn: Mr. James Mazza, 1455 Market Street, San Francisco, California 94103-1398. Information about the Proposed Action and Draft EIS can also be obtained from the San Francisco District Web site at [www.sfn.usace.army.mil](http://www.sfn.usace.army.mil).

**SUPPLEMENTARY INFORMATION:** 1. *Project Site and Background Information.* The Proposed Action is located within the southern Santa Clara County, approximately 25 miles southeast of San Jose, in the communities of Morgan Hill and San Martin. The project consists of seven reaches (4, 5, 6, 7A, 7B, 8, and 14) of Llagas Creek, East Little Llagas Creek, and West Little Llagas Creek above Buena Vista Avenue. The total length of the project area is approximately 13.1 miles; 6.1 miles of which are along the main branch of Llagas Creek, 3.3 miles along West Little Llagas Creek, and 2.4 miles along a tributary of Llagas Creek known as East Little Llagas Creek. An additional 1.3 miles of new diversion channel would be constructed along West Little Llagas Creek to Llagas Creek. On the north, the physical limits of the project are at the creek's intersection with Llagas Road on West Little Llagas Creek in Morgan Hill and in the south, the project limits area approximately 800 feet below the creek's intersection with Buena Vista Avenue in Gilroy.

(a) *Background.* In 1982 the first EIS for the Upper Llagas Project was prepared by the National Resources

Conservation Services (NRCS) as the lead agency. The downstream portion of the project, from the confluence with the Pajaro River to Buena Vista Avenue, was completed in 1996. However, due to the federal Endangered Species Act listing of steelhead trout in 1997, the changed environmental condition prompted an update to the existing 1982 EIS. NRCS was lacking funding to complete the upstream portion of the Project, so under the Water Resources Development Act of 1999, the project was transferred to the Corps to complete. Corps Civil Works hired an environmental consultant in 2007 to begin preparation of the current Project EIS.

(b) *Purpose and Need.* The overall project purpose is to manage flood risk within the Upper Llagas Creek Watershed and provide flood protection for residents, businesses, and infrastructure in the City of Morgan Hill, community of San Martin, and the sphere of influence of the City of Gilroy. The Proposed Action would increase flood protection for up to a one percent flood exceedance event in the City of Morgan Hill (Reaches 8, 7A, and 7B); assure no additional flooding is induced on Llagas Creek by the upstream modifications along the reaches downstream from Morgan Hill (Reaches 6, 5, and 4), and provides a ten percent exceedance capacity for the semi-urban area along East Llagas Creek (Reach 14).

(c) *Proposed Action.* The Santa Clara Valley Water District proposes 44.82 acres of temporary impacts and 3.81 acres of permanent impacts to jurisdictional waters of the United States. Flood management features and proposed activities include widening and deepening the channel in all reaches; construction of an underground concrete tunnel beneath Nob Hill to bypass flood flows; construction of a sinuous low-flow channel, construction of access roads along the top of bank in all reaches; aquatic habitat enhancement in reaches 4, 5, 6, and 7A; installation of culverts at two tributary confluences within reach 6 and three tributary confluences in reach 14; construction of a 1.25-mile long earthen diversion channel on West Little Llagas Creek (reach 7A); exhuming of buried bridge crossings in reach 7A; replacement of culverts at four road crossing locations in reach 7B; and removal of a cinder block/brick wall at the upstream project limit and removal of sediment and debris for all culverts and beneath the Hillwood Lane bridge crossing in reach 8.

2. *Alternatives.* Alternatives to the Proposed Action initially being considered include:

(a) NRCS Alternative: The NRCS Alternative would provide an increased level of flood management for urban areas, specifically: 1 percent flood in Morgan Hill (Reaches 8, 7A, and 7B); 10-percent flood management for the semi-urban area around East Little Llagas Creek (Reach 14); and, avoid induced flooding elsewhere on Llagas Creek (Reaches 6, 5, and 4) due to upstream improvements.

(b) Culvert/Channel Alternative: The Culvert/Channel Alternative would eliminate the need for channel deepening and widening through residential properties, as proposed for the NRCS Alternative between West Main Avenue and West 2nd Street in Reach 8.

(c) Reach 6 Bypass Alternative: The Reach 6 Bypass Alternative would construct a high flow bypass channel between Reach 6 of Llagas Creek and Reach 14 of East Little Llagas Creek. The bypass channel in Reach 6 would intersect with U.S. Highway 101. Therefore, construction of new bridges under the existing north and south bound lanes of the existing U.S. Highway 101 would be required to accommodate the bypass channel. A culvert would also be required under Murphy Road. Reach 14 would need to be enlarged (deeper and wider) to a greater extent than under the other alternatives to maintain a 10-year flood capacity, while preventing induced flooding from the upstream improvements. The bypass would be designed so that no flood capacity improvements would be needed along the Llagas Creek section of Reach 6 downstream from the bypass channel or Reach 5. A hydraulic diversion structure would be required within Llagas Creek upstream to divert high flows into the bypass channel, and which would also allow the existing range of lower flows to continue downstream in Reach 6. In Reach 8 this alternative is exactly same as the design of the Tunnel Alternative, including the construction of a tunnel and the sediment detention basin.

(d) No Action: The "No Action" alternative is one that results in no action requiring a Department of the Army permit.

### 3. *Draft EIS Scoping Process.*

(a) The Corps is furnishing this notice to: (1) Advise other Federal and state agencies, affected Tribes, and the public of our intentions; (2) announce the initiation of a 30-day scoping period; and (3) obtain suggestions and information on the scope of issues and alternatives to be included in the Draft EIS. The Corps invites comments from all interested parties to ensure that the full range of issues related to the permit

request is addressed and that all significant issues are identified. We will accept written comments until 30 days after the date of publication of this notice.

(b) Significant issues to be analyzed in the Draft EIS include: Aesthetics/visual quality, agricultural resources, air quality, biological resources, cultural resources, cumulative impacts, environmental justice, flood protection, geology/soils, growth inducement, land use/planning, noise/vibration, public health and safety, public services/utilities, recreation, socioeconomics, threatened and endangered species, traffic/circulation, water resources including wetlands, and other issues identified through scoping, public involvement, and interagency coordination.

(c) The Corps will conduct an environmental review of the Proposed Action in accordance with the requirements of NEPA, 1969 as amended, (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 Code of Federal Regulations, Section 1500 *et seq.*), Corps Procedures for Implementing NEPA (33 Code of Federal Regulations, Section 230 *et seq.*), and the NEPA Implementation Procedures for the Regulatory Program (Appendix B of 33 CFR part 325), as well as other appropriate federal laws and regulations, policies, and procedures of the Corps for compliance with those regulations. The Proposed Action, through the Corps permit review process, will require consultation under Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act. Additionally, the proposed action would involve evaluation for compliance with the Section 404(b)(1) Guidelines of the Clean Water Act; the Magnuson-Stevens Fishery Conservation and Management Act; Water Quality Certification pursuant to Section 401 of the Clean Water Act; and certification of state lands, easements and right of ways.

4. *Scoping Workshops.* Previous project scoping workshops were held on October 25, 2012 and on November 14, 2001 despite scoping workshops as being optional, but recommended. No additional scoping workshops are proposed for this Project.

5. *Availability of the Draft EIS.* The Corps currently expects the Draft EIS to be made available to the public in December 2015. A public meeting will be held during the public comment period for the Draft EIS. Written comments will be accepted at the meeting.

Dated: September 17, 2015.

**Tori K. White,**

*Acting Chief, Regulatory Division.*

[FR Doc. 2015-24575 Filed 9-25-15; 8:45 am]

BILLING CODE 3720-58-P

## DEPARTMENT OF EDUCATION

### Final Waiver and Extension of the Project Period for the Literacy Information and Communication System Regional Professional Development Centers

Catalog of Federal Domestic Assistance (CFDA) Number: 84.191B.

**AGENCY:** Career, Technical, and Adult Education, Department of Education.

**ACTION:** Final Waiver and Extension.

**SUMMARY:** For the 36-month grant projects funded in fiscal year (FY) 2011, using FY 2010 funds, under the Literacy Information and Communication System (LINCS) Regional Professional Development Centers (RPDC) program, the Secretary hereby waives the restriction against project period extensions involving the obligation of additional Federal funds, and extends the project period of the four LINCS RPDC grants for an additional 12 months. This enables the four current LINCS RPDC grantees that received awards under the FY 2011 competition that were extended for one additional year through FY 2014 using 2013 funds (through September 30, 2015), to seek another continuation award for one additional year through FY 2015 with FY 2014 funds (through September 30, 2016); and we will not announce a new LINCS RPDC competition for FY 2015.

**DATES:** This final waiver and extension of the project period is effective September 28, 2015.

**FOR FURTHER INFORMATION CONTACT:** Patricia Bennett, U.S. Department of Education, 400 Maryland Ave. SW., Room 11013, Potomac Center Plaza, Washington, DC 20202. Telephone: (202) 245-7758 or by email at: [patricia.bennett@ed.gov](mailto:patricia.bennett@ed.gov).

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

**SUPPLEMENTARY INFORMATION:** On June 2, 2014, we published in the **Federal Register** (79 FR 31315) a final waiver and extension for the current 36-month grant projects under the Literacy Information and Communication System (LINCS) Regional Professional Development Centers (RPDC) program in which the Secretary waived the

restriction against project period extensions involving the obligation of additional Federal funds and extended for an additional 12 months the project period of the four LINCS RPDC grants. The Secretary took this action because we did not believe that it was in the public interest to hold a LINCS RPDC competition for FY 2014, (through September 30, 2015), the same year in which the Department's LINCS resource collection contract and the LINCS technical services contract would end. This one-year extension of the LINCS RPDC project period through FY 2014 ensured seamless technical assistance service delivery to our adult education customers.

On July 24, 2015, we published in the **Federal Register** (80 FR 44088) (July 2015 notice) a proposed waiver of 34 CFR 75.261(a) and (c)(2), which restricts project period extensions involving the obligation of additional Federal funds, as it applies to the LINCS RPDC. The Secretary also proposed in the July 2015 notice to extend the project period of LINCS RPDC grants for an additional 12 months to enable the four current LINCS RPDC grantees that received awards under the FY 2011 competition to seek a continuation award for one additional year through FY 2015 (through September 30, 2016), with FY 2014 funds, in accordance with the transition authority under section 503(c) of the Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. 3343(c), which grants the Secretary broad discretion to take appropriate action to provide for the orderly transition from the prior Adult Education and Family Literacy Act (AEFLA) (20 U.S.C. 9201 *et seq.*) to AEFLA as authorized under WIOA. The Secretaries of Education and Labor have published proposed rules implementing WIOA and are also developing guidance for the State and local grantees that implement WIOA programs, including AEFLA. We did not believe that it would be in the public interest to hold a LINCS RPDC competition during a period of significant change for State grantees transitioning to new program requirements under WIOA, as this is a time when support from the four experienced LINCS RPDC grantees would be particularly critical to maintaining needed technical assistance and professional development for State grantees and adult educators.

There are no substantive differences between the proposed and final waivers and extensions.

**Public Comment:** In the July 2015 notice, the Secretary invited comments about the potential effect that this waiver and extension of the project period would have on LINCS RPDCs

and on applicants that may be eligible to apply for grant awards under any new LINCS RPDC notice inviting applications, should there be one. The July 2015 notice contained background information and our reasons for proposing the waiver and extension of the project period.

We received 12 comments in response to our proposal, one of which did not address the proposed waiver and extension. Generally, we do not address comments that raise concerns not related to the proposed waiver and extension.

#### Analysis of Comments and Changes

**Comment:** Each of the 11 commenters who addressed the proposed waiver and extension: Supported it, discussed the benefits and accomplishments of current LINCS RPDC projects, and stated that an extension of the current project period would allow grantees to continue to provide quality professional development during a period of transition from the requirements of the prior AEFLA to the new requirements of AEFLA under WIOA.

**Response:** We agree with the 11 commenters that extending the current LINCS RPDC grant period will allow current LINCS RPDC grantees to request continuation awards with which they could (1) continue to work toward accomplishing the goals and objectives stated in their 2011 LINCS RPDC grant applications, and (2) provide quality professional development during a period of transition from the requirements of the prior AEFLA to the requirements of AEFLA under WIOA.

**Change:** None.

#### Waiver of Delayed Effective Date

The Administrative Procedure Act (APA) requires that a substantive rule must be published at least 30 days before its effective date, except as otherwise provided for good cause (5 U.S.C. 553(d)(3)). The Secretary has determined that a delayed effective date is unnecessary and contrary to the public interest. It is unnecessary because we received only 11 public comments on this action, all of which supported our proposal and we have not made any substantive changes to the proposal. It is contrary to public interest because we would not be able to make timely continuation grants to the four affected entities with the delay. Therefore, the Secretary waives the APA's delayed effective date provision for good cause.

#### Regulatory Flexibility Act Certification

The Secretary certifies that the waiver and extension and the activities

required to support an additional year of funding will not have a significant economic impact on a substantial number of small entities.

The small entities that will be affected by this waiver and extension are the four currently-funded LINCS RPDC grantees and any potential applicants for LINCS RPDC grants in FY 2015.

The Secretary further certifies that the waiver and extension will not have a significant economic impact on these LINCS RPDC entities because the waiver and extension impose minimal compliance costs to extend projects already in existence, and the activities required to support the additional year of funding will not impose additional regulatory burdens or require unnecessary Federal supervision. Furthermore, the costs of carrying out these activities could be paid for with program funds.

#### Paperwork Reduction Act of 1995

This final waiver and extension does not contain any information collection requirements.

#### Intergovernmental Review

The LINCS RPDC is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance. This document provides early notification of our specific plans and actions for this program.

*Accessible Format:* Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotope, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

#### CONTACT.

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

You may also access documents of the Department published in the **Federal Register** by using the article search feature at [www.federalregister.gov](http://www.federalregister.gov).

Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Program Authority:** 29 U.S.C. 3332(c)(2)(G).

Dated: September 22, 2015.

**Johan E. Uvin,**

*Deputy Assistant Secretary, Delegated the Authority of Assistant Secretary for the Office for Career, Technical, and Adult Education.*

[FR Doc. 2015-24590 Filed 9-25-15; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### Applications for New Awards; Low-Cost, Short-Duration Evaluation of Education Interventions and Low-Cost, Short-Duration Evaluation of Special Education Interventions

**AGENCY:** Institute of Education Sciences, Department of Education.

**ACTION:** Notice.

#### Overview Information

Low-Cost, Short-Duration Evaluation of Education Interventions and Low-Cost, Short-Duration Evaluation of Special Education Interventions Notice inviting applications for new awards for fiscal year (FY) 2016.

Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.305L and 84.324L.

**DATES:** *Request for Applications Available:* September 30, 2015.

*Applications Available:* November 12, 2015.

*Deadline for Transmittal of Applications:* January 12, 2016.

**SUMMARY:** The Deputy Director for Policy and Research, delegated the duties of the Director, of the Institute of Education Sciences (Institute) announces the Institute's FY 2016 grant competition for Low-Cost, Short-Duration Evaluation of Education Interventions and Low-Cost, Short-Duration Evaluation of Special Education Interventions. The Deputy Director for Policy and Research takes this action under the Education Sciences Reform Act of 2002. The Institute's purpose in awarding these grants is to support rigorous evaluations of education interventions that State educational agencies (SEAs) or local educational agencies (LEAs) believe will produce meaningful improvements in student outcomes within a short period (for example, within a single semester or academic year), that can be conducted at low cost, and that will provide policymakers with valid and useful

results more rapidly than is typically achieved in education research.

#### Full Text of Announcement

##### I. Funding Opportunity Description

*Purpose of Program:* The purpose of the Low-Cost, Short-Duration Evaluation of Education Interventions and Low-Cost, Short-Duration Evaluation of Special Education Interventions grant programs is to support rigorous evaluations of education interventions implemented by SEAs and LEAs that have important implications for improving student education outcomes. The evaluations are low cost because they rely on administrative records or other available data and are completed within a two-year period. The evaluations are rigorous because they use randomized controlled trials or regression discontinuity designs that, if well implemented, would meet What Works Clearinghouse evidence standards without reservations for determining the effectiveness of interventions.

The evaluations are to be carried out by partnerships between research institutions and SEAs or LEAs. Implementation of the intervention to be evaluated is to be supported by the SEA and/or LEA and not by the grant. The education intervention to be evaluated should be implemented and the key outcomes collected within the first year of the project, and the analysis and dissemination should be completed by the end of the second year of the project. In order to meet this schedule, projects should focus on interventions that are expected to produce meaningful results quickly (for example, within one semester or school year) and that rely on outcome measures that are readily available to researchers.

*Competitions in This Notice:* The Institute's National Center for Education Research (NCER) will hold one competition for the Low-Cost, Short-Duration Evaluation of Education Interventions Grant Program (84.305L).

The Institute's National Center for Special Education Research (NCSE) will hold one competition for the Low-Cost, Short-Duration Evaluation of Special Education Interventions Grant Program (84.324L).

*Program Authority:* 20 U.S.C. 9501 *et seq.*

*Applicable Regulations:* (a) The Education Department General Administrative Regulations in 34 CFR parts 77, 81, 82, 84, 86, 97, 98, and 99. In addition, the regulations in 34 CFR part 75 are applicable, except for the provisions in 34 CFR 75.100, 75.101(b), 75.102, 75.103, 75.105, 75.109(a),



75.200, 75.201, 75.209, 75.210, 75.211, 75.217(a)–(c), 75.219, 75.220, 75.221, 75.222, and 75.230. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR part 3474.

**Note:** The regulations in 34 CFR part 86 apply to institutions of higher education only.

## II. Award Information

*Types of Awards:* Discretionary grants.

*Estimated Available Funds:* \$1 million for each of the two competitions.

*Estimated Number of Awards:* The maximum number of awards made for the Low-Cost, Short-Duration Evaluation of Education Interventions Grant Program will be four. The maximum number of awards made for the Low-Cost, Short-Duration Evaluation of Special Education Interventions Grant Program will be four. These maximums will depend on the quality of the applications received and the availability of funds. The Institute's Director or Deputy Director for Policy and Research (Delegated Duties of the Director) may change the maximum number of grants per competition awarded through a notice in the **Federal Register**.

Contingent on the availability of funds and the quality of applications, we may make additional awards in FY 2017 from the list of unfunded applications from the FY 2016 competitions.

*Maximum Award:* The maximum total award is \$250,000 for the entire project period of up to 24 months. We will reject any application that proposes a budget of more than \$250,000.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 24 months based on performance.

## III. Eligibility Information

1. *Eligible Applicants:* Research partnerships involving at least one research institution and at least one SEA or LEA. The partnership must choose one principal investigator from either the research institution or the SEA or LEA to have overall responsibility for the administration of the award. Applicants that have the ability and

capacity to conduct scientifically valid research are eligible to apply as the research institution partner. These include, but are not limited to, nonprofit and for-profit organizations and public and private agencies and institutions, such as colleges and universities. SEAs and LEAs (public agencies whose primary responsibility is the education of students in prekindergarten, K–12, postsecondary, and/or adult education) are eligible to apply as the education agency partner.

2. *Cost Sharing or Matching:* These programs do not require cost sharing or matching.

## IV. Application and Submission Information

1. *Requests for Applications and Other Information:* Information regarding program and application requirements for the two competitions will be contained in the NCER and NCSEER Requests for Applications (RFAs), which will be available on the Institute's Web site at: <http://ies.ed.gov/funding/>. Separate application packages for the two competitions will be available on November 12, 2015.

The selection criteria, requirements concerning the content of an application, and review procedures for the competitions are contained in the RFAs.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application are contained in the RFA for the specific competition. The forms that must be submitted are in the application package for the specific competition.

3. *Submission Dates and Times:* *Request for Applications Available:* September 30, 2015.

*Applications Available:* November 12, 2015.

*Deadline for Transmittal of Applications:* January 12, 2016.

We do not consider an application that does not comply with the deadline requirements.

Applications for grants under these competitions must be obtained from and submitted electronically using the Grants.gov Apply site ([www.Grants.gov](http://www.Grants.gov)). For information (including dates and times) about how to submit your application package electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under *For Further Information Contact*

in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* These competitions are not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the

Department of Education, you must—  
a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

**Note:** Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.



If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also, note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at [www.SAM.gov](http://www.SAM.gov). To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: [www2.ed.gov/fund/grant/apply/sam-faqs.html](http://www2.ed.gov/fund/grant/apply/sam-faqs.html).

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: [www.grants.gov/web/grants/register.html](http://www.grants.gov/web/grants/register.html).

**7. Other Submission Requirements:** Applications for grants under these competitions must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

#### *a. Electronic Submission of Applications*

Applications for grants under Low-Cost, Short-Duration Evaluation of Education Interventions, CFDA number 84.305L, and Low-Cost, Short-Duration Evaluation of Special Education Interventions, CFDA number 84.324L, must be submitted electronically using the Governmentwide Grants.gov Apply site at [www.Grants.gov](http://www.Grants.gov). Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant applications for the Low-Cost, Short-Duration Evaluation of Education Interventions competition and the Low-

Cost, Short-Duration Evaluation of Special Education Interventions competition at [www.Grants.gov](http://www.Grants.gov). You must search for the downloadable application packages for these competitions by the CFDA number, 84.305L or 84.324L.

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for the competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at [www.G5.gov](http://www.G5.gov).

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of

Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.

- Your electronic application must comply with any page-limit requirements described in the relevant RFA for your application.

- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

- We may request that you provide us original signatures on forms at a later date.

*Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System:* If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1-800-518-4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under *For Further Information Contact* in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your

application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

**Note:** The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

**Exception to Electronic Submission Requirement:** You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Ellie Pelaez, U.S. Department of Education, 555 New Jersey Avenue NW., Room 600e, Washington, DC 20208. FAX: (202) 219-1466.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

#### *b. Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies

of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number: 84.305L or 84.324L), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202-4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

#### *c. Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number: 84.305L or 84.324L), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202-4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

**Note for Mail or Hand Delivery of Paper Applications:** If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this

notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

#### **V. Application Review Information**

1. *Selection Criteria:* The selection criteria for each competition are provided in the applicable RFA.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

#### **VI. Award Administration Information**

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other

specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Grant Administration:* Applicants should budget for an annual two-day meeting for project directors to be held in Washington, DC.

4. *Reporting:* (a) If you apply for a grant under these competitions, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to [www.ed.gov/fund/grant/apply/appforms/appforms.html](http://www.ed.gov/fund/grant/apply/appforms/appforms.html).

5. *Performance Measures:* To evaluate the overall success of its education research and special education research grant programs, the Institute annually assesses the percentage of projects that result in peer-reviewed publications, the number of newly developed or modified interventions with evidence of promise for improving student education outcomes, and the number of Institute-supported interventions with evidence of efficacy in improving student outcomes, including school readiness outcomes for young children and student academic outcomes and social and behavioral competencies for school-age students. School readiness outcomes include pre-reading, reading, pre-writing, early mathematics, early science, and social-emotional skills that prepare young children for school. Student academic outcomes include learning and achievement in core academic content areas (reading, writing, math, and science) and outcomes that reflect students' successful progression through the education system (e.g., course and grade completion; high school graduation; postsecondary enrollment, progress, and completion). Social and behavioral competencies include social skills, attitudes, and behaviors that may be important to student's academic and post-academic success. Additional education outcomes for students with or

at risk of disability include developmental outcomes for infants and toddlers (birth to age three) with or at risk for a disability pertaining to cognitive, communicative, linguistic, social, emotional, adaptive, functional, or physical development; and developmental and functional outcomes that improve education outcomes, transition to employment, independent living, and postsecondary education for students with disabilities.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in meeting the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has met the performance targets in the grantee's approved application. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

#### VII. Agency Contact

##### FOR FURTHER INFORMATION CONTACT:

Regarding CFDA number 84.305L—Dr. Phill Gagne at [Phill.Gagne@ed.gov](mailto:Phill.Gagne@ed.gov), or Dr. Allen Ruby at [Allen.Ruby@ed.gov](mailto:Allen.Ruby@ed.gov). Regarding CFDA number 84.324L—Dr. Robert Ochsendorf at [Robert.Ochsendorf@ed.gov](mailto:Robert.Ochsendorf@ed.gov).

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

#### VIII. Other Information

*Accessible Format:* Individuals with disabilities can obtain this document and a copy of the RFA in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the appropriate program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

*Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all

other documents of this Department published in the **Federal Register** in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

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

Dated: September 22, 2015.

**Ruth Neild,**

*Deputy Director for Policy and Research, Delegated Duties of the Director, Institute of Education Sciences.*

[FR Doc. 2015-24511 Filed 9-25-15; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP15-552-000]

#### Northern Natural Gas Company; Notice of Application

Take notice that on September 9, 2015, Northern Natural Gas Company (Northern) pursuant to section 7(c) of the Natural Gas Act (NGA), the Federal Energy and Regulatory Commission's (FERC) regulations under and 18 CFR part 157 filed in Docket No. CP15-552-000, an application for certification and all authorizations necessary to construct and operate new natural gas transportation facilities in Gaines County, Texas, as more fully set forth in the application which is on file with the Commission and open for public inspection. The filing may also be viewed on the web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Any questions concerning this application may be directed to: Michael T. Loeffler, Senior Director Certificates and External Affairs, Northern Natural Gas Company, P.O. Box 3330, Omaha, Nebraska 68103-0330, Phone: (402) 398-7103, FAX: (402) 398-7592, Email: [mike.loeffler@nngco.com](mailto:mike.loeffler@nngco.com) (402) 398-7103, or Bret Fritch, Senior Regulatory Analyst, at (402) 398-7140.

Specifically, Northern proposes to construct and operate a greenfield

compressor station in Section 125, Block G, Gaines County, Texas. Plans include installation of two units: (1) Solar Taurus 70–10802S with approximately 11,152 horsepower (HP); and (2) Solar Taurus 60–7302S with approximately 6,937 HP. The combined units have an ISO rating of 18,089 HP. The suction side of the compressor station will be connected to the 30-inch-diameter Spraberry to Plains pipeline. The station will discharge to the 30-inch diameter Kermit to Beaver pipeline. The proposed Project includes the installation of a station suction scrubber, a station recycle control valve, lube-oil coolers, a discharge gas cooler, blowdown silencers, unit inlet air filters and exhaust systems, a backup generator, fuel gas heating skids, a fire/gas detection system, an air compressor and dryer system, two compressor buildings, a control building, an auxiliary building, a septic system and associated above-grade and below-grade piping, valves and instrumentation. The compressor buildings will contain noise-attenuating panels, insulation and air inlet/exhaust hoods. A new six-foot tall fence, topped by three rows of barbed wire, will surround the perimeter of the new compressor station yard. Facilities will provide for incremental peak-day firm service of 210,000 dekatherms per day (Dth/d). Northern will acquire an approximately 20-acre site for the new compressor station. Northern also requests herein approval for rolled-in rate treatment of the expansion costs. The estimated capital cost of the facilities proposed is \$40,692,877.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of

this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a) (1) (iii)

and the instructions on the Commission's Web site ([www.ferc.gov](http://www.ferc.gov)) under the "e-Filing" link. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

*Comment Date:* 5:00 p.m. Eastern Time on October 13, 2015.

Dated: September 22, 2015.

**Nathaniel J. Davis, Sr.,**  
*Deputy Secretary.*

[FR Doc. 2015–24533 Filed 9–25–15; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER15–2668–000]

#### Land of the Sky MT, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Land of the Sky MT, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 13, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: September 22, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015-24535 Filed 9-25-15; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2568-003]

#### **VC Porterdale Hydroelectric, LLC: Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Type of Proceeding:* Surrender of Exemption.
- b. *Project No.:* 2568-003.
- c. *Date Filed:* August 28, 2015.
- d. *Exemptee:* VC Porterdale Hydroelectric, LLC.
- e. *Name of Project:* Porterdale Dam.
- f. *Location:* The project is located on the Yellow River, Newton County, Georgia.
- g. *Filed Pursuant to:* 18 CFR 4.102.
- h. *Licensee Contact:* Rich Cavagnaro, VC Porterdale Hydroelectric, LLC, 5152 Belle Wood Court, Buford, GA 30518, (678) 730-6509, [rich@adedgetechnologies.com](mailto:rich@adedgetechnologies.com) and Matt Quillen, Porterdale Loft Company, LLC, 1001 Piedmont Avenue, Suite 201, Atlanta, GA 30309, (404) 874-6688, [mcqdavis@yahoo.com](mailto:mcqdavis@yahoo.com).
- i. *FERC Contact:* Mr. M. Joseph Fayyad, (202) 502-8759, [mo.fayyad@ferc.gov](mailto:mo.fayyad@ferc.gov).
- j. *Deadline for filing comments, interventions and protests is 30 days*

from the issuance date of this notice. The Commission strongly encourages electronic filing. Please file motions to intervene, protests and comments using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P-2568-003.

k. *Description of Project Facilities:* The existing Porterdale Dam project consists of: (1) A granite masonry dam, about 12-feet high and 300 feet in length; (2) a headwater storage lake with a surface area of about 5 acres; (3) intake works, approximately 330-foot-long canal that runs through the lower level of the Porterdale Mill building, and a 150-foot-long penstock; (4) a brick wall powerhouse containing two generating units with a total capacity of 1,500 kW; and (5) appurtenant facilities.

l. *Description of Proceeding:* The Porterdale Mill building was converted into loft apartments in 2006. A failure in the granite wall separating the canal from the apartment units on the lower level of the Porterdale Mill building could result in flooding causing significant property damage and potential danger to human life. Due to this potential flooding the exemptee proposes to decommission the project by shutting off and securing the project's gated intake at the beginning of the canal with a concrete cap, whereby water will no longer flow through the canal to the powerhouse. In addition, the generating equipment located in the powerhouse will be disconnected and all other project works secured, but otherwise left in place. The exemptee does not propose to remove or alter the dam in any way as part of the surrender process. Water will continue to flow over the dam as usual.

m. This filing may be viewed on the Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via

email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction in the Commission's Public Reference Room located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .212 and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license surrender. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the

Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

q. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described proceeding. If any agency does not file comments within the time specified for filing comments, it will be presumed to have no comments.

Dated: September 10, 2015.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2015-24538 Filed 9-25-15; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2195-131]

#### Portland General Electric Company; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application*: Project Operating Plan Amendment.

b. *Project No.*: 2195-131.

c. *Date Filed*: July 8, 2015.

d. *Applicant*: Portland General Electric Company (PGE).

e. *Name of Project*: Clackamas River Hydroelectric Project.

f. *Location*: The project is located on the Oak Grove Fork of the Clackamas River and the mainstem of the Clackamas River in Clackamas County, Oregon.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact*: Mr. John Esler, Project Manager, Environmental Compliance & Licensing, Portland General Electric Company, 121 SW Salmon Street, Portland, Oregon 97204. Phone (503) 464-8563.

i. *FERC Contact*: Mr. Christopher Chaney, (202) 502-6778, or [christopher.chaney@ferc.gov](mailto:christopher.chaney@ferc.gov).

j. Deadline for filing comments, motions to intervene, and protests, is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior

registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P-2195-131) on any comments, motions to intervene, or protests filed.

k. *Description of Request*: PGE filed a revised Project Operating Plan (Operating Plan) in order to increase operational efficiency and remove inconsistencies within the approved Operating Plan. The revised Operating Plan contains modifications to three areas: the high flow releases at Lake Harriet Dam, the definition of deviations from the flow requirements, and the definition of operating exceptions. Additionally, PGE corrected the maximum elevation of the North Fork Reservoir listed in Table 6, and revised Section 10 to reflect the completion of the River Mill three-year operations review.

l. *Locations of the Application*: A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number excluding the last three digits in the docket number field to access the document (*i.e.* P-2195). You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but

only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*: Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to the amendment request. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: September 22, 2015.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2015-24537 Filed 9-25-15; 08:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff may attend the following meeting related to the transmission planning activities of the

Southeastern Regional Transmission Planning (SERTP) Process.

### The SERTP Process Third Quarter Meeting

September 24, 2015, 10:00 a.m.–2:00 p.m. (Central Time)

The above-referenced meeting will be via web conference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: [www.southernrtp.com](http://www.southernrtp.com).

The discussions at the meeting described above may address matters at issue in the following proceedings:

Docket Nos. ER13–1927, et al., *PJM Interconnection, L.L.C., et al.*

Docket Nos. ER13–1923, et al., *Midcontinent Independent System Operator, Inc., et al.*

Docket No. EL15–32, *North Carolina Waste Awareness and Reduction Network, Inc. v. Duke Energy Carolinas and Duke Energy Progress.*

Docket No. ER13–1105, *Duke Energy Carolinas, LLC.*

For more information, contact Valerie Martin, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502–6139 or [Valerie.Martin@ferc.gov](mailto:Valerie.Martin@ferc.gov).

Dated: September 22, 2015.

**Nathaniel J. Davis, Sr.,**  
*Deputy Secretary.*

[FR Doc. 2015–24536 Filed 9–25–15; 08:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. ER02–2001–019; ER13–392–000, ER11–4531–000; ER12–2514–000]

### Electric Quarterly Reports; M&R Energy Resources Corp.; Reliable Power, LLC; Susterra Energy, LLC; Notice of Revocation of Market-Based Rate Tariff

On August 21, 2015, the Commission issued an order announcing its intent to revoke the market-based rate authority of the public utilities listed in the caption of that order, which had failed to file their required Electric Quarterly Reports.<sup>1</sup> The Commission directed those public utilities to file the required Electric Quarterly Reports within 15 days of the date of issuance of the order or face revocation of their authority to sell power at market-based rates and

termination of their electric market-based rate tariffs.<sup>2</sup>

The time period for compliance with the August 21 Order has elapsed. The above-captioned companies failed to file their delinquent Electric Quarterly Reports. The Commission hereby revokes the market-based rate authority and terminates the electric market-based rate tariff of each of the companies who are named in the caption of this order.

Dated: September 22, 2015

**Nathaniel J. Davis, Sr.,**  
*Deputy Secretary.*

[FR Doc. 2015–24534 Filed 9–25–15; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 14707–000]

### Empire State Hydro 305, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On August 26, 2015, Empire State Hydro 303, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Texaco Dam Hydroelectric Project (project) to be located on the Susquehanna River, near the town of Fishkill, Dutchess County, New York. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) An existing 22-foot-high, 205-foot-long masonry and concrete dam; (2) an existing intake structure, which conveys flow to the existing penstock; (3) an existing powerhouse approximately 20 feet long by 20 feet wide; (4) the powerhouse would house two equally sized proposed Kaplan turbines having a total installed capacity of 450 kilowatts; (5) a proposed 500-foot-long, 12,700-volt transmission line; and (6) appurtenant facilities. The proposed project would have an average annual generation of 1.5 megawatt-hours.

*Applicant Contact:* Mr. Mark Boumansour, Gravity Renewables, Inc.,

1401 Walnut Street, Suite 220, Boulder, CO 80302; phone: (303) 440–3378.

*FERC Contact:* Timothy Looney; phone: (202) 502–6096.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14707–000.

More information about this project, including a copy of the application, can be viewed or printed on the “eLibrary” link of the Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P–14707) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: September 16, 2015.

**Nathaniel J. Davis, Sr.,**  
*Deputy Secretary.*

[FR Doc. 2015–24540 Filed 9–25–15; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER00–1–005.

*Applicants:* Cross-Sound Cable Company, LLC.

*Description:* Notice of Non-Material Change in Status of Cross-Sound Cable Company, LLC.

*Filed Date:* 9/21/15.

*Accession Number:* 20150921–5246.

*Comments Due:* 5 p.m. ET 10/13/15.

<sup>1</sup> *Electric Quarterly Reports*, 152 FERC ¶ 61,141 (2015) (August 21 Order).

<sup>2</sup> *Id.* at Ordering Paragraph A.



*Docket Numbers:* ER12-2068-008; ER15-1471-001; ER10-2460-008; ER10-2461-008; ER12-682-009; ER10-2463-008; ER15-1672-001; ER11-2201-012; ER10-2464-005; ER13-1139-011; ER13-1585-005; ER10-2465-004; ER11-2657-005; ER13-17-006; ER14-2630-004; ER12-1311-008; ER10-2466-009; ER11-4029-008; ER12-2205-005; ER12-2159-004; ER10-1821-009; ER12-919-003.

*Applicants:* Blue Sky East, LLC, Blue Sky West, LLC, Canandaigua Power Partners, LLC, Canandaigua Power Partners II, LLC, Erie Wind, LLC, Evergreen Wind Power, LLC, Evergreen Wind Power II, LLC, Evergreen Wind Power III, LLC, First Wind Energy Marketing, LLC, Imperial Valley Solar 1, LLC, Longfellow Wind, LLC, Milford Wind Corridor Phase I, LLC, Milford Wind Corridor Phase II, LLC, Niagara Wind Power, LLC, Regulus Solar, LLC, Stetson Holdings, LLC, Stetson Wind II, LLC, Vermont Wind, LLC, Meadow Creek Project Company LLC, Canadian Hills Wind, LLC, Goshen Phase II LLC, Rockland Wind Farm LLC.

*Description:* Supplement to July 27, 2015 Notice of Change in Status of Blue Sky East, LLC, *et. al.*

*Filed Date:* 9/21/15.

*Accession Number:* 20150921-5220.

*Comments Due:* 5 p.m. ET 10/13/15.

*Docket Numbers:* ER14-1317-004; ER11-2041-007; ER11-2042-007; ER10-3193-007; ER10-2964-009; ER10-2924-007; ER10-2480-006; ER10-2959-007; ER10-2961-006; ER10-2934-006; ER12-281-008; ER10-3099-013; ER13-821-008; ER10-2950-006; ER14-2500-002; ER14-2498-002; ER10-2615-007; ER11-2335-008; ER10-2538-004.

*Applicants:* Sunshine Gas Producers, LLC, Innovative Energy Systems, LLC, Seneca Energy II, LLC, Brooklyn Navy Yard Cogeneration Partners, L.P., Selkirk Cogen Partners, L.P., Kleen Energy Systems, LLC, Berkshire Power Company, LLC, Chambers Cogeneration, Limited Partnership, Edgecombe Genco, LLC, Logan Generating Company, L.P., Northampton Generating Company, L.P., RC Cape May Holdings, LLC, Scrubgrass Generating Company, L.P., Spruance Genco, LLC, Newark Energy Center, LLC, EIF Newark, LLC, Plum Point Energy Associates, LLC, Plum Point Services Company, LLC, Panoche Energy Center, LLC.

*Description:* Notice of Non-Material Change in Status of Sunshine Gas Producers, LLC, *et. al.*

*Filed Date:* 9/22/15.

*Accession Number:* 20150922-5063.

*Comments Due:* 5 p.m. ET 10/13/15.

*Docket Numbers:* ER14-1470-004.

*Applicants:* Midcontinent Independent System Operator, Inc., Ameren Illinois Company.

*Description:* Compliance filing: 2015-09-21\_SA 2645 Compliance Ameren-White Oak Facilities Service Agreement to be effective 5/11/2014.

*Filed Date:* 9/21/15.

*Accession Number:* 20150921-5209.

*Comments Due:* 5 p.m. ET 10/13/15.

*Docket Numbers:* ER15-2160-001.

*Applicants:* Crystal Lake Wind II, LLC.

*Description:* Compliance filing: Amendment to Crystal Lake Wind II, LLC Order No. 784 Compliance Filing to be effective 7/11/2015.

*Filed Date:* 9/21/15.

*Accession Number:* 20150921-5197.

*Comments Due:* 5 p.m. ET 10/13/15.

*Docket Numbers:* ER15-2161-001.

*Applicants:* Crystal Lake Wind III, LLC.

*Description:* Compliance filing: Amendment to Crystal Lake Wind III, LLC Order No. 784 Compliance Filing to be effective 7/11/2015.

*Filed Date:* 9/21/15.

*Accession Number:* 20150921-5201.

*Comments Due:* 5 p.m. ET 10/13/15.

*Docket Numbers:* ER15-2681-000.

*Applicants:* White Oak Energy LLC.

*Description:* Compliance filing: White Oak Energy LLC Order No. 784 Revisions to be effective 7/11/2015.

*Filed Date:* 9/21/15.

*Accession Number:* 20150921-5191.

*Comments Due:* 5 p.m. ET 10/13/15.

*Docket Numbers:* ER15-2682-000.

*Applicants:* Pacific Gas and Electric Company.

*Description:* Tariff Cancellation: Notice of Termination NCPA IA SA 17 to be effective 10/31/2015.

*Filed Date:* 9/22/15.

*Accession Number:* 20150922-5002.

*Comments Due:* 5 p.m. ET 10/13/15.

*Docket Numbers:* ER15-2683-000.

*Applicants:* Pacific Gas and Electric Company.

*Description:* § 205(d) Rate Filing: Biggs Interruptible Wholesale Distribution Service and IA (RS 246) to be effective 11/1/2015.

*Filed Date:* 9/22/15.

*Accession Number:* 20150922-5005.

*Comments Due:* 5 p.m. ET 10/13/15.

*Docket Numbers:* ER15-2684-000.

*Applicants:* Pacific Gas and Electric Company.

*Description:* § 205(d) Rate Filing: NCPA Replacement IA and Related TFAs Filing (SA 292) to be effective 11/1/2015.

*Filed Date:* 9/22/15.

*Accession Number:* 20150922-5006.

*Comments Due:* 5 p.m. ET 10/13/15.

*Docket Numbers:* ER15-2685-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: First Revised Interconnection Service Agreement No. 3604 Queue No. W4-009/X4-005 to be effective 11/4/2014.

*Filed Date:* 9/22/15.

*Accession Number:* 20150922-5055.

*Comments Due:* 5 p.m. ET 10/13/15.

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 22, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015-24530 Filed 9-25-15; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

#### Filings Instituting Proceedings

*Docket Numbers:* RP15-1277-000.

*Applicants:* Algonquin Gas Transmission, LLC.

*Description:* § 4(d) Rate Filing: Pro Forma Operational Balancing Agreement to be effective 11/1/2015.

*Filed Date:* 9/17/15.

*Accession Number:* 20150917-5092.

*Comments Due:* 5 p.m. ET 9/29/15.

*Docket Numbers:* RP15-1278-000.  
*Applicants:* Maritimes & Northeast Pipeline, L.L.C.

*Description:* § 4(d) Rate Filing: Pro Forma Operational Balancing Agreement to be effective 11/1/2015.

*Filed Date:* 9/17/15.

*Accession Number:* 20150917-5093.

*Comments Due:* 5 p.m. ET 9/29/15.



*Docket Numbers:* RP15-1279-000.  
*Applicants:* Texas Eastern Transmission, LP.

*Description:* § 4(d) Rate Filing: Pro Forma Operational Balancing Agreement to be effective 11/1/2015.

*Filed Date:* 9/17/15.

*Accession Number:* 20150917-5099.

*Comments Due:* 5 p.m. ET 9/29/15.

*Docket Numbers:* RP15-1280-000.  
*Applicants:* Enable Gas Transmission, LLC.

*Description:* § 4(d) Rate Filing: Fuel Tracker Filing Effective November 2015 to be effective 11/1/2015.

*Filed Date:* 9/18/15.

*Accession Number:* 20150918-5066.

*Comments Due:* 5 p.m. ET 9/30/15.

*Docket Numbers:* RP15-1281-000.  
*Applicants:* ANR Pipeline Company.  
*Description:* § 4(d) Rate Filing: Compliance to CP14-514—Sulphur Springs Revisions to be effective 11/1/2015.

*Filed Date:* 9/18/15.

*Accession Number:* 20150918-5109.

*Comments Due:* 5 p.m. ET 9/30/15.

*Docket Numbers:* RP15-1282-000.  
*Applicants:* Equitrans, L.P.  
*Description:* § 4(d) Rate Filing: GSS Storage Ratchet and Maximum Storage Balance Filing to be effective 11/1/2015.

*Filed Date:* 9/18/15.

*Accession Number:* 20150918-5115.

*Comments Due:* 5 p.m. ET 9/30/15.

*Docket Numbers:* RP15-1283-000.  
*Applicants:* Equitrans, L.P.  
*Description:* § 4(d) Rate Filing: Amendment of Formula-Based Negotiated Rate Agreement Filing Effective 11/01/2015 to be effective 11/1/2015.

*Filed Date:* 9/18/15.

*Accession Number:* 20150918-5116.

*Comments Due:* 5 p.m. ET 9/30/15.

*Docket Numbers:* RP15-1284-000.  
*Applicants:* Centra Pipelines Minnesota Inc.  
*Description:* Petition for Approval of Settlement submitted by Centra Pipelines Minnesota Inc. under RP15-1284.

*Filed Date:* 9/18/15.

*Accession Number:* 20150918-5118.

*Comments Due:* 5 p.m. ET 9/30/15.

*Docket Numbers:* RP15-1285-000.  
*Applicants:* Enable Mississippi River Transmission, L.

*Description:* § 4(d) Rate Filing: 2015 Fuel Adjustment Filing to be effective 11/1/2015.

*Filed Date:* 9/18/15.

*Accession Number:* 20150918-5133.

*Comments Due:* 5 p.m. ET 9/30/15.

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 21, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015-24532 Filed 9-25-15; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 14550-001]

#### **New England Hydropower Company, LLC; Notice of Application Accepted for Filing With the Commission, Intent To Waive Scoping, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Terms and Conditions, and Recommendations, and Establishing an Expedited Schedule for Processing**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Exemption from Licensing.

b. *Project No.:* 14550-001.

c. *Date filed:* June 26, 2015.

d. *Applicant:* New England Hydropower Company, LLC.

e. *Name of Project:* Hanover Pond Dam Hydroelectric Project.

f. *Location:* On the Quinnipiac River, in the City of Meriden, New Haven County, Connecticut. The project would not occupy lands of the United States.

g. *Filed Pursuant to:* Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2705, 2708.

h. *Applicant Contact:* Michael C. Kerr, New England Hydropower Company, LLC, P.O. Box 5524, Beverly, MA 01915; (978) 360-2547.

i. *FERC Contact:* Erin Kimsey, (202) 502-8621, or email at [erin.kimsey@ferc.gov](mailto:erin.kimsey@ferc.gov).

j. *Deadline for filing motions to intervene and protests, comments, terms*

*and conditions, and recommendations:* Due to the small size and location of this project and the close coordination with state and federal agencies during preparation of the application, the 60-day timeframe in 18 CFR 4.34(b) is shortened. Instead, motions to intervene and protests, comments, terms and conditions, and recommendations are due 30 days from the issuance date of this notice. All reply comments must be filed with the Commission within 45 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, and recommendations using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P-13806-004.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Waiver of Pre-filing Consultation:* In its application, the New England Hydropower Company requested that the Commission waive the requirement to conduct second stage consultation pursuant to section 4.38(c) of the Commission's regulations. The applicant provided documentation indicating that the Connecticut Department of Energy and Environmental Protection, National Marine Fisheries Service, and United States Fish and Wildlife Service had agreed to waive second stage consultation on September 10, 2015, August 26, 2015, and August 26, 2015, respectively. Therefore, we are waiving the requirement to conduct second stage consultation pursuant to section 4.38(c) of the regulations and accepting the application.

l. This application has been accepted for filing and is now ready for environmental analysis.

m. *The proposed Hanover Pond Dam Hydroelectric Project would consist of:* (1) An existing 25-foot-high, 150-foot-long earth embankment dam with four low-level sluice gates and a 250-foot-long concrete spillway; (2) an existing 71.0-acre impoundment (*i.e.*, Hanover Pond) with a storage capacity of 1,800 acre-feet at a normal operating elevation of about 87.3 feet National Geodetic Vertical Datum of 1929 (NGVD29); (3) an existing 175-foot-long, 16.0-foot-wide fish ladder; (4) a new 8-foot-high, 12.5-foot-wide hydraulically-powered sluice gate equipped with a new 8-foot-high, 17-foot-wide trashrack with 9-inch bar spacing; (5) a new 78-foot-long, 12-foot-diameter buried precast concrete penstock; (6) a new 46.5-foot-long, 11.65-foot-wide Archimedes screw generator unit, with an installed capacity of 192 kilowatts; (7) a new 12-foot-high, 18-foot-long, 16.0-foot-wide concrete powerhouse containing a new gearbox, generator, and electrical controls; (8) a new 15-foot-long, variable-width concrete tailrace; (9) a new 500-foot-long, 35-kilovolt above-ground transmission line connecting the powerhouse to Connecticut Light and Power's distribution system; and (10) appurtenant facilities. The estimated annual generation of the proposed Hanover Pond Dam Hydroelectric Project would be about 900 megawatt-hours.

n. Due to the applicant's close coordination with federal and state agencies during the preparation of the application, completed studies during pre-filing consultation, and agency recommended preliminary terms and conditions, we intend to waive scoping and expedite the exemption process. Based on a review of the application, resource agency consultation letters including the preliminary 30(c) terms and conditions, and comments filed to date, Commission staff intends to prepare a single environmental assessment (EA). Commission staff determined that the issues that need to be addressed in its EA have been adequately identified during the pre-filing period, which included a public scoping meeting and site visit, and no new issues are likely to be identified through additional scoping. The EA will consider assessing the potential effects of project construction and operation on geology and soils, aquatic, terrestrial, threatened and endangered species, recreation and land use, aesthetic, and cultural and historic resources.

o. A copy of the application is available for review at the Commission

in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," or "TERMS AND CONDITIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone

number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

q. *Procedural Schedule:* The application will be processed according to the following procedural schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Notice of the availability of the EA.	January 2016.

Dated: September 16, 2015.

**Nathaniel J. Davis, Sr.,**  
*Deputy Secretary.*

[FR Doc. 2015-24539 Filed 9-25-15; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #2

September 22, 2015.

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG15-129-000.

*Applicants:* Eden Solar, LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of Eden Solar, LLC.

*Filed Date:* 9/22/15.

*Accession Number:* 20150922-5159.

*Comments Due:* 5 p.m. ET 10/13/15.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10-2331-035; ER14-630-012; ER10-2319-027; ER10-2317-027; ER14-1468-011; ER13-1351-009; ER10-2330-034.

*Applicants:* J.P. Morgan Ventures Energy Corporation, AlphaGen Power LLC, BE Alabama LLC, BE CA LLC, KMC Thermo, LLC, Florida Power

Development LLC, Utility Contract Funding, L.L.C.

*Description:* Non-Material Change in Status of the J.P. Morgan Sellers.

*Filed Date:* 9/22/15.

*Accession Number:* 20150922–5096.

*Comments Due:* 5 p.m. ET 10/13/15.

*Docket Numbers:* ER15–2285–001.

*Applicants:* New York Independent System Operator, Inc., Niagara Mohawk Power Corporation.

*Description:* Tariff Amendment: Amendment to SGIA 2219 among NYISO, NMPC, Monroe County to be effective 7/13/2015.

*Filed Date:* 9/22/15.

*Accession Number:* 20150922–5117.

*Comments Due:* 5 p.m. ET 10/13/15.

*Docket Numbers:* ER15–2590–001.

*Applicants:* Triolith Energy Fund L.P.  
*Description:* Tariff Amendment: Triolith Energy Fund LP Tariff to be effective 9/4/2015.

*Filed Date:* 9/22/15.

*Accession Number:* 20150922–5113.

*Comments Due:* 5 p.m. ET 10/13/15.

*Docket Numbers:* ER15–2686–000.

*Applicants:* Alabama Power Company.

*Description:* Section 205(d) Rate Filing: Live Oak Solar LGIA Filing to be effective 9/11/2015.

*Filed Date:* 9/22/15.

*Accession Number:* 20150922–5097.

*Comments Due:* 5 p.m. ET 10/13/15.

*Docket Numbers:* ER15–2687–000.

*Applicants:* Lumens Energy Supply LLC.

*Description:* Tariff Cancellation: notice of cancellation to be effective 10/1/2015.

*Filed Date:* 9/22/15.

*Accession Number:* 20150922–5104.

*Comments Due:* 5 p.m. ET 10/13/15.

*Docket Numbers:* ER15–2688–000.

*Applicants:* MeadWestvaco Virginia Corporation.

*Description:* Section 205(d) Rate Filing: Notice of Succession to be effective 9/23/2015.

*Filed Date:* 9/22/15.

*Accession Number:* 20150922–5136.

*Comments Due:* 5 p.m. ET 10/13/15.

*Docket Numbers:* ER15–2689–000.

*Applicants:* MeadWestvaco Coated Board, LLC.

*Description:* Section 205(d) Rate Filing: Notice of Succession to be effective 9/23/2015.

*Filed Date:* 9/22/15.

*Accession Number:* 20150922–5138.

*Comments Due:* 5 p.m. ET 10/13/15.

*Docket Numbers:* ER15–2690–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* Section 205(d) Rate Filing: Attachment AE Revisions—Day-

Ahead Reliability Unit Commitment Assessment to be effective 11/21/2015.

*Filed Date:* 9/22/15.

*Accession Number:* 20150922–5139.

*Comments Due:* 5 p.m. ET 10/13/15.

*Docket Numbers:* ER15–2691–000.

*Applicants:* Arizona Public Service Company.

*Description:* Tariff Cancellation: Cancellation of Rate Schedule No. 259—Bouse to be effective 11/25/2015.

*Filed Date:* 9/22/15.

*Accession Number:* 20150922–5158.

*Comments Due:* 5 p.m. ET 10/13/15.

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 22, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015–24531 Filed 9–25–15; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA–EPA–HQ–OAR–2003–0085; FRL–9934–86–OEI]

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Radionuclides (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency has submitted an information collection request (ICR), “NESHAP for Radionuclides (Renewal)” (EPA ICR No. 1100.15, OMB Control No. 2060–0249) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR. Public comments were previously

requested via the **Federal Register** during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before October 28, 2015.

**ADDRESSES:** Submit your comments, referencing the above referenced Docket ID Number online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Rajani Joglekar, Radiation Protection Division, Office of Radiation and Indoor Air, Mail Code 6608J, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–343–9462

### SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](http://www.regulations.gov) or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

*Abstract:* In the context of the Clean Air Act (42 U.S.C. 1857), section 114 authorizes the Administrator of EPA to require any person who owns or operates any emission source or who is subject to any requirements of the Act to: (1) Establish and maintain records, (2) make reports, install, use, and maintain monitoring equipment or method, (3) sample emissions in accordance with EPA prescribed locations, intervals and methods, and (4) provide information as may be requested. EPA's regional offices use the information collected to ensure that

public health continues to be protected from the hazards of radionuclides by compliance with health based standards. This information is required for those facilities meeting the definition of each Subpart. EPA's compliance monitoring activities vary widely. EPA could issue a letter requesting information about compliance or could conduct a full-scale investigation, including on site inspections. The information required to be submitted is not confidential in nature.

*Respondents/affected entities:* The NAICS Codes of facilities associated with the activity of the respondents are: (1) Elemental Phosphorous 325188, (2) Phosphogypsum Stacks 212392, (3) Underground Uranium Mines 212291, and (4) Uranium Mill Tailings 212291.

*Respondent's obligation to respond:* Mandatory.

*Estimated number of respondents:* 20 (total).

*Frequency of response:* Initially (Once), Annually, Random (Occasionally)

*Total estimated burden:* 3,000 hours (per year). Burden is defined at 5 CFR 1320.03(b)

*Total estimated cost:* \$500,000, which includes \$300,000 in annualized capital and O&M costs.

**Courtney Kerwin,**

*Acting Director, Collection Strategies Division.*

[FR Doc. 2015-24500 Filed 9-25-15; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL RESERVE SYSTEM

[Docket No. OP-1515]

### Enhancements to Federal Reserve Bank Same-Day ACH Service

**SUMMARY:** The Board of Governors (Board) has approved enhancements to the Federal Reserve Banks' (Reserve Banks) same-day automated clearing house (ACH) service. The enhancements require receiving depository financial institutions (RDFIs) to participate in the service and originating depository financial institutions (ODFIs) to pay a fee to RDFIs for each same-day ACH forward transaction. The enhancements will be adopted by incorporation of NACHA's amended operating rules into Operating Circular 4, governing the Reserve Banks' ACH services.

**DATES:** Effective September 23, 2016.

**FOR FURTHER INFORMATION CONTACT:** Ian C.B. Spear, Senior Financial Services Analyst (202/452-3959); or Jessica Stahl, Economist (202/452-6452),

Division of Reserve Bank Operations and Payment Systems; Evan H. Winerman, Senior Attorney (202/872-7578), Legal Division; for users of Telecommunication Devices for the Deaf (TDD) only, contact 202/263-4869.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On May 27, 2015, the Board requested comment on proposed enhancements to the Reserve Banks' FedACH® SameDay Service (FedACH SameDay Service).<sup>1</sup> The proposed enhancements were intended to align the existing FedACH SameDay Service with amendments to NACHA's Operating Rules and Guidelines that were approved by NACHA membership on May 19, 2015 (amended operating rules).<sup>2</sup>

The ACH network serves as a ubiquitous, nationwide mechanism for processing batch-based credit and debit transfers electronically. The private sector and the Federal Reserve jointly developed the ACH network as an electronic alternative to checks, the growth of which in the late 1960s and early 1970s was creating operational and cost burdens. Currently, the ACH network consists of two network operators: The Reserve Banks, through FedACH, and The Clearing House (TCH), through the Electronic Payments Network (EPN). Both operators provide services to enable ODFIs to originate and RDFIs to receive ACH transactions. The Reserve Banks and TCH work together to exchange inter-operator ACH payments in which the ODFI and RFDI are served by different operators.

The ACH network is governed by the rules of the ACH operators, which generally incorporate the NACHA Operating Rules and Guidelines adopted by NACHA's members.<sup>3</sup> As an ACH operator, the Reserve Banks, through Operating Circular 4, incorporate NACHA's Operating Rules and Guidelines as rules that govern clearing and settlement of commercial ACH items by the Reserve Banks, except for those provisions specifically excluded in the Operating Circular.<sup>4</sup> The Reserve Banks' Operating Circular 4 does not govern ACH transactions conducted through EPN.

<sup>1</sup> 80 FR 30246 (May 27, 2015).

<sup>2</sup> The amendments become effective in three phases, beginning with same-day credits in September 2016, same-day debits in 2017, and faster funds availability in March 2018. Next-day settlement will also remain available.

<sup>3</sup> NACHA's membership consists of insured financial institutions and regional payment associations.

<sup>4</sup> Operating Circular 4, Section 1.4, [https://www.frb-services.org/files/regulations/pdf/operating\\_circular\\_4\\_11042013.pdf](https://www.frb-services.org/files/regulations/pdf/operating_circular_4_11042013.pdf).

The Reserve Banks' current FedACH SameDay Service is an optional service that allows ODFI participants to originate same-day payments to all RFDI participants that agree to accept such payments.<sup>5</sup> The Reserve Banks began offering the service in 2010 to address growing market demand for intraday ACH processing and settlement. In the five years since its introduction, the FedACH SameDay Service has experienced limited adoption; 78 depository institutions (less than 1 percent of FedACH customers) are currently using the service. A number of factors may account for this low adoption rate. RDFIs typically need to upgrade internal processing capabilities to post same-day transactions. Although ODFIs may be able to realize value from the service through enhanced ACH product offerings, such as emergency bill pay, these services may be unappealing to originators because of low RFDI participation and corresponding limited receiver reach. The current FedACH SameDay Service does not have an interbank fee.

Two aspects of NACHA's amended operating rules differ materially from the Reserve Banks' current FedACH SameDay Service. First, under NACHA's amended operating rules, receipt of same-day ACH transactions is mandatory and RDFIs must make funds available from same-day ACH credits to their depositors by 5:00 p.m.<sup>6</sup> Second, NACHA's amended operating rules establish an interbank fee, paid by ODFIs to RDFIs for each forward same-day transaction.<sup>7</sup> As described in greater detail below, NACHA designed the interbank fee, initially 5.2 cents per forward transaction, to allow RDFIs to offset costs associated with the up-front investments and ongoing operating costs necessary for accepting, posting, and making funds available from same-day transactions. The amended operating rules provide that the interbank fee will be reduced if actual same-day transaction volume exceeds original projections by more than 25 percent during regularly required review periods.<sup>8</sup> Ten years after the final phase

<sup>5</sup> As part of the service, the Reserve Banks charge participating ODFIs a per-item surcharge on the normal ACH processing fee and provide RDFIs a discount on the normal ACH processing fee for receipt of forward items.

<sup>6</sup> RDFIs' local time.

<sup>7</sup> The amended operating rules refer to the interbank fee as the "Same Day Entry Fee." Only forward same-day transactions originated by or through the ODFI are subject to the fee; same-day returns will also be available but are not subject to the interbank fee.

<sup>8</sup> Same-day ACH volume will be reviewed five years and eight years after the final phase of implementation is effective.

of implementation is effective, and every ten years thereafter, NACHA will reevaluate the interbank fee.<sup>9</sup> Under NACHA's amended operating rules the interbank fee may not be increased from its initial level of 5.2 cents per forward transaction.

These differences require enhancements to the Reserve Banks' existing FedACH SameDay Service that may have a significant longer-run effect on the nation's payment system.<sup>10</sup> Therefore, the Board requested comment on the following:

- Making receipt of same-day ACH transactions mandatory for all RDFIs. If commenters believed that participation by RDFIs should not be mandatory, the Board requested comment on why the Reserve Banks' same-day ACH service should remain optional and whether there are non-mandatory alternatives to achieving ubiquity.

- Whether the interbank fee included in NACHA's amended operating rules equitably reapportions the initial implementation costs and ongoing operating costs between ODFIs and RDFIs.

## II. Summary of Comments and Analysis

The Board received forty comments in response to its request. Comments were submitted by depository institutions, depository institution trade associations, national and regional payments associations, associations representing end users (consumers and businesses) and third-party payment processors, a private-sector ACH operator, and an individual. Twenty-two commenters stated that receipt of same-day ACH transactions should be mandatory and that the interbank fee appropriately reapportions costs between ODFIs and RDFIs. Three commenters generally supported same-day ACH services but did not specifically address mandatory receipt or the equity of the interbank fee. Fifteen commenters expressed some

concern with one or both of the topics on which the Board requested comment.

### A. Mandatory Participation of RDFIs

Thirty-seven commenters addressed mandatory receipt of same-day ACH transactions. Twenty-nine commenters believed that mandatory receipt is critical to the success of a same-day ACH service. These commenters, including seven small depository institutions or associations representing such institutions, generally agreed that mandating receipt is necessary to achieve a ubiquitous same-day ACH service that provides value to end users and depository institutions and achieves the associated public benefits that come from the enhanced efficiency of the ACH network. Making receipt of same-day transactions optional, they argue, would severely limit the benefits of any same-day ACH service. One commenter (one letter representing two merchant associations), which agreed that mandatory receipt is necessary to achieve a ubiquitous same-day ACH service, requested that the Board abandon same-day ACH services to develop real-time ACH processing.

Eight commenters, all credit unions or credit union associations, expressed concern that mandatory receipt of same-day ACH transactions would be overly burdensome on smaller depository institutions. These commenters indicated that technical and operational changes are necessary to receive same-day ACH transactions, and that small institutions will be disproportionately affected because they would be unable to adequately offset the associated costs of receiving such transactions because of their lower same-day ACH volume. Only three of these commenters suggested alternatives: Two commenters suggested that the Board exempt smaller depository institutions from any mandatory receipt requirements, and one commenter suggested limiting same-day ACH transactions to a single morning submission and afternoon settlement deadline to reduce the burden on smaller depository institutions.<sup>11</sup> The commenters that supported making receipt mandatory included seven small depository institutions or associations representing such institutions, including a

community-bank trade group. These commenters supported mandatory receipt even in light of the associated costs.

The Board believes that the benefits of same-day ACH service outweigh the costs institutions would incur to implement such a service. Same-day ACH capability will facilitate the use of the ACH network for certain time-critical payments, accelerate final settlement, and improve funds availability to payment recipients.<sup>12</sup> The Board believes that these capabilities will in turn provide a more efficient electronic payment option for person-to-person payments, expedited bill payments, same-day payroll payments, and other types of transactions.<sup>13</sup> In light of the widespread industry support for a same-day ACH service with an interbank fee, as evidenced by the approval of the NACHA amended operating rules, the Board believes that the costs incurred to implement such a service are outweighed by the enhanced efficiency of the ACH network and the broader U.S. payment system.

The Board also believes that ubiquity is necessary to achieve these benefits. As with existing next-day ACH services, same-day ACH will be most efficient if originators can be certain that same-day ACH transactions will reach any banked receiver. If the same-day ACH service lacks this ubiquity, originators would be able to use the service to reach only a subset of their intended receivers, substantially reducing the attractiveness of the service. The Board believes, and commenters supporting mandatory receipt agreed, that the limited adoption of the Reserve Banks' current FedACH SameDay Service demonstrates an optional service cannot achieve the ubiquity necessary to establish a successful same-day ACH service. The Board agrees with the majority of commenters that mandating receipt of same-day ACH transactions is the only practical method to achieve that necessary ubiquity and the corresponding benefits. Moreover, the interbank fee, discussed below, is designed to address the concerns of RDFIs about same-day ACH implementation and operating costs.

Although the Board acknowledges the concerns raised by some commenters

<sup>9</sup> NACHA's reevaluation will not include implementation costs recovered through payment of the interbank fee during the preceding period, and will be based on the average costs incurred by RDFIs, same-day ACH volumes, projected future developments, and the extent to which the fee satisfied RDFI costs.

<sup>10</sup> The amended operating rules contain other elements that would require modifications to the Reserve Banks' current FedACH SameDay Service. The Board believes these changes are operational in nature and will not have significant longer-run effects on the nation's payment system. These include updated submission and settlement windows (an estimated morning submission deadline at 10:30 a.m. ET with settlement occurring at 1:00 p.m. ET and an estimated afternoon submission deadline at 3:00 p.m. ET with settlement occurring at 5:00 p.m. ET). International ACH transactions and transactions above \$25,000 are not eligible for the same-day service.

<sup>11</sup> Unlike the Board's current FedACH SameDay Service, NACHA estimates that same-day ACH services under the amended operating rules will include two updated submission and settlement windows (an estimated morning submission deadline at 10:30 a.m. ET with settlement occurring at 1:00 p.m. and an estimated afternoon submission deadline at 3:00 p.m. ET with settlement occurring at 5:00 p.m.). However, exact schedules and timing will be determined by each ACH operator and are not set by the amended operating rules.

<sup>12</sup> One commenter that supported same-day ACH noted that payments processed through the check system may clear and settle faster than some ACH transactions today.

<sup>13</sup> Same-day ACH may facilitate certain transactions for which next-day ACH is not feasible. For example, companies with limited windows for processing payroll payments, such as payments to hourly employees, may be able to process transactions via same-day ACH that otherwise would be conducted using checks or prepaid cards.

regarding the burden of mandatory receipt of same-day ACH transactions for small depository institutions, the Board does not believe that any of the commenters provided a viable alternative for achieving ubiquity without such burdens. The Board believes that exempting small institutions would undermine the ubiquity—and therefore the utility—of the service. Finally, the Board believes that limiting same-day ACH transactions to a single morning submission and afternoon settlement deadline would reduce the utility of a same-day ACH service, particularly for West Coast depository institutions.

The Board believes that a ubiquitous same-day ACH service will offer considerable pro-competitive benefits. Ubiquitous same-day ACH service could create a new mechanism to compete with payment methods other than ACH, and may do so at a lower cost. As stated above, for example, same-day ACH capability will facilitate the use of the ACH network for certain time-critical payments, accelerate final settlement, and improve funds availability to payment recipients. The Board believes that these capabilities will in turn provide a more efficient electronic payment option for person-to-person payments, expedited bill payments, same-day payroll payments, and other types of transactions.

The Board also does not believe that same-day ACH capabilities should be abandoned to pursue real-time ACH payments as suggested by the merchant associations' letter, but rather believes that both services would be complementary. As outlined in the Federal Reserve's *Strategies for Improving the U.S. Payment System* paper (Strategies Paper), the Federal Reserve recently convened two task forces—faster payments and secure payments—where private-sector participants can collaborate to create approaches that will serve the public.<sup>14</sup> The faster payments task force, with input from the secure payments task force, will identify and evaluate alternative approaches for implementing safe, ubiquitous, faster payments capabilities in the United States. The Board believes that these efforts are the most appropriate channels to further consider real-time ACH capabilities.

For these reasons, the Board has approved enhancements to the Reserve Banks' existing FedACH SameDay Service that make receipt of forward

same-day ACH transactions mandatory for all RDFIs.

#### B. Interbank Fee

Thirty-four commenters addressed whether the interbank fee included in NACHA's amended operating rules equitably reapportions the initial implementation costs and ongoing operating costs between ODFIs and RDFIs.<sup>15</sup> Thirty-two commenters supported an interbank fee as an appropriate method for allocating costs between parties.

Twenty-one commenters argued that an interbank fee of 5.2 cents is appropriate.<sup>16</sup> These commenters generally stated that the interbank fee is necessary for achieving a ubiquitous same-day ACH service; without an interbank fee these commenters concluded that many RDFIs would have opposed NACHA's amended operating rules. Several commenters cited the failure of NACHA's Expedited Processing and Settlement (EPS) proposal in 2011 as evidence that a same-day ACH service lacking an interbank fee could not succeed.<sup>17</sup>

Ten commenters (nine credit unions or credit union associations and one bank holding company) supported an interbank fee but argued that the 5.2 cent fee is too low to allow smaller RDFIs to recover costs in a reasonable amount of time, particularly small RDFIs with limited same-day ACH volume. Two of these commenters suggested that the Board create a tiered fee structure instead of a flat fee, allowing smaller RDFIs to receive higher fees.

<sup>15</sup> One additional commenter stated it was unable to assess the equity of the interbank fee due to variables that it believed were not adequately addressed or evaluated by NACHA's calculation, including the potential for higher initial implementation costs and lower incremental costs. One payments association commenter that did not specifically address the equity of the interbank fee stated that its membership was split as to whether to support NACHA's amended operating rules without the fee. One additional financial institution commenter did not address the equity of the fee or express clear support but suggested that the fee would not sufficiently address extended staffing hours necessary to meet same-day posting times.

<sup>16</sup> One commenter that supported an interbank fee as an appropriate method for allocating costs between parties did not specifically address whether the current interbank fee amount of 5.2 cents was appropriate.

<sup>17</sup> The initial proposal to create a ubiquitous, same-day framework failed to receive the number of votes required for adoption under NACHA voting rules. According to NACHA's same-day ACH request for comment (December 2014), one reason for the proposal's failure was that it created significant implementation costs for RDFIs without adequate options to offset those costs. Other reasons cited for the failure of the earlier proposal were the insufficient value to originators, and the uncertainty around when funds would be available to receivers.

Two commenters (a large bank and one letter representing two merchant associations) opposed an interbank fee of any amount. The large bank commenter argued that any interbank fee will disproportionately compensate the largest RDFIs, resulting in unintended negative effects such as higher end-user fees. The merchant associations expressed concerns that the interbank fee will impair competition and may have antitrust implications. The large bank commenter requested that the Board proceed with a mandatory same-day ACH service without any interbank fee. The merchant associations believed that the Board lacks authority to require the Reserve Banks to collect and transfer an interbank fee. Several commenters expressed other concerns with the interbank fee: That NACHA would increase the interbank fee in the future, and that ODFIs would pass the interbank fee on to their customers using the service.

After considering the comments received, and given the rejection of NACHA's 2011 EPS proposal, the Board has concluded that in this specific instance an interbank fee is necessary to achieve a ubiquitous same-day ACH service.<sup>18</sup> Many commenters argued that the inclusion of an interbank fee increased RDFIs' willingness to approve NACHA's amended operating rules because without an interbank fee, RDFIs would have lacked the needed business justification to approve the mandatory receipt requirement that is critical to achieving ubiquity. In addition, as noted above, the Federal Reserve's current same-day ACH service, which is not mandatory and does not include an interbank fee, is not widely used. The Board considered whether a ubiquitous same-day ACH service could be achieved by mandating in the Reserve Banks' Operating Circular 4 that FedACH customers receive same-day ACH transactions without providing for an interbank fee. The Board does not believe that this is a viable alternative. As described above, the Reserve Banks' Operating Circular 4 applies only to FedACH customers and does not govern ACH transactions conducted through the other ACH operator, EPN. Therefore, any mandate adopted by the Reserve Banks would apply only to FedACH customers and not to EPN customers,

<sup>18</sup> The Board's belief that, on balance, the interbank fee is necessary in this instance is based on circumstances specific to the nature of the existing ACH network, its governance, and the requirements of the amended operating rules. Interbank fees may not be necessary or appropriate in the implementation of other payment services or systems.

<sup>14</sup> Federal Reserve System (2015), "Strategies for Improving the U.S. Payment System," (Federal Reserve System, January), [fedpaymentsimprovement.org/wp-content/uploads/strategies-improving-us-payment-system.pdf](http://fedpaymentsimprovement.org/wp-content/uploads/strategies-improving-us-payment-system.pdf).

resulting in a same-day service that is not ubiquitous.<sup>19</sup> The Board also believes that the interbank fee must be implemented by the Reserve Banks as ACH operator, as it would be infeasible for thousands of depository institutions to collect interbank fees bilaterally. The Board has authority to require the Reserve Banks to collect and transfer this fee under the Federal Reserve Act.<sup>20</sup>

In order to calculate a per-transaction interbank fee that would allow RDFIs in the aggregate to recover implementation and ongoing operational costs associated with the receipt of same-day ACH transactions, the Board believes that an appropriate methodology requires certain inputs: A projection of one-time implementation costs associated with same-day ACH receipt, a projection of ongoing costs associated with same-day ACH receipt, and projections of future same-day ACH volume. The process would include obtaining data from participants in the ACH system, estimating the relationship between costs and transaction volume, extrapolating those estimates to the broader universe of ACH participants, and projecting future costs and transaction volume.

NACHA commissioned a consultant to calculate the interbank fee. The Board has reviewed the consultant's methodology, which contained the inputs discussed above. The Board also reviewed the consultant's assumptions and judgments necessary to construct these inputs and use them to construct the fee. The Board believes the data and analysis provide a reasonable basis for the interbank fee, given the fact that NACHA had to collect data from voluntary respondents, make various

projections into the future, and deal with significant non-response.<sup>21</sup>

To facilitate its projections, the consultant surveyed a sample of RDFIs to obtain those banks' projected implementation and ongoing operational costs. The consultant also interviewed banks and third-party processors to understand the potential uses of same-day ACH. Based on interviews, the consultant determined that the largest RDFIs typically use internal systems to process ACH transactions, while other RDFIs typically outsource to third-party processors. Accordingly, the consultant asked only large RDFIs and third-party processors about one-time implementation costs. All surveyed RDFIs were asked about ongoing operational costs under three different same-day volume scenarios. Fourteen large RDFIs and 175 smaller RDFIs responded to the survey, yielding a sample with reasonable representation across RDFI sizes. The Board reviewed the survey instruments and cost data aggregated in seven groups according to RDFI size; NACHA did not make cost data of individual survey respondents available, citing confidentiality provisions under which the data were provided by RDFIs. The Board believes the survey instrument was reasonably designed to obtain the necessary data.

Using data from these RDFIs, the consultant estimated relationships between costs and volumes, and used these relationships to extrapolate to non-responding RDFIs. Projections of same-day ACH volume were based upon information from ODFIs, NACHA, and other subject matter experts. Projected adoption rates for ten broad use cases formed the basis for the projections of total same-day ACH volume. Given its projections of costs and volumes, the consultant chose a fee that, by its calculation, sets the present discounted value of aggregate projected RDFI interbank fee revenues equal to the present discounted value of aggregate projected RDFI costs for all RDFIs as a whole.<sup>22</sup>

The Board recognizes that projections of future costs and volumes are inherently subjective, but believes the approach used to determine the interbank fee is reasonable. Specifically, interviews with industry participants

and extensive review of potential use cases provided a reasonable basis for estimating future demand for a product that has not yet been introduced. Also, the collection of data from a sample of RDFIs of varying sizes through a survey was a sensible way to assess potential costs of the service. The Board not only reviewed the methodology used to calculate the fee, but also considered the implications of the fee for the ACH industry. The Board found the fee to be reasonable once NACHA addressed issues with respect to opportunity costs in the fee and the potential for the fee to rise over time, as described below.

NACHA issued its same-day ACH rule for public comment in December 2014. At that time, NACHA proposed an interbank fee of 8.2 cents. The calculation of that fee included opportunity costs resulting from the movement of transactions from higher-margin payments methods, such as wire, to same-day ACH, essentially transferring to same-day ACH the high margins that result from banks having market power in other services. In its final rule, NACHA removed the opportunity cost component of the fee, thereby lowering the fee from 8.2 to 5.2 cents.

The Board believes that the lower interbank fee of 5.2 cents reasonably balances depository institutions' ability to offset costs with the needs of ACH end users. As discussed above, a 5.2 cent interbank fee would allow cost recovery for RDFIs as a whole. Although the fee may not allow full cost recovery for all RDFIs, it will allow all RDFIs to offset a portion of their costs. The Board expects that, in most cases, the interbank fee will ultimately be borne by end users that originate same-day ACH transactions, a concern echoed by several commenters. For some originators, faster settlement or funds availability associated with same-day ACH may be worth these potentially higher costs, and their same-day ACH costs (even with the pass-through of the interbank fee) may still be substantially lower than the costs they would incur using other payment methods, such as wire transfers. Originators that wish to avoid such potential costs can continue to use existing lower-cost next-day ACH options and the Federal Reserve has no plans to eliminate its next-day ACH settlement. The Board believes that a higher interbank fee would likely result in higher costs being passed to originators and may reduce demand for

<sup>19</sup> NACHA made the implementation of the amended operating rules contingent on the Federal Reserve's support. If the Board had determined that the Reserve Banks should not adopt the proposed enhancements and provide same-day ACH service under the amended operating rules, they would not go into effect.

<sup>20</sup> Specifically, the Board has authority to require the Reserve Banks to collect and transfer this fee under the following provisions of the Federal Reserve Act: Section 11A (12 U.S.C. 248a), section 11(j) (12 U.S.C. 248(j)), and paragraph 14 of section 16 (12 U.S.C. 248-1). The Board's general supervisory authority over Reserve Banks, along with its specific authority to require Reserve Banks to act as a clearing house for financial institutions, includes the ability to devise methods to cover the costs incident to the Reserve Banks' clearing activities. See *Fraternal Order of Police v. Board of Governors of the Federal Reserve System*, 391 F. Supp.2d 1 (D.D.C. 2005). Moreover, an interbank fee for same-day ACH transactions is no different, in effect, from a situation in which the Reserve Bank is required to pay a fee to an RDFI and therefore requires ODFIs to pay the fee to the Reserve Bank in order to recover Reserve Bank costs.

<sup>21</sup> The Board would likely have encountered similar limitations had it undertaken this survey and calculation directly.

<sup>22</sup> NACHA used a 12.2 percent rate of return to discount future revenue and cost streams associated with same-day ACH. The Board has determined that that a 12.2 percent rate of return is not unreasonable for a new, relatively high-risk venture such as same-day ACH.



same-day ACH services, resulting in a ubiquitous but lesser-used service.<sup>23</sup>

The Board has not adopted the suggestion to tier the fee to allow smaller institutions to recover more than the 5.2 cent fee because it does not believe there is a clear correlation between institution size and implementation costs. As described above, smaller RDFIs often outsource their ACH and transaction account processing, and may not incur costs as material as those RDFIs that do not outsource this processing.

The Board does not believe that the interbank fee will rise over time, as has been the experience in the card industry. To address this concern, NACHA proposed provisions that provided for the potential reduction in the fee, and adopted a rule to ensure that the fee could not be increased in the future. The Board recognizes that NACHA members could vote to amend NACHA's operating rules to allow the interbank fee to increase above 5.2 cents, but no such increase would apply to FedACH same-day volume unless the Board and the Reserve Banks (as ACH operator) agree to such an increase.

NACHA's amended operating rules also include a 5-year review and 8-year review of the fee. At each of these reviews, if the volume of same-day transactions exceeds the NACHA projection by more than 25 percent, the fee will be lowered to a level pre-calculated by NACHA and intended to allow RDFIs achieve cost recovery on an aggregate basis. A schedule of possible fee decreases is available on the Board's Web site.<sup>24</sup> If the fee is lowered as a result of such reviews, the lower fee amount establishes a new ceiling, above which the interbank fee cannot rise. The Board believes that the lower interbank fee of 5.2 cents, combined with regularly scheduled reviews to determine any necessary reduction in the fee in pre-calculated intervals, allow cost recovery for RDFIs over time while maintaining the attractiveness of the same-day service to ODFIs and originators.

Based on its review of these comments, the Board has approved enhancements to the Reserve Banks' existing FedACH SameDay Service to include an interbank fee paid by ODFIs to RDFIs not to exceed 5.2 cents for each forward same-day transaction and to decrease that fee according to the fee

schedules published on the Board's public Web site in the event that same-day ACH volume exceeds projections by more than 25 percent during one of the regularly scheduled review periods. Any other changes to the interbank fee will require additional consideration and action by the Board.

### C. Other Topics Raised

The Board received comments on several other topics related to enhancements to the Reserve Banks' existing FedACH SameDay Service.

#### (i) Processing Windows

Several commenters raised questions about the processing and settlement windows for same-day ACH transactions. As noted above, one commenter asked the Board to consider a single morning submission and afternoon settlement deadline, while another commenter argued that institutions outside the Eastern Time Zone will only gain limited benefits from same-day ACH. A third commenter requested that the Board consider extending its National Settlement Service deadline to be inclusive of business hours in all U.S. time zones.

The Reserve Banks are reviewing the same-day ACH processing windows and will work with NACHA and EPN to establish processing schedules that are convenient for as many institutions as possible across the network. The Board has also previously expressed its intent to enhance the National Settlement Service and will review extended deadlines and potential enhancements as described in the Strategies Paper.<sup>25</sup>

#### (ii) Fraud Risks

Several commenters noted an increased potential for fraud with same-day ACH transactions related to shorter processing windows. The Board recognizes that same-day ACH transactions may have a different risk profile than existing next-day ACH transactions. The Reserve Banks have in place alert services that can assist RDFIs

in monitoring risk profiles specific to same-day ACH transactions, and the Board is aware that NACHA and the regional payment associations have already started reviewing risk management issues related to same-day ACH transactions. The Board believes that any risks related to same-day ACH can be appropriately mitigated by the industry in collaboration with NACHA and the ACH operators.

#### (iii) Continued Availability of Existing ACH Capabilities

Several commenters expressed concerns that the availability of same-day ACH services would lead to the discontinuation or unnecessary migration away from low-cost next-day ACH services. The Board believes that next-day ACH services will remain relevant in light of likely continued demand by end users for low cost and efficient options for payments that do not require same-day settlement or processing, such as regularly scheduled payroll files or bill payments. Retaining next-day ACH service also reduces operational risk by allowing ODFIs and operators an opportunity to recover from disruptions without delaying the settlement of transactions.

The Federal Reserve has no plans to discontinue next-day services, but it cannot ensure that any given depository institution would continue to offer next-day ACH origination services to its customers. In a competitive marketplace for deposit and payment services, however, if a depository institution were to stop offering next-day ACH origination to its customers, the demand for that service would likely be met by other depository institutions.

The Board does not believe that ODFIs will cease offering next-day ACH origination in an effort to drive volume to same-day ACH transactions, thus increasing RDFI interbank fee revenue. If that were to happen, same-day ACH volume would far exceed the volume expectations used in calculating the 5.2 cent interbank fee, which would result in a reduction of the fee following the regularly scheduled reviews. The Board intends to monitor the adoption of same-day ACH and the continued availability of next-day ACH services. The Board will reevaluate the amount and appropriateness of any interbank fee if low-cost next-day ACH origination services are widely replaced by same-day ACH services, increasing costs to originators.

<sup>23</sup> Four of the five commenters representing end users supported adoption of the proposed enhancements, including the interbank fee. This support, however, was based on an interbank fee of 5.2 cents.

<sup>24</sup> [http://www.federalreserve.gov/paymentsystems/fedach\\_about.htm](http://www.federalreserve.gov/paymentsystems/fedach_about.htm).

<sup>25</sup> As described in the Strategies Paper (1) the first phase, which went into effect in January 2015, expanded the operating hours of the National Settlement Service by opening the settlement window one hour earlier (at 7:30 a.m. ET) and closing it one half-hour later (at 5:30 p.m. ET); (2) the second phase, projected for year-end 2015, will accelerate the opening time to coincide with the 9:00 p.m. ET opening of the Fedwire® Funds Service (on the prior calendar date); (3) the third phase, projected for 2016 or beyond, will explore the technology, infrastructure and operational and resource changes required to support weekend and/or 24x7 operating hours. Federal Reserve System (2015), "Strategies for Improving the U.S. Payment System," (Federal Reserve System, January), [fedpaymentsimprovement.org/wp-content/uploads/strategies-improving-us-payment-system.pdf](http://fedpaymentsimprovement.org/wp-content/uploads/strategies-improving-us-payment-system.pdf).



### III. Criteria for Evaluating the Federal Reserve's Role in the Payment System

#### A. New Services and Service Enhancements

In considering new services and major service enhancements to existing Reserve Bank services, the Board requires the following criteria be met: the service must enable full long-run recovery of costs by the Reserve Banks; the service must yield a clear public benefit; and the service must be one that other providers alone cannot be expected to provide with reasonable effectiveness, scope, and equity.<sup>26</sup>

The Board believes that the introduction of a FedACH same-day service with mandatory participation by RDFIs and an interbank fee meets these criteria.<sup>27</sup> The service will not adversely affect the Reserve Banks' ability to recover the cost of providing the ACH service over the long run as operating costs can be recovered through fees charged for using the Reserve Banks' ACH services.<sup>28</sup>

The service also offers clear public benefits. Same-day ACH capability will facilitate the use of the ACH network for certain time-critical payments, accelerate final settlement, and improve funds availability to payment recipients. The Board believes that a ubiquitous same-day ACH service would enhance the efficiency of the ACH network and the broader U.S. payment system by providing a more efficient electronic payment option for person-to-person payments, expedited bill payments, same-day payroll payments, and other types of transactions. As several commenters noted, this is consistent with the strategic goals identified in the Strategies Paper.<sup>29</sup>

<sup>26</sup> See *The Federal Reserve in the Payments System* (issued 1984; revised 1990), Federal Reserve Regulatory Service 9-1557, [http://www.federalreserve.gov/paymentsystems/pfs\\_frpaysys.htm](http://www.federalreserve.gov/paymentsystems/pfs_frpaysys.htm). Clear public benefits include promoting the integrity of the payments system, improving the effectiveness of financial markets, reducing the risk associated with payments and securities-transfer services, or improving the efficiency of the payments system. *Id.*

<sup>27</sup> Although comment was not specifically requested on whether adoption of the service satisfied the Board's criteria, several commenters addressed the subject and all agreed with the Board's analysis that the criteria would be met.

<sup>28</sup> The Reserve Banks intend to review current FedACH SameDay Service fees to determine whether any changes are appropriate as a result of the enhancements.

<sup>29</sup> The Strategies Paper communicates desired outcomes for the payment system and outlines the strategies the Federal Reserve will pursue, in collaboration with stakeholders, to help the country achieve these outcomes. One of the specific strategies for improving the U.S. payment system in the Strategies Paper is enhanced Reserve Bank payment, settlement, and risk-management services through promoting greater use of same-day ACH

The Board also believes that the private sector cannot be expected to provide the service alone with reasonable effectiveness, scope, or equity. Without incorporation of NACHA's amended operating rules by the Reserve Banks, a viable same-day ACH service would be unlikely.<sup>30</sup> Without the ability to reach any RDFI in the ACH network, the Board believes that any same-day ACH service would be ineffective and any corresponding public benefits would be limited.

#### B. Competitive Impact Analysis

When considering changes to an existing service, the Board also conducts a competitive impact analysis to determine whether there will be a direct and material adverse effect on the ability of other service providers to compete effectively with the Federal Reserve in providing similar services due to differing legal powers or the Federal Reserve's dominant market position deriving from such legal differences.<sup>31</sup> The Board believes that there are no adverse effects to other service providers resulting from adoption of the amended operating rules. The changes to the Reserve Banks' existing service conform the service to industry-wide ACH operating rules that can be adopted by both ACH operators.<sup>32</sup> The changes are not the result of any differing legal powers or any dominant market position resulting from legal differences.

### IV. Conclusion

Based on its review of comments received, the Board has approved enhancements to the Reserve Banks' FedACH SameDay Service that require RDFIs to participate in the service and ODFIs to pay a fee to RDFIs for each same-day ACH forward transaction. The enhancements will be adopted by incorporation of NACHA's amended operating rules into Operating Circular 4, governing the Reserve Banks' ACH services.

capabilities. Federal Reserve System (2015), "Strategies for Improving the U.S. Payment System," (Federal Reserve System, January), [fedpaymentsimprovement.org/wp-content/uploads/strategies-improving-us-payment-system.pdf](http://fedpaymentsimprovement.org/wp-content/uploads/strategies-improving-us-payment-system.pdf).

<sup>30</sup> This is evidenced by the limited adoption of the Reserve Banks' current optional FedACH SameDay Service.

<sup>31</sup> See *The Federal Reserve in the Payments System* (issued 1984; revised 1990), Federal Reserve Regulatory Service 9-1558, [http://www.federalreserve.gov/paymentsystems/pfs\\_frpaysys.htm](http://www.federalreserve.gov/paymentsystems/pfs_frpaysys.htm).

<sup>32</sup> TCH, owner of EPN, indicated its strong support for the enhancements in two separate comments submitted to the Board.

By order of the Board of Governors of the Federal Reserve System, September 23, 2015.

**Robert deV. Frierson,**  
*Secretary of the Board.*

[FR Doc. 2015-24551 Filed 9-25-15; 8:45 am]

BILLING CODE 6210-01-P

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Docket 2015-0055; Sequence 16; OMB Control No. 9000-0107]

#### Information Collection; Notice of Radioactive Materials

**AGENCY:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for comments regarding the extension of a previously existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning Notice of Radioactive Materials.

**DATES:** Submit comments on or before November 27, 2015.

**ADDRESSES:** Submit comments identified by Information Collection 9000-0107, Notice of Radioactive Materials, by any of the following methods:

- Regulations.gov: <http://www.regulations.gov>.

Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link "Submit a Comment" that corresponds with "Information Collection 9000-0107, Notice of Radioactive Materials". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 9000-0107, Notice of Radioactive Materials" on your attached document.

- Mail: General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000-0107, Notice of Radioactive Materials.

**Instructions:** Please submit comments only and cite Information Collection 9000-0107, Notice of Radioactive

Materials, in all correspondence related to this collection. Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](http://www.regulations.gov), approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles Gray, Procurement Analyst, Office of Acquisition Policy, GSA, 202-208-6726 or email [charles.gray@gsa.gov](mailto:charles.gray@gsa.gov).

#### A. Purpose

The clause at FAR 52.223-7, Notice of Radioactive Materials, requires contractors to notify the Government prior to delivery of items containing radioactive materials. The purpose of the notification is to alert receiving activities that appropriate safeguards may need to be instituted. The notice shall specify the part or parts of the items which contain radioactive materials, a description of the materials, the name and activity of the isotope, the manufacturer of the materials, and any other information known to the contractor which will put users of the items on notice as to the hazards involved.

#### B. Annual Reporting Burden

*Respondents:* 535.  
*Responses per Respondent:* 5.  
*Annual Responses:* 2,675.  
*Hours per Response:* 1.  
*Total Burden Hours:* 2,675.

#### C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary; whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

##### *Obtaining Copies of Proposals:*

Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202-501-4755. Please cite OMB Control No. 9000-0107,

Notice of Radioactive Materials, in all correspondence.

#### Edward Loeb,

*Acting Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.*

[FR Doc. 2015-24560 Filed 9-25-15; 8:45 am]

**BILLING CODE 6820-EP-P**

### DEPARTMENT OF DEFENSE

#### GENERAL SERVICES ADMINISTRATION

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[OMB Control No. 9000-0059; Docket 2015-0055; Sequence 20]**

#### Information Collection; North Carolina Sales Tax Certification

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve a reinstatement of a previously approved information collection requirement concerning North Carolina sales tax certification.

**DATES:** Submit comments on or before November 27, 2015.

**ADDRESSES:** Submit comments identified by Information Collection 9000-0059, North Carolina Sales Tax Certification, by any of the following methods:

- Regulations.gov: <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link "Submit a Comment" that corresponds with "Information Collection 9000-0059, North Carolina Sales Tax Certification". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 9000-0059, North Carolina Sales Tax Certification" on your attached document.

- Mail: General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000-0059, North Carolina Sales Tax Certification.

*Instructions:* Please submit comments only and cite Information Collection 9000-0059, North Carolina Sales Tax Certification, in all correspondence related to this collection. Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](http://www.regulations.gov), approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Kathy Hopkins, Procurement Analyst, Office of Acquisition Policy, GSA 202-969-7226 or email [kathlyn.hopkins@gsa.gov](mailto:kathlyn.hopkins@gsa.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Purpose

The North Carolina Sales and Use Tax Act authorizes counties and incorporated cities and towns to obtain each year, from the Commissioner of Revenue of the State of North Carolina, a refund of sales and use taxes indirectly paid on building materials, supplies, fixtures, and equipment that become a part of or are annexed to any building or structure in North Carolina.

However, to substantiate a refund claim for sales or use taxes paid on purchases of building materials, supplies, fixtures, or equipment by a contractor, the Government must secure from the contractor certified statements setting forth the cost of the property purchased from each vendor and the amount of sales or use taxes paid. Similar certified statements by subcontractors must be obtained by the general contractor and furnished to the Government. The information is used as evidence to establish exemption from State and local taxes.

##### B. Annual Reporting Burden

*Respondents:* 314.  
*Responses per Respondent:* 1.  
*Annual Responses:* 314.  
*Hours per Response:* 1.25.  
*Total Burden Hours:* 392.

##### C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Federal Acquisition Regulations (FAR), and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to

enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

*Obtaining Copies of Proposals:*

Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202-501-4755. Please cite OMB Control No. 9000-0059, North Carolina Sales Tax Certification, in all correspondence.

**Edward Loeb,**

*Acting Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.*

[FR Doc. 2015-24556 Filed 9-25-15; 08:45 am]

BILLING CODE 6820-EP-P

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**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[OMB Control No. 9000-0048; Docket 2015-0055; Sequence 18]

**Submission for OMB Review; Authorized Negotiators**

**AGENCY:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for an extension to an existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding Authorized Negotiators. A notice was published in the **Federal Register** at 80 FR 36343 on June 24, 2015. One comment was received, but was unrelated to the subject matter.

**DATES:** Submit comments on or before October 28, 2015.

**ADDRESSES:** Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention:

Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- Regulations.gov: <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link "Submit a Comment" that corresponds with "Information Collection 9000-0048, Authorized Negotiators". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 9000-0048, Authorized Negotiators" on your attached document.

- Mail: General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000-0048, Authorized Negotiators.

**Instructions:** Please submit comments only and cite Information Collection 9000-0048, Authorized Negotiators, in all correspondence related to this collection. Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](http://www.regulations.gov), approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Mr. Edward Loeb, Procurement Analyst, Office of Governmentwide Acquisition Policy, GSA, 202-501-0650 or via email to [edward.loeb@gsa.gov](mailto:edward.loeb@gsa.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Purpose**

Per FAR 52.215-1(c)(2)(iv), firms offering supplies or services to the Government under negotiated solicitations must provide the names, titles, and telephone numbers of authorized negotiators to assure that discussions are held with authorized individuals. The information collected is referred to before contract negotiations and it becomes part of the official contract file.

**B. Annual Reporting Burden**

Respondents: 68,000.  
Responses per Respondent: 8.  
Total Responses: 544,000.  
Hours per Response: .017.  
Total Burden Hours: 9248.

**C. Public Comments**

Public comments are particularly invited on: Whether this collection of

information is necessary for the proper performance of functions of the Federal Acquisition Regulations (FAR), and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

*Obtaining Copies of Proposals:*

Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417, telephone 202-501-4755. Please cite OMB Control No. 9000-0048, Authorized Negotiator, in all correspondence.

**Edward Loeb,**

*Acting Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.*

[FR Doc. 2015-24555 Filed 9-25-15; 8:45 am]

BILLING CODE 6820-EP-P

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**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[OMB Control No. 9000-0079; Docket 2015-0055; Sequence 12]

**Submission for OMB Review; Corporate Aircraft Costs**

**AGENCY:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning corporate aircraft costs. A notice was published in the **Federal Register** at 80 FR 23796, on April 29, 2015. No comments were received.

**DATES:** Submit comments on or before October 28, 2015.

**ADDRESSES:** Submit comments identified by Information Collection 9000-0079, Corporate Aircraft Costs, by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link "Submit a Comment" that corresponds with "Information Collection 9000-0079, Corporate Aircraft Costs". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 9000-0079, Corporate Aircraft Costs" on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000-0079, Corporate Aircraft Costs.

*Instructions:* Please submit comments only and cite Information Collection 9000-0079, Corporate Aircraft Costs, in all correspondence related to this collection. Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](http://www.regulations.gov), approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Ms. Kathy Hopkins, Federal Acquisition Policy Division, GSA, 202-969-7226 or via email [kathy.hopkins@gsa.gov](mailto:kathy.hopkins@gsa.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Purpose**

Government contractors that use company aircraft must maintain logs of flights containing specified information (e.g., destination, passenger name, purpose of trip, etc.). This information, as required by FAR 31.205-46, Travel Costs, is used to ensure that costs of owned, leased or chartered aircraft are properly charged against Government contracts and that directly associated costs of unallowable activities are not charged to such contracts.

**B. Annual Reporting Burden**

*Number of Respondents:* 3,000.  
*Responses per Respondent:* 1.  
*Total Responses:* 3,000.  
*Average Burden per Response:* 6.  
*Total Burden Hours:* 18,000.

**C. Public Comments**

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Federal Acquisition Regulation (FAR), and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

*Obtaining Copies of Proposals:* Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202-501-4755. Please cite OMB Control No. 9000-0079, Corporate Aircraft Costs, in all correspondence.

**Edward Loeb,**

*Acting Director, Federal Acquisition Policy Division, Office of Acquisition Policy, Office of Governmentwide Policy.*

[FR Doc. 2015-24558 Filed 9-25-15; 8:45 am]

**BILLING CODE 6820-EP-P**

**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES ADMINISTRATION**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**[Docket 2015-0055; Sequence 15; OMB Control No. 9000-0066]**

**Submission for OMB Review; Professional Employee Compensation Plan**

**AGENCY:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for comments regarding the extension of a previously existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning submission of a Professional Employee

Compensation Plan. A notice was published in the **Federal Register** at 80 FR 35358 on June 19, 2015. No comments were received.

**DATES:** Submit comments on or before October 28, 2015.

**ADDRESSES:** Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link "Submit a Comment" that corresponds with "Information Collection 9000-0066, Professional Employee Compensation Plan". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 9000-0066, Professional Employee Compensation Plan" on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000-0066, Professional Employee Compensation Plan.

*Instructions:* Please submit comments only and cite Information Collection 9000-0066, Professional Employee Compensation Plan, in all correspondence related to this collection. Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](http://www.regulations.gov), approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Mr. Edward Loeb, Procurement Analyst, Office of Acquisition Policy, GSA, 202-501-3775 or email [edward.loeb@gsa.gov](mailto:edward.loeb@gsa.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Purpose**

FAR 22.1103 requires that all professional employees are compensated fairly and properly. Accordingly, FAR 52.222-46, Evaluation of Compensation for Professional Employees, is required to be inserted in solicitations for negotiated service contracts when the

contract amount is expected to exceed \$650,000 and the service to be provided will require meaningful numbers of professional employees. The purpose of the provision at FAR 52.222-46 is to require offerors to submit for evaluation a total compensation plan setting forth proposed salaries and fringe benefits for professional employees working on the contract. Plans indicating unrealistically low professional employees' compensation may be assessed adversely as one of the factors considered in making a contract award.

### B. Annual Reporting and Recordkeeping Burden

*Respondents:* 12,921.

*Responses per Respondent:* 3.

*Total Responses:* 38,763.

*Hours per Response:* 1.333333.

*Total Burden Hours:* 51,684.

### C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary; whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

#### *Obtaining Copies of Proposals:*

Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202-501-4755.

Please cite OMB Control No. 9000-0066, Professional Employee Compensation Plan, in all correspondence.

#### **Edward Loeb,**

*Acting Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.*  
[FR Doc. 2015-24557 Filed 9-25-15; 8:45 am]

**BILLING CODE 6820-EP-P**

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Docket 2015-0055; Sequence 19; OMB Control No. 9000-0080]

### Submission for OMB Review; Integrity of Unit Prices

**AGENCY:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning Integrity of Unit Prices. A notice was published in the **Federal Register** at 80 FR 35359 on June 19, 2015. One comment was received, but was unrelated to the subject matter.

**DATES:** Submit comments on or before October 28, 2015.

**ADDRESSES:** Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link "Submit a Comment" that corresponds with "Information Collection 9000-0080, Integrity of Unit Prices". Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 9000-0080, Integrity of Unit Prices" on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street WE, Washington, DC 20405. ATTN: Ms. Flowers/IC 9000-0080, Integrity of Unit Prices.

*Instructions:* Please submit comments only and cite Information Collection 9000-0080, Integrity of Unit Prices, in

all correspondence related to this collection. Comments received generally will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check [www.regulations.gov](http://www.regulations.gov), approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

**FOR FURTHER INFORMATION CONTACT:** Mr. Edward Loeb, Procurement Analyst, Office of Acquisition Policy, GSA, 202-501-0650 or email [edward.loeb@gsa.gov](mailto:edward.loeb@gsa.gov).

### SUPPLEMENTARY INFORMATION:

#### A. Purpose

The clause at FAR 52.215-14, Integrity of Unit Prices, requires offerors and contractors under Federal contracts that are to be awarded without adequate price competition to identify in their proposals those supplies which they will not manufacture or to which they will not contribute significant value. The policies included in the FAR are required by 41 U.S.C. 3503 (a)(1)(A)(for the civilian agencies) and 10.U.S.C 2306a(b)(1)(A)(i)(for DOD and NASA). The rule contains no reporting requirements on contracts below the simplified acquisition threshold, construction and architect-engineering services, utility services, service contracts where supplies are not required, commercial items, and contracts for petroleum products.

#### B. Annual Reporting Burden

*Respondents:* 950.

*Responses per Respondent:* 10.

*Annual Responses:* 9,500.

*Hours per Response:* 1.

*Total Burden Hours:* 9,500.

#### C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary; whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

#### *Obtaining Copies of Proposals:*

Requesters may obtain a copy of the information collection documents from

the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202501-4755. Please cite OMB Control No. 9000-0080, Integrity of Unit Prices.

**Edward Loeb,**

*Acting Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.*

[FR Doc. 2015-24559 Filed 9-25-15; 8:45 am]

**BILLING CODE 6820-EP-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention (CDC)**

**Emergency Funding for New York City Legionella Outbreak**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (DHHS).

**ACTION:** Notice.

**SUMMARY:** The U.S. Centers for Disease Control and Prevention (CDC) is providing \$1,300,000 in urgent funding through the Epidemiology and Laboratory Capacity for Infectious Diseases (ELC) Cooperative Agreement to the New York City Department of Health (NYC HD) to combat an outbreak of *Legionella*. As of August 18, 2015 NYC HD has identified 127 cases and 12 deaths associated with this public health emergency. These funds will be used by NYC HD to (1) create sustainable environmental and laboratory capacity at NYC HD to respond to *Legionella* outbreak, (2) enhance laboratory capacity of detection, isolation, and molecular characterization of clinical and environmental strains at the New York City public health laboratory, (3) include sequence-based typing and eventually whole genome sequencing, and (4) allow NYC HD to characterize the geographic distribution of *Legionella* strains throughout New York City, support the new public health engineering program to monitor the compliance of building owners with the new cooling tower regulations, and work with CDC to evaluate the impact of these regulations.

**DATES:** Effective date is date of publication in the **Federal Register**.

**ADDRESSES:** Alvin Shultz, MSPH, Division of Preparedness and Emerging Infectious, National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and

Prevention, 1600 Clifton Road NE., Atlanta, GA 30333, Phone: 404-639-7028, E-Mail: [Ashultz@cdc.gov](mailto:Ashultz@cdc.gov).

**FOR FURTHER INFORMATION CONTACT:** Alvin Shultz, MSPH, Division of Preparedness and Emerging Infectious, National Center for Emerging and Zoonotic Infectious, Diseases Centers for Disease Control and Prevention, 3311 Toledo Road, Room 4204, Hyattsville, MD 20782 Phone: 301-458-4371, FAX: 301-458-4028, E-Mail: [NHANESgenetics@cdc.gov](mailto:NHANESgenetics@cdc.gov).

Dated: September 23, 2015.

**Terrance Perry,**

*Director, Office of Grants Services, Centers for Disease Control and Prevention.*

[FR Doc. 2015-24564 Filed 9-25-15; 8:45 am]

**BILLING CODE 4163-18-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA-2015-N-3275]

**Labeling Lower-Dose Estrogen-Alone Products for Symptoms of Vulvar and Vaginal Atrophy**

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

**ACTION:** Notice of public meeting; request for comments.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing a public meeting and an opportunity for public comment on the topic of the labeling for lower-dose estrogen products delivered vaginally, intended to treat moderate to severe symptoms of vulvar and vaginal atrophy (VVA) due to menopause. Lower-dose estrogen products means products that contain less than the 0.625 milligrams (mg) of conjugated estrogens used in the Women's Health Initiative Study, and estradiol products containing 0.0375 mg and below. Lower-dose estrogen products are now approved for the treatment of moderate to severe symptoms of VVA due to menopause, and some in the scientific/medical community have questioned whether the current "Boxed Warnings" section in the labeling is applicable in whole or in part to these lower-dose estrogen products. This meeting, a scientific workshop, will provide an opportunity for FDA to seek input from experts on the Boxed Warnings section, estrogen exposure data, and pharmacokinetic (PK)/pharmacodynamic (PD) relationships relative to labeling lower-dose estrogen-alone products intended

to treat moderate to severe symptoms of VVA due to menopause.

**DATES:** The public meeting will be held on November 10, 2015, from 8:30 a.m. to 5 p.m. Registration to attend the meeting must be received by October 16, 2015, with onsite registration available between 7 a.m. and 8 a.m. the day of the meeting. See the **SUPPLEMENTARY INFORMATION** section for information on how to register for this meeting. Submit either electronic or written comments by October 16, 2015.

**ADDRESSES:** The meeting will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, Section A of the Great Room (Rm. 1503), Silver Spring, MD 20993. Entrance for the public meeting participants (non-FDA employees) is through Building 1, where routine security check procedures will be performed. For more information on parking and security procedures, please refer to <http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm>.

Submit electronic comments to [www.regulations.gov](http://www.regulations.gov). Submit written comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FDA will post the agenda approximately 5 days before the meeting at <http://www.fda.gov/Drugs/NewsEvents/ucm459690.htm>.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Shiley, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 22, Rm. 5377, Silver Spring, MD 20993, 301-796-2117, email: [Kimberly.Shiley@fda.hhs.gov](mailto:Kimberly.Shiley@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

The loss of ovarian function with menopause leads to a drastic reduction in circulating estrogen concentration, which in turn leads to physiologic changes to the vulva, vagina, and lower urinary tract. Reduced circulating estrogen concentration results in an increase in vaginal pH, a thinning and reduction of the folds of the vaginal lining, reduction of vaginal secretions, and loss of elasticity in vaginal tissues. Symptoms of decreased circulating estrogen include vaginal and vulvar itching and/or irritation, vaginal dryness and vaginal pain (dyspareunia), and/or bleeding with intercourse. Not all

postmenopausal women have symptoms of VVA that require treatment, but some women (particularly those 5 to 10 years postmenopausal), when asked, will report one or more of the above symptoms, which they deem to be bothersome and self-categorize as moderate to severe in intensity. To date, the Agency has approved estrogen products (both estrogen-alone and estrogen plus progestin) for the indications of “treatment of moderate to severe vaginal dryness, a symptom of vulvar and vaginal atrophy due to menopause” and “treatment of moderate to severe dyspareunia, a symptom of vulvar and vaginal atrophy due to menopause.”

Estrogen-alone products have Boxed Warnings stating:

- (1) There is an increased risk of endometrial cancer in a woman with a uterus who uses unopposed estrogen;
- (2) estrogen-alone therapy should not be used for the prevention of cardiovascular disease or dementia;
- (3) an increased risk of stroke and deep vein thrombosis was reported in the Women’s Health Initiative (WHI) estrogen-alone substudy; and
- (4) an increased risk of probable dementia in postmenopausal women 65 years of age and older was reported in WHI Memory Study (WHIMS) estrogen-alone ancillary study.

The WHI estrogen-alone studies evaluated only a single estrogen dose consisting of 0.625 mg of conjugated estrogen. As lower-dose estrogen products are now approved for the treatment of moderate to severe symptoms of VVA due to menopause, some in the scientific/medical community have questioned whether these statements in the Boxed Warning section are applicable in whole or in part to the lower-dose estrogen products.

## II. Discussion Topics

The scientific workshop on November 10th will include discussions of scientific challenges related to the following topics:

- The relevance to lower-dose estrogen products of the Boxed Warnings related to the WHI findings that: (1) Estrogens should not be used for the prevention of cardiovascular disease or dementia, (2) there is an increased risk of stroke and deep vein thrombosis in women treated with estrogen-alone, and (3) there is an increased risk of probable dementia in postmenopausal women 65 years of age and older treated with estrogen-alone.
- How to educate prescribers on the interpretation of estrogen exposure data across various estrogen dosage forms

indicated for treatment of moderate to severe symptoms of vulvar and vaginal atrophy due to menopause. Presentation of basic PK and clinical pharmacology data concepts and an informed framework for comparing various estrogen products for prescribing purposes.

- Discuss the level of available data supporting that a given estrogen serum concentration is or is not related to adverse outcomes (for example, pulmonary emboli, deep venous thrombosis, and myocardial infarction).
- Presentation and discussion of PD biomarkers for thrombosis. Presentation of a comparison of metabolic profiles from various products, key clotting factors responsible for thrombosis, and PK/PD relationships.

## III. Meeting Attendance and Participation

If you wish to attend this meeting, email [FDVVWorkshop@fda.hhs.gov](mailto:FDVVWorkshop@fda.hhs.gov). Please register by October 16, 2015. Those who are unable to attend the meeting in person can register to view a live Webcast of the meeting. You will be asked to indicate in your registration whether you plan to attend in person or via the Webcast. Your registration should also contain your complete contact information, including name, title, affiliation, address, email address, and telephone number.

Seating will be limited, so early registration is recommended. Registration is free and will be on a first-come, first-served basis. However, FDA may limit the number of participants from each organization based on space limitations. Registrants will receive confirmation once they have been accepted. Onsite registration on the day of the meeting will be based on space availability. If you need special accommodations because of disability, please contact Kimberly Shiley (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days before the meeting.

FDA will hold an open public comment session during the November 10th public meeting to give the public an opportunity to comment. Register for this session at [FDVVWorkshop@fda.hhs.gov](mailto:FDVVWorkshop@fda.hhs.gov) by October 16, 2015. Additional registration will occur at the registration desk on the day of the meeting on a first-come, first-served basis if there is still time available during this session.

**Docket Comments:** Regardless of attendance at the meeting, you can submit electronic or written comments, including responses to the public docket (see **ADDRESSES**), by October 16, 2015. Received comments may be seen in the Division of Dockets Management

between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at <http://www.regulations.gov>.

**Transcripts:** Transcripts for the November 10th meeting will be posted, when available, at <http://www.fda.gov/Drugs/NewsEvents/ucm401167.htm>.

Dated: September 22, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–24509 Filed 9–25–15; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA–2015–N–3326]

#### Biosimilar User Fee Act; Public Meeting

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

**ACTION:** Notice of public meeting; request for comments.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is announcing a public meeting on the reauthorization of the Biosimilar User Fee Act (BsUFA) for fiscal years (FYs) 2018 through 2022. BsUFA authorizes FDA to collect user fees for the process for the review of biosimilar biological products. The current legislative authority for BsUFA expires in September 2017. At that time, new legislation will be required for FDA to continue collecting user fees in future fiscal years. The Federal Food, Drug, and Cosmetic Act (the FD&C Act) requires that FDA begin the BsUFA reauthorization process by publishing a notice in the **Federal Register** requesting public input and holding a public meeting where the public may present its views on the reauthorization. FDA invites public comment on the BsUFA performance goals as the Agency begins the process to reauthorize the program in FYs 2018–2022.

**DATES:** The public meeting will be held on December 18, 2015, from 9 a.m. to 2 p.m. Registration to attend the meeting must be received by November 18, 2015. See section III of this document for information on how to register for the meeting. Submit written or electronic comments by January 19, 2016.

**ADDRESSES:** The meeting will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, in section B and C of the Great Room (Rm. 1503), Silver Spring, MD 20993. Participants must



enter through Building 1 and undergo security screening. For more information on parking and security procedures, please visit <http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm>.

Submit written comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit electronic comments to <http://www.regulations.gov>. All comments should be identified with the docket number found in brackets in the heading of this document.

Transcripts of the meeting will be available on the FDA Web site approximately 30 days after the meeting.

**FOR FURTHER INFORMATION CONTACT:** Sandra Benton, Food and Drug Administration, Center for Drug Evaluation and Research, 10903 New Hampshire Ave., Bldg. 51, Rm. 6340, Silver Spring, MD 20993, 301-796-1042, FAX: 301-847-3529, [sandra.benton@fda.hhs.gov](mailto:sandra.benton@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

On July 9, 2012, the Food and Drug Administration Safety and Innovation Act, which included BsUFA (Pub. L. 112-144, title IV), was signed into law by the President. BsUFA authorizes FDA to collect fees for certain activities relating to biosimilar biological product development, for certain types of applications and supplements for approval of biosimilar biological products, on establishments where approved biosimilar biological products are made, and on biosimilar biological products after approval.

BsUFA's intent is to provide additional revenues so that FDA can hire more staff, improve systems, and establish a better managed biosimilar biological product review process to make biosimilar biological product therapies available to patients sooner without compromising review quality. As part of FDA's agreement with industry during the first BsUFA authorization, the Agency agreed to certain performance goals. These goals, which are captured in a Commitment Letter, apply to the process for the review of biosimilar biological product applications, including biosimilar biological product development meetings, review of applications and supplements, and other review activities.

Although BsUFA is similar to the Prescription Drug User Fee Act

(PDUFA) program in that it includes fees for marketing applications, manufacturing establishments, and products, there are some differences because of the relatively nascent state of the biosimilar industry in the United States. For example, at the time BsUFA was signed into law, there were no currently marketed biosimilar biological products. Accordingly, BsUFA includes fees for products in the development phase in order to generate fee revenue to support FDA's review work during this phase and enable sponsors to have meetings with FDA early in the development of biosimilar biological product candidates. Additional information concerning BsUFA, including the text of the law, the "Biosimilar Biological Product Authorization Performance Goals And Procedures—Fiscal Years 2013 Through 2017" (the Commitment Letter), key **Federal Register** documents, BsUFA-related guidances, performance reports, and financial reports may be found on the FDA Web site at <http://www.fda.gov/forindustry/userfees/biosimilaruserfeeactbsufa/default.htm>.

**II. Purpose of Public Meeting**

FDA is announcing a public meeting on BsUFA. The authority for BsUFA expires at the end of September 2017. Without new legislation, FDA will no longer be able to collect user fees to fund the biosimilar biological product review process. Before FDA begins negotiations with the regulated industry on BsUFA reauthorization, the Agency is holding the public meeting announced in this notice, at which members of the public may present their views on reauthorization, including any suggestions for changes to the performance goals referred to in the Commitment Letter. In addition, FDA will provide a period of 30 days after the public meeting to obtain written comments from the public. The purpose of this public meeting is to hear stakeholder views as we consider whether to retain, change, or discontinue the current BsUFA performance goals in the next BsUFA. In addition to any other relevant information the public would like to share, the FDA is interested in responses to the following two general questions:

- What is your assessment of the overall performance of the BsUFA program to date?
- What aspects of BsUFA performance goals should be retained, changed, or discontinued to further strengthen and improve the program?

The meeting will likely include presentations by FDA and a series of

panels representing different stakeholder groups. We will also provide an opportunity for other stakeholders to provide public comment at the meeting. FDA policy issues are beyond the scope of these reauthorization discussions. Accordingly, the comments should focus on process enhancements and funding issues, and not on policy issues.

**III. Meeting Attendance and Participation**

If you wish to attend this meeting, visit <https://fdapublicmeeting-bsufa.eventbrite.com>. Please register by November 18, 2015. If you are unable to attend the meeting in person, you can register to view a live Webcast of the meeting. You will be asked to indicate in your registration if you plan to attend in person or via the Webcast. Your registration must also contain your complete contact information, including name, title, affiliation, address, email address, and phone number. Seating will be limited, so early registration is recommended. Registration is free and will be on a first-come, first-served basis. However, FDA may limit the number of participants from each organization based on space limitations. Registrants will receive confirmation once their registrations have been accepted. Onsite registration on the day of the meeting will be based on space availability. If you need special accommodations because of a disability, please contact Sandra Benton (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days before the meeting.

In addition, any person may submit written or electronic comments to the Division of Dockets Management (see **ADDRESSES**). Comments are to be identified 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>. To ensure consideration, all comments must be received by January 19, 2016.

Please be advised that as soon as a transcript is available, it will be accessible at <http://www.fda.gov/ForIndustry/UserFees/BiosimilarUserFeeActBsUFA/UCM461774.htm>.

Dated: September 21, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015-24524 Filed 9-25-15; 8:45 am]

**BILLING CODE 4164-01-P**



**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration**

[Docket No. FDA-2015-N-0001]

**Joint Meeting of the Cellular, Tissue, and Gene Therapies Advisory Committee and the Oncologic Drugs Advisory Committee; Notice of Meeting****AGENCY:** Food and Drug Administration, HHS.**ACTION:** Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

*Name of Committee:* Cellular, Tissue, and Gene Therapies Advisory Committee and the Oncologic Drugs Advisory Committee.

*General Function of the Committee:* To provide advice and recommendations to the Agency on FDA's regulatory issues.

*Date and Time:* The meeting will be held on November 18, 2015, from 8 a.m. to 5 p.m.

*Location:* FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (rm. 1503), Silver Spring, MD 20993-0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at <http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>. For those unable to attend in person, the meeting will also be available via Webcast. The Webcast will be available at the following link: <https://collaboration.fda.gov/ctgtacodac111815/>.

*Contact Person:* Janie Kim or Rosanna Harvey, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Silver Spring, MD 20993-0002, 301-796-9016 or 240-402-8072, email: [Janie.Kim@fda.hhs.gov](mailto:Janie.Kim@fda.hhs.gov) or [Rosanna.Harvey@fda.hhs.gov](mailto:Rosanna.Harvey@fda.hhs.gov), or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at <http://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting

link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

*Agenda:* The committees will discuss the safety and efficacy of Biologics License Application (BLA) 125593, Mycobacterium phlei Cell wall-Nucleic Acid complex (MCNA), submitted by Telecta Therapeutics, Inc. The proposed indication (use) for this product is treatment of non-muscle invasive bladder cancer at high risk of recurrence or progression in adult patients who failed prior Bacillus Calmette-Guérin (BCG) immunotherapy, e.g., in patients who are BCG-refractory or BCG-relapsing.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at <http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link.

*Procedure:* Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before November 2, 2015. Oral presentations from the public will be scheduled between approximately 11:15 a.m. and 12:15 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before October 16, 2015. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by October 22, 2015.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Janie Kim at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at <http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 22, 2015.

**Jill Hartzler Warner,**

*Associate Commissioner for Special Medical Programs.*

[FR Doc. 2015-24541 Filed 9-25-15; 8:45 am]

**BILLING CODE 4164-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration**

[Docket No. FDA-2013-D-0369]

**M7(R1) Addendum to ICH M7; International Conference on Harmonisation; Draft Guidance for Industry; Availability****AGENCY:** Food and Drug Administration, HHS.**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance entitled "M7(R1) Addendum to ICH M7: Assessment and Control of DNA Reactive (Mutagenic) Impurities in Pharmaceuticals to Limit Potential Carcinogenic Risk; Application of the Principles of the ICH M7 Guidance to Calculation of Compound-Specific Acceptable Intakes." The draft guidance was prepared under the auspices of the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). This draft guidance, an addendum to the ICH M7 guidance of May 28, 2015, provides guidance on acceptable intake limits derived for some chemicals that are considered to be mutagens and carcinogens, and that were selected because they are commonly used in pharmaceutical manufacturing or are useful in illustrating the principles for deriving compound-specific intakes as described in ICH M7. The draft

guidance is intended to provide guidance for new drug substances and new drug products during their clinical development and subsequent applications for marketing.

**DATES:** Although you can comment on any guidance at any time (see 21 CFR 10.115 (g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by November 27, 2015.

**ADDRESSES:** Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002, or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist the office in processing your requests. The draft guidance may also be obtained by mail by calling CBER at 1-800-835-4709 or 240-402-8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to <http://www.regulations.gov>. Submit written comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** *Regarding the guidance:* Aisar Atrakchi, Center for Drug Evaluation and Research, Food and Drug Administration, Bldg. 22, Rm. 4118, Silver Spring, MD 20993-0002, 301-796-1036; or Anne Pilaro, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 4025, Silver Spring, MD 20993-0002, 240-402-8341.

*Regarding the ICH:* Michelle Limoli, Center for Drug Evaluation and Research, International Programs, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7208, Silver Spring, MD 20993-0002, 301-796-8377.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international

harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies.

ICH was organized to provide an opportunity for tripartite harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products among three regions: Europe, Japan, and North America. The eight ICH sponsors are the European Commission; the European Federation of Pharmaceutical Industries Associations; the Japanese Ministry of Health, Labour, and Welfare; the Japanese Pharmaceutical Manufacturers Association; CDER and CBER, FDA; the Pharmaceutical Research and Manufacturers of America; Health Canada; and Swissmedic. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations (IFPMA).

The ICH Steering Committee includes representatives from each of the ICH sponsors and the IFPMA, as well as observers from the World Health Organization.

In June 2015, the ICH Steering Committee agreed that the following draft guidance should be made available for public comment: "M7(R1) Addendum to ICH M7: Assessment and Control of DNA Reactive (Mutagenic) Impurities in Pharmaceuticals to Limit Potential Carcinogenic Risk; Application of the Principles of the ICH M7 Guidance to Calculation of Compound-Specific Acceptable Intakes." The draft guidance is the product of the Expert Working Group of the ICH. Comments about this draft will be considered by FDA and the Expert Working Group.

The draft guidance provides guidance on acceptable intake limits derived for some chemicals that are considered to be mutagens and carcinogens and that were selected because they are commonly used in pharmaceutical manufacturing or are useful in illustrating the principles of deriving compound-specific intakes as described in ICH M7. The default method from ICH M7 of linear extrapolation from the

cancer potency estimate, TD<sub>50</sub>, is used as the primary method to derive the acceptable intakes for carcinogens with likely mutagenic mode of action.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on this topic. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

##### **II. Comments**

Interested persons may submit either electronic comments regarding this document to <http://www.regulations.gov> or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at <http://www.regulations.gov>.

##### **III. Electronic Access**

Persons with access to the Internet may obtain the document at <http://www.regulations.gov>, <http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm>, or <http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm>.

Dated: September 22, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015-24510 Filed 9-25-15; 8:45 am]

**BILLING CODE 4164-01-P**

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Food and Drug Administration**

[Docket No. FDA-2014-N-0007]

#### **Fee for Using a Rare Pediatric Disease Priority Review Voucher in Fiscal Year 2016**

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or the Agency) is announcing the fee rate for using a rare pediatric disease priority review

voucher for fiscal year (FY) 2016. The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Food and Drug Administration Safety and Innovation Act (FDASIA), authorizes FDA to determine and collect rare pediatric disease priority review user fees for certain applications for review of human drug or biological products when those applications use a rare pediatric disease priority review voucher. These vouchers are awarded to the sponsors of certain rare pediatric disease product applications, submitted 90 days or more after July 9, 2012, upon FDA approval of such applications. The amount of the fee for using a rare pediatric disease priority review voucher is determined each FY based on the difference between the average cost incurred by FDA in the review of a human drug application subject to priority review in the previous FY, and the average cost incurred in the review of an application that is not subject to priority review in the previous FY. This notice establishes the rare pediatric disease priority review fee rate for FY 2016 and outlines the payment procedures for such fees.

**FOR FURTHER INFORMATION CONTACT:**

Robert J. Marcarelli, Office of Financial Management, Food and Drug Administration, 8455 Colesville Rd., COLE-14202F, Silver Spring, MD 20993-0002, 301-796-7223.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Section 908 of FDASIA (Pub. L. 112-144) added section 529 to the FD&C Act (21 U.S.C. 360ff). In section 529 of the FD&C Act, Congress encouraged development of new human drugs and biological products for prevention and treatment of certain rare pediatric diseases by offering additional incentives for obtaining FDA approval of such products. Under section 529 of the FD&C Act, the sponsor of an eligible human drug application submitted 90 days or more after July 9, 2012, for a rare pediatric disease (as defined in section 529(a)(3)) shall receive a priority review voucher upon approval of the rare pediatric disease product application. The recipient of a rare pediatric disease priority review voucher may either use the voucher for a future human drug application submitted to FDA under section 505(b)(1) of the FD&C Act (21 U.S.C. 355(b)(1)) or section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)), or transfer (including by sale) the voucher to another party that may then use it for a human drug application submitted to FDA under section 505(b)(1) of the FD&C Act or section

351(a) of the Public Health Service Act. A priority review is a review conducted with a Prescription Drug User Fee Act (PDUFA) goal date of 6 months after the receipt or filing date, depending on the type of application. Information regarding PDUFA goals is available at <http://www.fda.gov/downloads/forindustry/userfees/prescriptiondruguserfee/ucm270412.pdf>.

The applicant that uses a rare pediatric disease priority review voucher is entitled to a priority review of its eligible human drug application, but must pay FDA a rare pediatric disease priority review user fee in addition to any fee required by PDUFA for the application. Information regarding the rare pediatric disease priority review voucher program is available at: <http://www.fda.gov/Drugs/DevelopmentApprovalProcess/DevelopmentResources/ucm375479.htm>.

This notice establishes the rare pediatric disease priority review fee rate for FY 2016 at \$2,727,000 and outlines FDA's procedures for payment of rare pediatric disease priority review user fees. This rate is effective on October 1, 2015, and will remain in effect through September 30, 2016.

**II. Rare Pediatric Priority Review User Fee for FY 2016**

Under section 529(c)(2) of the FD&C Act, the amount of the rare pediatric disease priority review user fee is determined each fiscal year based on the difference between the average cost incurred by FDA in the review of a human drug application subject to priority review in the previous fiscal year, and the average cost incurred by FDA in the review of a human drug application that is not subject to priority review in the previous fiscal year. The rare pediatric disease priority review voucher fee is intended to cover the incremental costs for FDA to do a priority review on a human drug application that would otherwise get a standard review. The formula provides the Agency with the added resources to conduct a priority review while still ensuring a robust rare pediatric disease priority review voucher program that is consistent with the Agency's public health goal of encouraging the development of new human drugs and biological products for rare pediatric diseases.

A priority review is a review conducted with a PDUFA goal date of 6 months after the receipt or filing date, depending on the type of application. Under the PDUFA goals letter, FDA has committed to reviewing and acting on

90 percent of the applications granted priority review status within this expedited timeframe. Normally, an application for a human drug or biological product will qualify for priority review if the product is intended to treat a serious condition and, if approved, would provide a significant improvement in safety or effectiveness. An application that does not receive a priority designation will receive a standard review. Under the PDUFA goals letter, FDA has committed to reviewing and acting on 90 percent of standard applications within 10 months of the receipt or filing date depending on the type of application. A priority review involves a more intensive level of effort and a higher level of resources than a standard review.

Section 529 of the FD&C Act specifies that the rare pediatric disease priority review voucher fee amount must be based on the difference between the average cost incurred by the Agency in the review of a human drug application subject to a priority review in the previous fiscal year, and the average cost incurred by the Agency in the review of a human drug application not subject to a priority review in the previous fiscal year. FDA is setting a fee for FY 2016, which is to be based on standard cost data from the previous fiscal year, FY 2015. However, the FY 2015 submission cohort has not been closed out yet, thus the cost data for FY 2015 are not complete. The latest year for which FDA has complete cost data is FY 2014. Furthermore, because FDA has never tracked the cost of reviewing applications that get priority review as a separate cost subset, FDA estimated this cost based on other data that the Agency has tracked. FDA uses data that the Agency estimates and publishes on its Web site each year—standard costs for review. FDA does not publish a standard cost for “the review of a human drug application subject to priority review in the previous fiscal year.” However, we expect all such applications would contain clinical data. The standard cost application categories with clinical data that FDA publishes each year are: (1) New drug applications (NDAs) for a new molecular entity (NME) with clinical data and (2) biologics license applications (BLAs) with clinical data.

The standard cost worksheets for FY 2014 show standard costs (rounded to the nearest thousand dollars) of \$5,646,000 for an NME NDA, and \$5,533,000 for a BLA. Based on these standard costs, the total cost to review the 48 applications in these two categories in FY 2014 (30 NME NDAs and 18 BLAs with clinical data) was

\$268,974,000. (Note: These numbers exclude the President's Emergency Plan for AIDS Relief NDAs; no investigational new drug (IND) review costs are included in this amount.) Twenty-nine of these applications (20 NDAs and 9 BLAs) received priority review, which would mean that the remaining 19 received standard reviews. Because a priority review compresses a review schedule that ordinarily takes 10 months into 6 months, FDA estimates that a multiplier of 1.67 (10 months divided by 6 months) should be applied to non-priority review costs in estimating the effort and cost of a priority review as compared to a standard review. This multiplier is consistent with published research on this subject which supports a priority review multiplier in the range of 1.48 to 2.35 (Ref. 1). The multiplier derived by FDA falls well below the midpoint of this range. Using FY 2014 figures, the costs of a priority and standard review are estimated using the following formula:

$$(29 \alpha \times 1.67) + (19 \alpha) = \$268,974,000$$

Where " $\alpha$ " is the cost of a standard review and " $\alpha$  times 1.67" is the cost of a priority review. Using this formula, the cost of a standard review for NME NDAs and BLAs is calculated to be \$3,989,000 (rounded to the nearest thousand dollars) and the cost of a priority review for NME NDAs and BLAs is 1.67 times that amount, or \$6,662,000 (rounded to the nearest thousand dollars). The difference between these two cost estimates, or \$2,673,000, represents the incremental cost of conducting a priority review rather than a standard review.

For the FY 2016 fee, FDA will need to adjust the FY 2014 incremental cost by the average amount by which FDA's average costs increased in the 3 years prior to FY 2015, to adjust the FY 2014 amount for cost increases in FY 2015. That adjustment, published in the **Federal Register** on August 3, 2015 (see 80 FR 46028 at 46029), is 2.0266 percent for the most recent year, not compounded. Increasing the FY 2014 incremental priority review cost of \$2,673,000 by 2.0266 percent results in an estimated cost of \$2,727,000 (rounded to the nearest thousand dollars). This is the rare pediatric disease priority review user fee amount for FY 2016 that must be submitted with a priority review voucher for a human drug application in FY 2016, in addition to any PDUFA fee that is required for such an application.

### III. Fee Schedule for FY 2016

The fee rate for FY 2016 is set out in table 1:

TABLE 1—RARE PEDIATRIC DISEASE PRIORITY REVIEW SCHEDULE FOR FY 2016

Fee category	Fee rate for FY 2016
Application submitted with a rare pediatric disease priority review voucher in addition to the normal PDUFA Fee.	\$2,727,000

### IV. Implementation of Rare Pediatric Disease Priority Review User Fee

Under section 529(c)(4)(A) of the FD&C Act, the priority review user fee is due (*i.e.* the obligation to pay the fee is incurred) when a sponsor notifies FDA of its intent to use the voucher. Section 529(c)(4)(B) of the FD&C Act specifies that the application will be considered incomplete if the priority review user fee and all other applicable user fees are not paid in accordance with FDA payment procedures. In addition, section 529(c)(4)(C) specifies that FDA may not grant a waiver, exemption, reduction, or refund of any fees due and payable under this section of the FD&C Act. Beginning with FDA's appropriation for FY 2015, the annual appropriation language states specifically that priority review user fees authorized by 21 U.S.C. 360n and 360ff (section 529 of the FD&C Act) shall be credited to this account, to remain available until expended." (Pub. L. 113–235, Section 5, Division A, Title VI).

The rare pediatric disease priority review fee established in the new fee schedule must be paid for any application that is received on or after October 1, 2015. In order to comply with this requirement, the sponsor must contact FDA before providing official notification of its intent to use the voucher.

FDA will issue an invoice to the sponsor who has incurred a rare pediatric disease priority review voucher fee when it receives the sponsor's notification of intent to use the voucher. The invoice will include instructions on how to pay the fee via wire transfer or check.

As noted in section II, if a sponsor uses a rare pediatric disease priority review voucher for a human drug application, the sponsor would incur the rare pediatric disease priority review voucher fee in addition to any PDUFA fee that is required for the application. The sponsor would need to follow

FDA's normal procedures for timely payment of the PDUFA fee for the human drug application.

### IV. Reference

The following reference has been placed on display in the Division of Dockets Management (see **ADDRESSES**), and may be seen by interested person between 9 a.m. and 4 p.m., Monday through Friday.

- Ridley, D. B., H. G. Grabowski, and J. L. Moe, "Developing Drugs for Developing Countries," *Health Affairs*, vol. 25, no. 2, pp. 313–324, 2006.

Dated: September 22, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–24508 Filed 9–25–15; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Deafness and Other Communication Disorders; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, NIDCD.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(6), title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Board of Scientific Counselors, NIDCD.

*Date:* October 26–27, 2015.

*Closed:* October 26, 2015, 8:00 a.m. to 8:30 a.m.

*Agenda:* To review and evaluate personal qualifications and performance, and competence of individual investigators.

*Place:* National Institutes of Health, Porter Neuroscience Research Center, Room 610, Building 35A Convent Drive, Bethesda, MD 20892.

*Open:* October 26, 2015, 8:30 a.m. to 8:45 a.m.

*Agenda:* Reports from the Institute staff.

*Place:* National Institutes of Health, Porter Neuroscience Research Center, Room 610, Building 35A Convent Drive, Bethesda, MD 20892.

*Closed:* October 26, 2015, 8:45 a.m. to 4:40 p.m.

*Agenda:* To review and evaluate personal qualifications and performance, and competence of individual investigators.

*Place:* National Institutes of Health, Porter Neuroscience Research Center, Room 610, Building 35A Convent Drive, Bethesda, MD 20892.

*Closed:* October 27, 2015, 8:00 a.m. to 2:15 p.m.

*Agenda:* To review and evaluate personal qualifications and performance, and competence of individual investigators.

*Place:* National Institutes of Health, Porter Neuroscience Research Center, Room 610, Building 35A Convent Drive, Bethesda, MD 20892.

*Contact Person:* Andrew J. Griffith, Ph.D., MD, Director, Division of Intramural Research, National Institute on Deafness and Other Communication Disorders, 35A Convent Drive, GF 103, Rockville, MD 20892, 301-496-1960, [griffita@nidcd.nih.gov](mailto:griffita@nidcd.nih.gov).

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: <http://www.nidcd.nih.gov/about/groups/bsc/>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: September 23, 2015.

**Melanie J. Gray,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-24545 Filed 9-25-15; 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; NHLBI Summer Training R25 Review.

*Date:* October 20, 2015.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

*Contact Person:* YingYing Li-Smerin, MD, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7184, Bethesda, MD 20892-7924, 301-435-0277, [lismerein@nhlbi.nih.gov](mailto:lismerein@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 22, 2015.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-24482 Filed 9-25-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C.,

as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; SBIB Clinical Pediatric and Fetal Applications.

*Date:* October 21, 2015.

*Time:* 11:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

*Contact Person:* John Firrell, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5118, MSC 7854, Bethesda, MD 20892, 301-435-2598, [firrellj@csr.nih.gov](mailto:firrellj@csr.nih.gov).

*Name of Committee:* Healthcare Delivery and Methodologies Integrated Review Group; Biostatistical Methods and Research Design Study Section.

*Date:* October 23, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Marriott Courtyard Gaithersburg Washingtonian Ctr, 204 Boardwalk Place, Gaithersburg, MD 20878.

*Contact Person:* Peter J. Kozel, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3139, Bethesda, MD 20892, 301-435-1116, [kozelp@mail.nih.gov](mailto:kozelp@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA-CA-15-006: Big Data to Knowledge (BD2K) Advancing Biomedical Science Using Crowdsourcing and Interactive Digital Media (UH2).

*Date:* October 23, 2015.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

*Contact Person:* Kee Hyang Pyon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7806, Bethesda, MD 20892, [pyonkh2@csr.nih.gov](mailto:pyonkh2@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Virology.

*Date:* October 26, 2015.

*Time:* 1:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

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

*Contact Person:* John C. Pugh, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1206, MSC 7808, Bethesda, MD 20892, (301) 435-2398, [pughjohn@csr.nih.gov](mailto:pughjohn@csr.nih.gov).

*Name of Committee:* Brain Disorders and Clinical Neuroscience Integrated Review Group; Clinical Neuroscience and Neurodegeneration Study Section.

*Date:* October 28–29, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

*Contact Person:* Alessandra C. Rovescalli, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Rm 5205 MSC7846, Bethesda, MD 20892, (301) 435–1021, [rovesca@mail.nih.gov](mailto:rovesca@mail.nih.gov).

*Name of Committee:* Brain Disorders and Clinical Neuroscience Integrated Review Group; Clinical Neuroplasticity and Neurotransmitters Study Section.

*Date:* October 28–29, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Melrose Hotel, 2430 Pennsylvania Ave. NW., Washington, DC 20037.

*Contact Person:* Suzan Nadi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217B, MSC 7846, Bethesda, MD 20892, 301–435–1259, [nadis@csr.nih.gov](mailto:nadis@csr.nih.gov).

*Name of Committee:* Brain Disorders and Clinical Neuroscience Integrated Review Group; Acute Neural Injury and Epilepsy Study Section.

*Date:* October 28–29, 2015.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

*Contact Person:* Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237–9838, [bhagavas@csr.nih.gov](mailto:bhagavas@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities.

*Date:* October 28, 2015.

*Time:* 1:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Alexander Gubin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6046B, MSC 7892, Bethesda, MD 20892, 301–408–9655, [gubina@csr.nih.gov](mailto:gubina@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Pilot Clinical Studies (R21) in Kidney Diseases.

*Date:* October 28, 2015.

*Time:* 1:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Atul Sahai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892, 301–435–1198, [sahaia@csr.nih.gov](mailto:sahaia@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurobiology of Neurodegenerative Disorders.

*Date:* October 28, 2015.

*Time:* 12:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Boris P. Sokolov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217A, MSC 7846, Bethesda, MD 20892, 301–408–9115, [bsokolov@csr.nih.gov](mailto:bsokolov@csr.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 22, 2015.

**Carolyn Baum,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–24486 Filed 9–25–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Environmental Health Sciences Special Emphasis Panel; Support for the National Toxicology Program (NTP) Scientific Information Management & Literature-Based Evaluation Program.

*Date:* October 22, 2015.

*Time:* 9:30 a.m. to 5:30 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* Doubletree by Hilton Hotel, 4810 Page Creek Lane, Durham, NC 27703.

*Contact Person:* RoseAnne M. McGee, Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709 (919) 541–0752 [mcgee1@niehs.nih.gov](mailto:mcgee1@niehs.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: September 22, 2015.

**Carolyn Baum,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–24485 Filed 9–25–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Dental and Craniofacial 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 Dental and Craniofacial Research Special Emphasis Panel Secondary Data Analysis PARS.

*Date:* October 21, 2015.

*Time:* 1:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

*Contact Person:* Guo He Zhang, MPH, Ph.D., Scientific Review Officer, Scientific

Review Branch, National Institute of Dental and Craniofacial Research, National Institutes of Health, 6701 Democracy Boulevard Suite 672, Bethesda, MD 20892 [zhanggu@mail.nih.gov](mailto:zhanggu@mail.nih.gov).

*Name of Committee:* National Institute of Dental and Craniofacial Research Special Emphasis Panel Outcome Measures (FOAs).

*Date:* November 2, 2015.

*Time:* 1:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

*Contact Person:* Guo He Zhang, MPH, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research National Institutes of Health, 6701 Democracy Boulevard Suite 672, Bethesda, MD 20892, [zhanggu@mail.nih.gov](mailto:zhanggu@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: September 21, 2015.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-24487 Filed 9-25-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel.

*Date:* November 13, 2015.

*Time:* 1:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Dennis E. Leszczynski, 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) 435-6884, [leszczzyd@mail.nih.gov](mailto:leszczzyd@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 22, 2015.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-24480 Filed 9-25-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Radiation Biology.

*Date:* October 13, 2015.

*Time:* 2:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Syed M. Quadri, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6210, MSC 7804, Bethesda, MD 20892, 301-435-1211, [quadris@csr.nih.gov](mailto:quadris@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Cellular Aspects of Diabetes and Obesity.

*Date:* October 15-16, 2015.

*Time:* 12:00 p.m. to 2:00 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:* Elaine Sierra-Rivera, Ph.D., Scientific Review Officer, Genes, Genomes, and Genetics IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2200, MSC 7890, Bethesda, MD 20892, 301 435-2514, [riverase@csr.nih.gov](mailto:riverase@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Chemoprevention CDP Conflict.

*Date:* October 15, 2015.

*Time:* 12:00 p.m. to 1:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Syed M. Quadri, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6210, MSC 7804, Bethesda, MD 20892, 301-435-1211, [quadris@csr.nih.gov](mailto:quadris@csr.nih.gov).

*Name of Committee:* Population Sciences and Epidemiology Integrated Review Group; Societal and Ethical Issues in Research Study Section.

*Date:* October 16, 2015.

*Time:* 9:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Marines' Memorial Club and Hotel, 609 Sutter Street, San Francisco, CA 94102.

*Contact Person:* Karin F. Helmers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3148, MSC 7770, Bethesda, MD 20892, (301) 254-9975, [helmersk@csr.nih.gov](mailto:helmersk@csr.nih.gov).

*Name of Committee:* Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Biochemistry and Biophysics of Membranes Study Section.

*Date:* October 20-21, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Nuria E. Assa-Munt, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4164, MSC 7806, Bethesda, MD 20892, (301) 451-1323, [assamunu@csr.nih.gov](mailto:assamunu@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Facial Recognition.

*Date:* October 20, 2015.

*Time:* 1:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Mark Lindner, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7770, Bethesda, MD 20892, 301-915-6298, [mark.lindner@csr.nih.gov](mailto:mark.lindner@csr.nih.gov).



*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowship; Physiology and Pathobiology of Musculoskeletal, Oral and Skin Systems.

*Date:* October 21, 2015.

*Time:* 8:00 a.m. to 6:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Anshumali Chaudhari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4124, MSC 7802, Bethesda, MD 20892, (301) 435-1210, [chaudhaa@csr.nih.gov](mailto:chaudhaa@csr.nih.gov).

*Name of Committee:* Cardiovascular and Respiratory Sciences Integrated Review Group; Clinical and Integrative Cardiovascular Sciences Study Section.

*Date:* October 22–23, 2015.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Washington Plaza Hotel, 10 Thomas Circle, NW., Washington, DC 20005.

*Contact Person:* Yuanna Cheng, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7814, Bethesda, MD 20892, (301)435-1195, [Chengy5@csr.nih.gov](mailto:Chengy5@csr.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 22, 2015.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–24483 Filed 9–25–15; 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 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 Heart, Lung, and Blood Institute Special Emphasis Panel; Bioreactors for Reproductive Medicine (STTR).

*Date:* October 22, 2015.

*Time:* 1:00 p.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Tony L. Creazzo, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892–7924, 301–435–0725, [creazzotl@mail.nih.gov](mailto:creazzotl@mail.nih.gov).

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel; Bioreactors for Reproductive Medicine (SBIR).

*Date:* October 22, 2015.

*Time:* 2:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Tony L. Creazzo, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7180, Bethesda, MD 20892–7924, 301–435–0725, [creazzotl@mail.nih.gov](mailto:creazzotl@mail.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 22, 2015.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–24481 Filed 9–25–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Proposed Collection; 60-Day Comment Request; Collection of Customer Services, Demographic, and Smoking/Tobacco Use Information From the National Cancer Institute's Cancer Information Service (CIS) Clients (NCI)

**SUMMARY:** In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI), National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the

following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

*To Submit Comments and for Further*

*Information:* To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Mary Anne Bright, NCI Office of Communications and Public Liaison, 9609 Medical Center Drive, Rockville, MD 20850 or call non-toll-free number 240–276–6647 or Email your request, including your address to: [brightma@mail.nih.gov](mailto:brightma@mail.nih.gov). Formal requests for additional plans and instruments must be requested in writing.

*Comment Due Date:* Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

*Proposed Collection:* Collection of Customer Service, Demographic, and Smoking/Tobacco use Information from the National Cancer Institute's Cancer Information Service (CIS) Clients (NCI), 0925–0208, Revision, National Cancer Institute (NCI), National Institutes of Health (NIH).

*Need and Use of Information Collection:* The National Cancer Institute (NCI) currently collects: (1) Customer service and demographic information from clients of the Cancer Information Service (CIS) in order to properly plan, implement, and evaluate cancer education efforts, including assessing the extent by which the CIS reaches and impacts underserved populations; (2) smoking/tobacco use behavior of individuals seeking NCI's smoking cessation assistance through the CIS in order to provide smoking cessation services tailored to the individual client's needs and track their smoking behavior at follow up. This is a request for OMB to approve a revised submission for an additional three years to provide ongoing customer service, collection of demographic information, and brief customer satisfaction information from NCI Cancer



Information Service (CIS) Clients for the purpose of program planning and evaluation.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total

estimated annualized burden hours are 2,879.

#### ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Survey instrument	Number of respondents	Frequency of responses	Average time per response (minutes/hour)	Annual burden hours
Telephone Clients .....	Customer Service .....	65,500	1	1/60	1,092
	Demographic Questions .....	23,580	1	2/60	786
Smoking Cessation "Quitline" Clients Reactive Service Clients.	Smoking Cessation "Intake" Questions.	5,707	1	5/60	475
	Demographic Questions .....	3,995	1	2/60	133
Smoking Cessation "Quitline" Clients Proactive Callback Service Clients.	Follow-Up .....	1,540	4	1/60	25
LiveHelp Clients .....	Demographic questions .....	6,119	1	2/60	204
Customer Satisfaction Survey .....	Survey questions .....	15,665	1	2/60	130
E-mail Clients .....	Email Intake Form .....	1,000	1	2/60	34

Dated: September 15, 2015.

**Karla Bailey,**

*NCI Project Clearance Liaison, National Institutes of Health.*

[FR Doc. 2015-24544 Filed 9-25-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel; Transition to Adulthood within its Life Course and Intergenerational Family Context.

*Date:* November 17, 2015.

*Time:* 9:00 a.m. to 12:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6100 Executive Boulevard, Rm. 5B01, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Carla T. Walls, Ph.D., Scientific Review Officer, Scientific Review

Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892-9304, (301) 435-6898, [wallsc@mail.nih.gov](mailto:wallsc@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: September 22, 2015.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-24479 Filed 9-25-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Mental Health; 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 Mental Health Special Emphasis Panel, Pilot

Effectiveness Studies and Services Research Grants (R34).

*Date:* October 20, 2015.

*Time:* 2:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.

*Contact Person:* Karen Gavin-Evans, Ph.D., Scientific Review Officer Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Boulevard, Room 6153, MSC 9606, Bethesda, MD 20892, 301-451-2356, [gavinevanskm@mail.nih.gov](mailto:gavinevanskm@mail.nih.gov).

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel, Clinical Trials to Test the Effectiveness of Treatment, Preventive, and Services Interventions (R01).

*Date:* October 20, 2015.

*Time:* 12:30 p.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.

*Contact Person:* Aileen Schulte, Ph.D., Scientific Review Officer Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6140, MSC 9608, Bethesda, MD 20892-9608, 301-443-1225, [aschulte@mail.nih.gov](mailto:aschulte@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: September 22, 2015.

**Carolyn A. Baum,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-24521 Filed 9-25-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Allergy, Immunology, and Transplantation Research Committee.

*Date:* October 21–22, 2015.

*Time:* October 21, 2015, 10:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Room 2H200, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

*Time:* October 22, 2015, 10:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Room 4H100, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

*Contact Person:* James T. Snyder, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities/ Room 3G31B, National Institutes of Health, NIAID, 5601 Fishers Lane MSC 9834, Bethesda, MD 20892–9834, (240) 669–5060, [james.snyder@nih.gov](mailto:james.snyder@nih.gov).

*Name of Committee:* Microbiology, Infectious Diseases and AIDS Initial Review Group; Microbiology and Infectious Diseases Research Committee.

*Date:* October 21–22, 2015.

*Time:* October 21, 2015, 1:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Room 3F100, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

*Time:* October 22, 2015, 1:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Room 4F100, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

*Contact Person:* Frank S. De Silva, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities,

Room #3E72A, National Institutes of Health/ NIAID, 5601 Fishers Lane, MSC 9834, Bethesda, MD 20892934, (240) 669–5023, [fdesilva@niaid.nih.gov](mailto:fdesilva@niaid.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: September 21, 2015.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–24489 Filed 9–25–15; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Proposed Collection; 60-Day Comment Request; Evaluation of the Enhancing Diversity of the NIH-Funded Workforce Program (NIGMS)

**SUMMARY:** In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institute of General Medical Sciences, National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

*To Submit Comments and for Further Information:* To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Dr. Michael Sesma, Chief, Postdoctoral Training Branch, Division of Training, Workforce

Development, and Diversity, NIGMS, 45 Center Drive, Room 2AS43H, Bethesda, MD 20892, or call non-toll-free number (301) 594–3900, or Email your request, including your address to: [msema@nigms.nih.gov](mailto:msema@nigms.nih.gov). Formal requests for additional plans and instruments must be requested in writing.

*Comment Due Date:* Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

*Proposed Collection:* Evaluation of the Enhancing the Diversity of the NIH-funded Workforce Program Consortium (DPC), National Institute of General Medical Sciences (NIGMS), National Institutes of Health (NIH).

*Need and Use of Information Collection:* The goal of the DPC is to address a unique and compelling need identified by NIH, namely to enhance the diversity of well-trained biomedical research scientists who can successfully compete for NIH research funding and/or otherwise contribute to the NIH-funded scientific workforce. The DPC is a national collaborative through which awardee institutions, in partnership with NIH, aim to enhance diversity in the biomedical research workforce through the development, implementation, assessment and dissemination of innovative and effective approaches to: (a) Student outreach, engagement, training, and mentoring, (b) faculty development, and (c) institutional research training infrastructure. The Coordination and Evaluation Center (CEC) will evaluate the efficacy of the training and mentoring approaches implemented across a variety of contexts and populations and will disseminate information to the broader research community. The planned consortium-wide data collection and evaluation will provide comprehensive information about the multi-dimensional factors (individual, institutional, and faculty/mentor) that influence student and faculty success, professional development, and persistence within biomedical research career paths across a variety of contexts. The planned data collection, and the resulting findings, is projected to have a sustained, transformative effect on biomedical research training and mentoring nationwide.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 70,260.

## ESTIMATED ANNUALIZED BURDEN HOURS

## A.12.1: Annualized estimate of hour burden

Type of respondents	Number of respondents	Frequency of response	Average time per response (in hours)	Annual hour burden
BUILD Student—Entrance Survey (Version A:HERI Freshman Survey, Version B: HERI Freshman Survey for Non-Freshman Transfers) .....	15,000	1	45/60	11,250
BUILD Student—Follow-up survey at the end of the first attendance year (HERI Your First College Year) .....	15,000	1	45/60	11,250
BUILD Student—Follow-up survey at graduation (HERI College Senior Survey) .....	15,000	1	45/60	11,250
BUILD Student Annual Tracking Survey .....	45,000	1	25/60	18,750
BUILD Faculty survey (HERI Faculty Survey) .....	500	1	45/60	375
BUILD Faculty Annual Tracking survey .....	500	2	25/60	417
BUILD Institutions—Institutional Research & Program Data Requests .....	10	3	16	480
BUILD Institutions—Implementation Reports .....	10	3	16	480
BUILD Institutions—Site Visits .....	120	3	24	8,640
BUILD Institutions—Case Studies .....	26	1	40	1,040
BUILD Students, Faculty & Administrators—Case Study Interviews .....	780	1	1	780
NRMN Participants—Annual tracking surveys (NRMN Mentee Tracking Survey OR NRMN Mentor Tracking Survey) .....	2270	6	15/60	3405
NRMN Participants—Program specific modules for tracking survey (Mentor Skills, Research & Grant Writing, Mentee Assessment of Mentor, Coaching Training, Institutional Context) .....	5780	2	10/60	1927
NRMN site visits .....	1	6	16	96
NRMN case studies .....	60	2	1	120
Total .....				70,260

Dated: September 22, 2015.

**Tammy Dean-Maxwell,**

*Project Clearance Liaison, NIGMS, NIH.*

[FR Doc. 2015–24594 Filed 9–25–15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Deafness and Other Communication Disorders Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute on Deafness and Other Communication Disorders Special Emphasis Panel, Clinical Trials Review in Hearing.

*Date:* October 8, 2015.

*Time:* 11:00 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

*Contact Person:* Kausik Ray, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, Rockville, MD 20850, 301–402–3587, [rayk@nidcd.nih.gov](mailto:rayk@nidcd.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* National Institute on Deafness and Other Communication Disorders Special Emphasis Panel, Fellowships—VSL.

*Date:* October 22, 2015.

*Time:* 12:00 p.m. to 2:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

*Contact Person:* Sheo Singh, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, 301–496–8683, [singhs@nidcd.nih.gov](mailto:singhs@nidcd.nih.gov).

*Name of Committee:* National Institute on Deafness and Other Communication Disorders Special Emphasis Panel, Fellowships—Hearing and Balance.

*Date:* October 27, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Kausik Ray, Ph.D., Scientific Review Officer, National Institute on Deafness and Other Communication Disorders, National Institutes of Health, Rockville, MD 20850, 301–402–3587, [rayk@nidcd.nih.gov](mailto:rayk@nidcd.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: September 23, 2015.

**Melanie J. Gray,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015–24546 Filed 9–25–15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Cancellation of Meeting

Notice is hereby given of the cancellation of the Center for Scientific Review Special Emphasis Panel, October 23, 2015, 8:30 a.m. to October 23, 2015, 5:00 p.m., Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD, 20815 which was published in the **Federal Register** on September 17, 2015, 80 FR 55866.

The meeting has been cancelled due to the reassignment of applications.

Dated: September 22, 2015.

**Carolyn Baum,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-24484 Filed 9-25-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Mental Health; 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 Mental Health Special Emphasis Panel.

*Date:* October 26, 2015.

*Time:* 1:30 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Marcy Ellen Burstein, Ph.D., Scientific Review Officer Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6143, MSC 9606, Bethesda, MD 20892-9606, 301-443-9699, [bursteinme@mail.nih.gov](mailto:bursteinme@mail.nih.gov).

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel; Experimental Therapeutics Clinical Trials.

*Date:* October 27, 2015.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* David I. Sommers, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Room 6154, MSC 9606, Bethesda, MD 20892-9606, 301-443-7861, [dsommers@mail.nih.gov](mailto:dsommers@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: September 22, 2015.

**Carolyn A. Baum,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-24520 Filed 9-25-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel, NIAID Investigator Initiated Program Project Application (P01).

*Date:* October 26, 2015

*Time:* 1:00 p.m. to 5:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Room 3F40, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

*Contact Person:* Robert C. Unfer, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3F40A National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892-9823, (240) 669-5035, [robert.unfer@nih.gov](mailto:robert.unfer@nih.gov).

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel, NIAID Investigator Initiated Program Project Application (P01).

*Date:* October 29, 2015.

*Time:* 1:00 p.m. to 5:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Room 3F40, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

*Contact Person:* Robert C. Unfer, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3F40A National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892-9823, (240) 669-5035, [robert.unfer@nih.gov](mailto:robert.unfer@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology,

and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: September 21, 2015.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-24488 Filed 9-25-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket No. FEMA-2015-0001; Internal Agency Docket No. FEMA-B-1511]

#### Proposed Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency; DHS.

**ACTION:** Notice; correction.

**SUMMARY:** On June 8, 2015, FEMA published in the **Federal Register** a proposed flood hazard determination notice that contained an erroneous table. This notice provides corrections to that table, to be used in lieu of the information published at 80 FR 32396. The table provided here represents the proposed flood hazard determinations and communities affected for Humboldt County, California, and Incorporated Areas.

**DATES:** Comments are to be submitted on or before December 28, 2015.

**ADDRESSES:** The Preliminary Flood Insurance Rate Map (FIRM), and where applicable, the Flood Insurance Study (FIS) report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at [www.msc.fema.gov](http://www.msc.fema.gov) for comparison.

You may submit comments, identified by Docket No. FEMA-B-1511, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064 or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov); or visit

the FEMA Map Information eXchange (FMIX) online at [www.floodmaps.fema.gov/fhm/fmx\\_main.html](http://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** FEMA proposes to make flood hazard determinations for each community listed in the table below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium

rates for new buildings built after the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP may only be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at [http://floodsrp.org/pdfs/srp\\_fact\\_sheet.pdf](http://floodsrp.org/pdfs/srp_fact_sheet.pdf).

The communities affected by the flood hazard determinations are provided in the table below. Any request for reconsideration of the revised flood hazard determinations shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard

determinations will also be considered before the FIRM and FIS report are made final.

**Correction**

In the proposed flood hazard determination notice published at 80 FR 32396 in the June 8, 2015, issue of the **Federal Register**, FEMA published a table titled "Humboldt County, CA and Incorporated Areas". This table contained inaccurate information as to the communities affected by the proposed flood hazard determinations featured in the table. The Cities of Eureka and Ferndale were not included in the previous notice.

In this document, FEMA is publishing a table containing the accurate information. The information provided below should be used in lieu of that previously published.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: September 11, 2015.

**Roy E. Wright,**

*Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

Community	Community map repository address
<b>Humboldt County, California, and Incorporated Areas</b>	
Maps available for inspection online at: <a href="http://www.fema.gov/preliminaryfloodhazarddata">http://www.fema.gov/preliminaryfloodhazarddata</a> Project: 07-09-0269S Preliminary Dates: August 7, 2009, March 19, 2010, January 9, 2015	
City of Arcata .....	City of Arcata, 525 9th Street, Arcata, CA 95521.
City of Blue Lake .....	City of Blue Lake, 111 Greenwood Avenue, Blue Lake, CA 95525.
City of Eureka .....	City Hall, 531 K Street, Eureka, CA 95501.
City of Ferndale .....	Public Works Department, 834 Main Street, Ferndale, CA 95536.
City of Fortuna .....	City of Fortuna City Hall, 621 11th Street, Fortuna, CA 95540.
Unincorporated Areas of Humboldt County .....	Clark Complex, 3015 H Street, Eureka, CA 95501.

[FR Doc. 2015-24497 Filed 9-25-15; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

[Docket ID FEMA-2015-0001; Internal Agency Docket No. FEMA-B-1538]

**Changes in Flood Hazard Determinations**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone

designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and

must be used for all new policies and renewals.

**DATES:** These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

**ADDRESSES:** The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the

respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at [www.msc.fema.gov](http://www.msc.fema.gov) for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [www.floodmaps.fema.gov/fhm/fmx\\_main.html](http://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood

hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more

stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below.

Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at [www.msc.fema.gov](http://www.msc.fema.gov) for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: September 10, 2015.

**Roy E. Wright,**

*Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Alabama:						
Jefferson .....	City of Leeds ((15-04-4032P).	The Honorable David Miller, Mayor, City of Leeds, 1040 Park Drive, Leeds, AL 35094.	Inspections Department, 1040 Park Drive, Leeds, AL 35094.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Nov. 30, 2015 .....	010125
St. Clair .....	City of Moody (15-04-4032P).	The Honorable Joe Lee, Mayor, City of Moody, 670 Park Avenue, Moody, AL 35004.	Inspection and Public Works Department, 670 Park Avenue, Moody, AL 35004.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Nov. 30, 2015 .....	010187
Colorado:						
Douglas .....	Town of Castle Rock (15-08-0069P).	The Honorable Paul Donahue, Mayor, Town of Castle Rock, 100 North Wilcox Street, Castle Rock, CO 80104.	Utilities Department, 175 Kellogg Road, Castle Rock, CO 80109.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Dec. 4, 2015 .....	080050
Douglas .....	Unincorporated areas of Douglas County (15-08-0069P).	The Honorable Jill Repella, Chair, Douglas County Board of Commissioners, 100 3rd Street, Castle Rock, CO 80104.	Douglas County Public Works Department, 100 3rd Street, Castle Rock, CO 80104.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Dec. 4, 2015 .....	080049
Weld .....	City of Severance (15-08-0837P).	The Honorable Don Brookshire, Mayor, City of Severance, P.O. Box 339, Severance, CO 80546.	Town Hall, 231 West 4th Avenue, Severance, CO 80546.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Nov. 27, 2015 .....	080317
Florida:						
Broward .....	City of Pembroke Pines (15-04-4500P).	The Honorable Frank C. Ortis, Mayor, City of Pembroke Pines, 10100 Pines Boulevard, Pembroke Pines, FL 33026.	Environmental Services Division, 13975 Pembroke Road, Pembroke Pines, FL 33027.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Nov. 12, 2015 .....	120053
Charlotte .....	Unincorporated areas of Charlotte County (15-04-6067P).	The Honorable Ken Doherty, Chairman, Charlotte County Board of Commissioners, 18500 Murdock Circle, Port Charlotte, FL 33948.	Charlotte County Community Development Department, 18500 Murdock Circle, Port Charlotte, FL 33948.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Dec. 1, 2015 .....	120061
Duval .....	City of Jacksonville (15-04-2570P).	The Honorable Alvin Brown, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	City Hall, 214 North Hogan Street, Suite 2100, Jacksonville, FL 32202.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Nov. 12, 2015 .....	120077

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Manatee .....	Town of Longboat Key (15-04-2751P).	The Honorable Jack Duncan, Mayor, Town of Longboat Key, 501 Bay Isles Road, Longboat Key, FL 34228.	Town Hall, 501 Bay Isles Road, Longboat Key, FL 34228.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Nov. 18, 2015 .....	125126
St. Johns .....	Unincorporated areas of St. Johns County (15-04-5662P).	The Honorable James K. Johns, Commissioner, St. Johns County District 1, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Planning and Zoning Department, 4040 Lewis Speedway, St. Augustine, FL 32084.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Nov. 19, 2015 .....	125147
Georgia: Columbia	Unincorporated areas of Columbia County (15-04-4690P).	The Honorable Ron C. Cross, Chairman, Columbia County Board of Commissioners, P.O. Box 498, Evans, GA 30809.	Columbia County Engineering Services Department, 630 Ronald Reagan Drive, Building A, Evans, GA 30809.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Nov. 19, 2015 .....	130059
Massachusetts: Barnstable	Town of Barnstable (15-01-2052P).	The Honorable Jessica Rapp Grasseti, President, Town of Barnstable Council, 367 Main Street, Hyannis, MA 02601.	Town Hall, 367 Main Street, Hyannis, MA 02601.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Nov. 16, 2015 .....	250001
Montana: Powder River	Town of Broadus (14-08-0420P).	The Honorable Milton L. Amsden, Mayor, City of Broadus, P.O. Box 659, Broadus, MT 59317.	Town Clerk's Office, P.O. Box 659, Broadus, MT 59317.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Jan. 20, 2016 .....	300058
Powder River	Unincorporated areas of Powder River County (14-08-0420P).	Mr. Darold Zimmer, Chairman, Powder River County Board of Commissioners, P.O. Box 200, Broadus, MT 59317.	Powder River County Clerk and Recorder's Office, P.O. Box 200, Broadus, MT 59317.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Jan. 20, 2016 .....	300163
North Carolina: Northampton	Town of Gaston (15-04-4075P).	The Honorable Jason Moore, Mayor, Town of Gaston, 223 Craige Street, Gaston, NC 27832.	Town Hall, 223 Craige Street, Gaston, NC 27832.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Oct. 26, 2015 .....	370413
Pennsylvania: Blair .....	City of Altoona (14-03-3324P).	The Honorable Matt Pacifico, Mayor, City of Altoona, 1301 12th Street, Suite 100, Altoona, PA 16601.	Public Works Department, 1301 12th Street, Suite 300, Altoona, PA 16601.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Nov. 27, 2015 .....	420159
Blair .....	Township of Logan (14-03-3324P).	Mr. James A. Patterson, Chairman, Township of Logan Board of Supervisors, 100 Chief Logan Circle, Altoona, PA 16602.	Department of Zoning, 100 Chief Logan Circle, Altoona, PA 16602.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Nov. 27, 2015 .....	421391
Texas: Collin .....	City of Frisco (15-06-0486P).	The Honorable Maher Maso, Mayor, City of Frisco, 6101 Frisco Square Boulevard, Frisco, TX 75034.	Engineering Services Department, 6101 Frisco Square Boulevard, Frisco, TX 75034.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Dec. 7, 2015 .....	480134
Dallas .....	City of Dallas (14-06-3370P).	The Honorable Michael S. Rawlings, Mayor, City of Dallas, 1500 Marilla Street, Dallas, TX 75201.	Department of Public Works, 320 East Jefferson Boulevard, Dallas, TX 75203.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Nov. 30, 2015 .....	480171
Ellis .....	City of Waxahachie (15-06-0140P).	The Honorable Kevin Strength, Mayor, City of Waxahachie, 401 South Rogers Street, Waxahachie, TX 75165.	City Hall, 401 South Rogers Street, Waxahachie, TX 75165.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Dec. 2, 2015 .....	480211
Harris .....	City of Houston (15-06-0275P).	The Honorable Annise D. Parker, Mayor, City of Houston, P.O. Box 1562, Houston, TX 77251.	Floodplain Management Office, 1002 Washington Avenue, 3rd Floor, Houston, TX 77002.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Nov. 13, 2015 .....	480296
Harris .....	Unincorporated areas of Harris County (15-06-1550P).	The Honorable Ed M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Dec. 1, 2015 .....	480287
Tarrant .....	City of Forest Hill (15-06-2903X).	The Honorable Gerald Joubert, Mayor, City of Forest Hill, 3219 California Parkway, Forest Hill, TX 76119.	City Hall, 3219 California Parkway, Forest Hill, TX 76119.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Nov. 10, 2015 .....	480595

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Tarrant .....	City of Fort Worth (15-06-0370P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	City Hall, 1000 Throckmorton Street, Fort Worth, TX 76102.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Nov. 13, 2015 .....	480596
Fort Bend .....	Unincorporated areas of Fort Bend County (14-06-2647P).	The Honorable Robert E. Hebert, Fort Bend County Judge, 401 Jackson Street, Richmond, TX 77469.	Fort Bend County Engineering Department, 301 Jackson Street, 4th Floor, Richmond, TX 77469.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Nov. 13, 2015 .....	480228
Waller .....	Unincorporated areas of Waller County (14-06-2647P).	The Honorable Carbett J. Duhon III, Waller County Judge, 836 Austin Street, Suite 203, Hempstead, TX 77445.	Waller County Emergency Management Department, 701 Calvit Street, Hempstead, TX 77445.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Nov. 13, 2015 .....	480640
Virginia: Independent City	City of Fairfax (14-03-2004P).	The Honorable Robert Sisson, Manager, City of Fairfax, 10455 Armstrong Street, Room 316, Fairfax, VA 22030.	Public Works Department, 10455 Armstrong Street, Room 200, Fairfax, VA 22030.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Aug. 25, 2015 .....	515524
Wisconsin:						
Fond du Lac	Village of Campbellsport (14-05-3087P).	The Honorable David Krebs, President, Village of Campbellsport Board of Trustees, P.O. Box 709, Campbellsport, WI 53010.	Village Hall, 177 East Main Street, Campbellsport, WI 53010.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Nov. 13, 2015 .....	550133
Fond du Lac	Unincorporated areas of Fond du Lac County (14-05-3087P).	The Honorable Allen Buechel, Fond du Lac County Executive, 160 South Macy Street, Fond du Lac, WI 54935.	Fond du Lac County Code Enforcement Office, 160 South Macy Street, Fond du Lac, WI 54935.	<a href="http://www.msc.fema.gov/lomc">http://www.msc.fema.gov/lomc</a> .	Nov. 13, 2015 .....	550131

[FR Doc. 2015-24496 Filed 9-25-15; 8:45 am]

BILLING CODE 9110-12-P

**DEPARTMENT OF HOMELAND SECURITY**

**Ideation Prize Competition**

**AGENCY:** Science and Technology Directorate, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** The Department of Homeland Security (DHS) gives notice of the availability of the “National Bio and Agro-Defense Facility Think and Do Challenge” ideation prize competition and rules. The DHS Science and Technology Directorate (DHS S&T) Research and Development Partnerships (RDP) Group Office of National Labs (ONL) is seeking individuals and entities with unique ideas and concepts to jump start the development of an innovation ecosystem focused on Bio/Agro Security. Innovation ecosystems typically consist of the people, institutions, policies and resources that promote the translation of new ideas into products, processes and services. This innovation ecosystem will support one of DHS’s major infrastructure investments: The National Bio and Agro-Defense Facility (NBAF). This prize competition seeks novel approaches to build one or more pieces

of the innovation ecosystem. The novel approach will result in enhancement to innovation, collaboration, training, and talent, therefore enhancing the NBAF mission. Cash prize(s) awarded from this competition are intended to fund a portion of the operating budget for the idea(s) and associated business plan(s) that provides the best solution to build one or more pieces of an innovation ecosystem that aligns to the needs of the NBAF mission. The total cash prize payout for this competition is up to \$100,000 (USD) with at least one cash prize of \$15,000 (USD) and no award will be less than \$15,000 (USD). The awards and amounts will be paid to the best submission(s) as solely determined by the Seeker.

This prize competition consists of the following unique features:

- Terminology
  - Seeker: DHS S&T Office of National Labs
  - Solvers: Ideation Prize competition submitters
  - The Solvers are not required to transfer exclusive intellectual property rights to the Seeker. (See Additional Information-Intellectual Property below)

**DATES:** *Submission Period Beginning Date:* September 30, 2015.

*Submission Period Ending Date:* All submissions must be received electronically as indicated in this announcement by 11:59 p.m. Eastern Standard Time on Monday, November

30, 2015. Late submissions will not be considered. All dates are subject to change. For more details please visit the <http://www.challenge.gov> Web site.

**ADDRESSES:** Questions about this prize competition may be emailed to [innohelp@innocentive.com](mailto:innohelp@innocentive.com).

**FOR FURTHER INFORMATION CONTACT:** *Prize Competition Manager:* Ms. Julie Brewer; *Phone:* 202-254-6454; *Email:* [julie.brewer@hq.dhs.gov](mailto:julie.brewer@hq.dhs.gov).

**SUPPLEMENTARY INFORMATION:** The America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Reauthorization Act of 2010 (The America COMPETES Act), Public Law 111-358, enacted January 4, 2011, authorizes Federal agencies to issue competitions to stimulate innovations that could advance their missions. Interested persons can find full details about the competition rules and register to participate online at <http://www.challenge.gov>. Contest rules are subject to change.

*Subject of the Prize Competition:* Ideas and concepts to jump start the development of an innovation ecosystem focused on Bio/Agro Security and the National Bio and Agro-Defense Facility (NBAF).

*Eligibility Rules:* To be eligible to win a prize under this competition, an individual or entity—

- (1) Shall have registered to participate in the competition under the rules



- promulgated by the Department of Homeland Security, Science and Technology Directorate and in accordance with the description provided, below, under “Registration Information;”
- (2) Shall have complied with all of the requirements under this section;
- (3) Pursuant to the America COMPETES Act of 2010, awards for this Prize competition may only be given to an individual that is a citizen or legal permanent resident of the United States, or an entity that is incorporated in and whose primary place of business is in the United States, subject to verification by the Seeker before Prizes are awarded. An individual or private entity must be the registered entrant to be eligible to win a prize. Further restrictions apply—see the Ideation Challenge-Specific Agreement found at the competition registration Web site and this **Federal Register** Notice for full details.
- (4) Contestants to this prize competition must: agree to be bound by the rules of the prize competition; agree that the decision of the judges for this prize competition are final and binding; and acknowledge that their submission may be the subject of a Freedom of Information Act (FOIA) request and that they are responsible for identifying and marking all business confidential and proprietary information in their submission.
- (5) Entities selected as a prize competition winner must register or be previously registered in the System for Awards Management (<http://www.sam.gov>) in order to receive a cash prize. Registration in the System for Awards Management is not a prerequisite for submitting an entry to this prize competition.
- (6) Winner(s) to this prize competition agree and consent to the Department of Homeland Security, Science and Technology Directorate providing a copy of the winning proposed solution(s), after the final award winner(s) is announced, unless expressly stated otherwise in writing, to be considered for grants from the State of Kansas, administered by Kansas State University. **DISCLAIMER:** The Department of Homeland Security’s only role is to refer prize competition submissions to the Kansas State University for their sole consideration of a potential grant. The Department of Homeland Security is not responsible or liable for any decision made by the Kansas State University or the State of Kansas to award or not award a grant per this prize competition. The Department of Homeland Security is only responsible for judging submissions as contained in the evaluation criteria, selecting award winner(s), and making cash award payments up to \$100,000 as contained in this notice. Neither the Kansas State University nor the State of Kansas is obligated to provide any award or funding at any time.
- (7) Contestants to this prize competition agree, as a condition for receiving a cash prize, to complete a Memorandum of Understanding with the Department of Homeland Security, Science and Technology Directorate to take every reasonable effort to implement their Proposed Solution’s business plan and provide periodic progress reports.
- (8) Contestants to this prize competition must agree and consent, as a condition for receiving a cash prize, to the use of their name, entity, city and state, likeness or image, comments, and a short synopsis of their winning solution as a part of the Department of Homeland Security’s promotion of this prize competition.
- (9) Contestants must own or have access at their own expense to a computer, an Internet connection, and any other electronic devices, documentation, software, or other items that Contestants may deem necessary to create and enter a Submission;
- (10) The following individuals (including any individuals participating as part of an entity) are not eligible regardless of whether they meet the criteria set forth above:
- (i) any individual under the age of 18;
- (ii) any individual who employs an evaluator on the Judging Panel (hereafter, referenced simply as a “Judge”) or otherwise has a material business relationship or affiliation with any Judge;
- (iii) any individual who is a member of any Judge’s immediate family or household;
- (iv) any individual who has been convicted of a felony;
- (v) the Seeker, Participating Organizations, and any advertising agency, contractor or other individual or organization involved with the design, production, promotion, execution, or distribution of the Contest; all employees, representatives and agents thereof; and all members of the immediate family or household of any such individual, employee, representative, or agent;
- (vi) any Federal entity or Federal employee acting within the scope of his or her employment, or as may otherwise be prohibited by Federal law (employees should consult their agency ethics officials);
- (vii) any individual or entity that used Federal facilities or relied upon significant consultation with Federal employees to develop a Submission, unless the facilities and employees were made available to all Contestants participating in the Contest on an equal basis; and
- (viii) any individual or entity that used Federal funds to develop a Submission, unless such use is consistent with the grant award, or other applicable Federal funds awarding document. If a grantee using Federal funds enters and wins this Contest, the prize monies will need to be treated as program income for purposes of the original grant in accordance with applicable Office of Management and Budget Circulars. Federal contractors may not use Federal funds from a contract to develop a Submission for this competition.
- (ix) Employees and contractors of the Department of Homeland Security, Science and Technology Directorate and the U.S. Department of Agriculture, Foreign Animal Diagnostic Laboratory located at Plum Island, NY are ineligible to compete in this competition. Likewise, members of their immediate family (spouses, children, siblings, parents), and persons living in the same household as such persons, whether or not related, are not eligible to participate in any portion of this competition, shall not work on their submission during assigned duty hours. Note: Federal ethical conduct rules may restrict or prohibit federal employees from engaging in certain outside activities, so any federal employee not excluded under the prior paragraph seeking to participate in this competition outside the scope of employment should consult his/her agency’s ethics official prior to developing a submission; and
- (11) For purposes hereof:
- (i) the members of an individual’s immediate family include such individual’s spouse, children and step-children, parents and step-parents, and siblings and step-siblings; and

- (ii) the members of an individual's household include any other person who shares the same residence as such individual for at least three (3) months out of the year.
- (12) Per 15 U.S.C. 3719(h), an individual or entity shall not be deemed ineligible under these eligibility rules 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 equitable basis; and
- (13) Use of Marks: Except as expressly set forth in the Participant Agreement or the contest rules, participants shall not use the names, trademarks, service marks, logos, insignias, trade dress, or any other designation of source or origin subject to legal protection, copyrighted material or similar intellectual property ("Marks") of the organizers or other prize competition partners, sponsors, or collaborators in any way without such party's prior written permission in each instance, which such party may grant or withhold in its sole and absolute discretion.
- (14) An individual or entity that is currently on the Excluded Parties List will not be selected as a prize winner.

*Registration Information:* To be eligible to win a prize under this competition, the Solver shall have registered to participate in the contest under the process identified on the central Federal Web site where government competitions are advertised (Challenge.gov). Access the <http://www.challenge.gov> Web site and sort by: Department of Homeland Security and then select the "National Bio and Agro-Defense Facility Think and Do Challenge" contest. Solvers will be directed to an external Web site created specifically for the competition to obtain contest information, register for the contest including signing the Ideation Challenge-Specific Agreement and submit their entry. After the competition deadline, the Seeker will complete the review process and make a decision with regards to the Winning Solution(s). All Solvers that submitted a proposal will be notified on the status of their submissions; however, no evaluation of individual submissions will be provided.

*Submission Requirements:* This competition requires a proposed solution with a written business plan that describes a novel approach to build

one or more pieces of the bio-agro security innovation ecosystem. The novel approach will result in enhancement to innovation, collaboration, training, and talent, therefore enhancing the NBAF mission.

*Background information to assist in the completion of submission:* In 2022, the Department of Homeland Security, Science and Technology Directorate will open the National Bio and Agro-Defense Facility (NBAF) in Manhattan, Kansas. This state-of-the-art maximum biocontainment facility will offer leading-edge capabilities to help protect our food supply and the nation's public health.

Without a smart strategy, a new laboratory may struggle to capitalize on the benefits of collaboration, innovation, talent and training that are necessary to support the mission over time. The NBAF "Think and Do Challenge" is an opportunity for thinkers, doers, and entrepreneurs to offer fresh approaches, unique ideas or proven methods to jumpstart development of an instrument that enhances the NBAF's role in shaping bio/agro security for the 21st Century.

According to the World Health Organization, approximately 75 percent of new and emerging infectious diseases are zoonotic diseases which may be transmitted from animals to humans. The United States currently does not have a laboratory facility with maximum biocontainment (BSL-4) space to study high-consequence zoonotic diseases affecting large livestock. NBAF will be the first laboratory facility in the United States to provide BSL-4 laboratories capable of housing cattle and other large livestock. NBAF will also feature a vaccine development module to augment its laboratory research and accelerate the transfer of new science and technology into the marketplace. See <http://www.dhs.gov/science-and-technology/national-bio-and-agro-defense-facility>

NBAF's location in Manhattan, Kansas, places it within the Kansas City Animal Health Corridor, the largest concentration of animal health companies in the world. NBAF will be constructed and operated on a secure federally owned site on the northwest corner of the Kansas State University (KSU), adjacent to KSU's Biosecurity Research Institute in Pat Roberts Hall. NBAF will play a leading role in protecting the nation's health and food supply as part of an integrated, advanced bio/agro security innovation system (BASIS). This system is designed to materially enhance public/private sector cooperation and collaboration, leverage stakeholder knowledge and

capabilities, accelerate the transition of technologies and products into the marketplace, and enable skilled training, talent development, and regional economic growth. BASIS is strengthened by NBAF's proximity to a network of organizations with veterinary, agricultural, and animal pharmaceutical expertise.

A video presentation that outlines the strategic vision of the innovation ecosystem can be found at <http://www.dhs.gov/nbafchallenge>. The National Science Foundation has identified a number of the features of an innovation ecosystem. For more information see: [http://www.nsf.gov/news/special\\_reports/i-corps/ecosystem.jsp](http://www.nsf.gov/news/special_reports/i-corps/ecosystem.jsp)

While a number of the features are in place to establish an innovation ecosystem focused on Bio/Agro Security surrounding the NBAF, DHS S&T would like to maximize the potential for the NBAF to serve as a focal point for the ecosystem's components. Notional pieces of an innovation ecosystem include the following examples: Training Component: The prize competition winner would receive a cash prize to develop a certificate program for the training of animal care handlers in a biocontainment environment; Talent Component: The prize competition winner would receive a cash prize to develop a large animal veterinary student exchange program for exposure to the research in a biocontainment environment; Innovation Component: The prize competition winner would receive a cash prize to jump-start a business plan that would accelerate agricultural technologies to market; Collaboration Component: The prize competition winner would receive a cash prize to accelerate novel tools to facilitate virtual research collaboration across long distances or other barriers (*i.e.* from within biocontainment).

The concepts above are provided as illustrations. Solvers are encouraged to develop their own concepts or to build upon the ideas above. Proposed Solutions should pursue economic, scientific, educational and technical opportunities that will advance the development of a vital innovation ecosystem around NBAF, comprising elements of innovation, collaboration, talent, and training.

Submissions to this prize competition shall include a written business plan consisting of five sections that address each topic below as applicable. Business plans must clearly articulate an understanding of the solution and its impact in providing high-value, creative and specialized talent, training,

innovation or collaboration to the innovation ecosystem. Competitive submissions are expected to be in the range of 10–20 pages consisting of:

- (1) Cover Page (Format may be found on the competition Web site).
- (2) Executive Summary.
- (3) Problem and Solution (Also sometimes called an Issue Analysis) (Impact Criterion).
  - (i) Description of a current or future challenge or gap in training, talent, collaboration or innovation that should be considered by DHS as it moves towards the opening of the NBAF in 2022.
  - (ii) Gap to be filled; its importance; and to whom.
  - (iii) Importance of this identified current or future gap to the bio/agro defense community and the NBAF.
  - (iv) Description of the solution that will solve the problems/obstacles described above if awarded the prize.
  - (v) Demonstrated understanding of the selected issue and target market.
- (4) Implementation Plan (Method and Feasibility Criterion).
  - (i) Demonstrated understanding of the selected issue and target market.
  - (ii) Feasibility assessment and a statement describing Solver's ability to execute the proposed solution, including the estimated timeframe, supporting precedents and any special resource existing or needed.
  - (iii) Plan for use of the prize money if won.
  - (iv) Ability of the Solver to execute the proposed plan, including mapping the submission to the 5 step success criteria contained in the judging rules section of this notice.
  - (v) Milestones for the next 6–12 months.
  - (vi) Identify the largest risk factors in implementing the solution.
  - (vii) Identify additional resources that will need to be leveraged, including partnerships, to fully implement the proposed solution.
  - (viii) Identify current stakeholders in support as well as those who are targeted for future collaboration and involvement.
  - (ix) Describe entities and individuals involved in the proposed solution.
- (5) Cost Analysis (Cost Realism Criterion).
  - (i) Business plan funding requirements and use of prize competition cash prize if won.
  - (ii) Adequate or identified financial resources to ensure robust institutional capacity.
  - (iii) Potential for becoming self-sustaining.
  - (iv) Implementation/Commercialization commitment with stakeholder buy-in.

#### *Liability and Indemnification*

*Information:* By participating in this competition, each Solver agrees to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in this competition, whether the injury, death, damage, or loss arises through negligence or otherwise. Likewise, each Solver agrees to indemnify the Federal Government against third party claims for damages arising from or related to competition activities. In order to receive a Prize, a Solver will be required to complete, sign and return to the Seeker affidavit(s) of eligibility and liability release, or a similar verification document.

*Payment of the Prize:* Prizes awarded under this competition will be paid by the Seeker and must be received by the Solver(s) via electronic funds transfer. All Federal, state and local taxes are the sole responsibility of the winner(s). DHS will comply with the Internal Review Service withholding and reporting requirements, where applicable.

*Judging Criteria:* Solutions for this competition will be evaluated by a judging panel using the criteria and rating scales described below. A total of 100 points is possible for each Proposed Solution. Judges will individually score accepted Proposed Solutions that meet the eligibility and submission criteria announced in this notice. The top 15 Proposed Solutions will advance to consensus judging for a final score and a decision on award amount, if any.

Proposed Solution Rating System (1–10 points for each criterion).

- (1) Excellent: Fully addressed all elements of this criterion. (10 points)
- (2) Very Good: High quality, addressed most significant elements of this criterion. (8–9 points)
- (3) Good: Quality, adequately addressed some important elements of this criterion. (6–7 points)
- (4) Fair: Solver failed to address one or more critical aspects of this criterion. (4–5 Points)
- (5) Poor: This criterion has serious deficiencies. (1–3 points)

*Scoring:* Criterion Score X Weighted Importance = Total Judging Criteria:

- (1) Impact (Weighted Importance: 5) (50 possible points) Proposed Solutions will be evaluated on their plan to effectively develop and implement/commercialize solutions that enhance innovation, education,

training, and the improvement of skills within the (NBAF) ecosystem.

- (i) A clear understanding of a real or persistent problem or an unaddressed opportunity, its urgency, and the ability of the Proposed Solution to solve the problem or capitalize on the opportunity;
  - (ii) Creative or even potentially transformative solutions based on an understanding of their role, benefit, and best practices within the innovation ecosystem;
  - (iii) A clear understanding of the current and future challenges facing the nation's agricultural system;
  - (iv) Alignment with current and future needs for the success of the NBAF;
  - (v) Quantifiable benefits that go beyond the Solver and benefit the innovation ecosystem and the NBAF;
  - (vi) The extent to which innovation, collaboration, training or talent aligned to the NBAF visions will be enhanced; and
- (2) Method/Feasibility (Weighted Importance: 3) (30 possible points) The extent to which the Proposed Solution demonstrates:
- (i) An understanding, use and incorporation of the 5 step success criteria in developing and implementing the solution: (Step 1) Engage: Reach out to stakeholders throughout private industry, livestock producers, animal health companies, research universities, local/state/federal government; (Step 2) Align: Pinpoint nature alignments that exist within the stakeholder network and determine which alignments may provide a foundation for more significant and committed partnerships; (Step 3) Connect needs with system capabilities offered by others within the network to begin creating a symbiotic framework for protection of animal health, public health, and the food supply, while also promoting economic growth; (Step 4) Advance: Secure key partnerships by identifying specific shared goals within each aligned relationship, ascertaining progressive benchmarks for success and operationalizing each partnership; and (Step 5) Enrich: Mature ecosystem elements that support regional economic growth and further develop the partnerships nationally and internationally as appropriate;
  - (ii) Successful execution of the idea with a reasonable degree of success in the next year and demonstrated sustainability;

- (iii) Qualified personnel: Demonstrated project management expertise; The education, experience, and accomplishments of key personnel; Adequacy of the Individual/Entity to carry out the proposed work and achieve success; Previous performance; Quality of any partnerships and extent of partnership commitments; and
- (iv) Appropriateness, quality, and availability of any facilities, materials and resources to be used in implementing the Proposed Solution; and
- (3) Cost Realism (Weighted Importance 2) (20 possible points)
- (i) Adequate financial resources to ensure robust institutional capacity;
- (ii) Strong potential to become self-sustaining, even without significant future Federal funding;
- (iii) Extent to which prize funding will support implementation of the idea;
- (iv) Access to venture capital, angel financing or other funding needed to implement/transition the solution.
- (v) Business plan presents accurate, well-founded, and reasonable estimates costs to kick-start the idea; and
- (vi) A long-term, broad, and deep commitment to implement/commercialize the solution with buy-in from stakeholders.

*Additional Information:* Intellectual Property—

- (1) A Solver retains all ownership in intellectual property rights, if any, in the ideas, concepts, inventions, data, and other materials submitted in the prize competition. By entering the prize competition, each Solver agrees to grant to the United States Government, a Limited Purpose Research and Development License that is royalty free and non-exclusive for a period of four years from the date of submission. The Limited Purpose Research and Development License authorizes the United States Government to conduct research and development, or authorize others to do so on behalf of the United States Government. The Limited Purpose License does not include rights to commercialize the intellectual property in the Proposed Solution.
- (2) Each Solver warrants that he or she is the sole author and owner of any copyrightable works that the Submission comprises, that the works are wholly original with the Solver (or is an improved version of an existing work that the Solver has sufficient rights to use and

improve), and that the Submission does not infringe any copyright or any other rights of any third party of which Solver is aware.

*Privacy:* Personal information provided by entrants (Solvers) on the nomination form through the prize competition 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 competition. The names, cities, and states of selected winner or entity will be made available in promotional materials and at recognition events.

Judges and their Organization:

- (1) Justine Spencer, U.S. Department of Homeland Security
- (2) Michelle Colby, U.S. Department of Homeland Security
- (3) Julie Brewer, U.S. Department of Homeland Security
- (4) Martha Vanier, U.S. Department of Homeland Security
- (5) Matt Coats, U.S. Department of Homeland Security
- (6) Dr. Fernando Torres-Velez, U.S. Department of Agriculture
- (7) Dr. Luis Rodriguez, U.S. Department of Agriculture

**Authority:** 15 U.S.C. 3719.

Dated: September 18, 2015.

**Reginald Brothers,**

*Under Secretary, DHS Science and Technology Directorate.*

[FR Doc. 2015-24586 Filed 9-25-15; 8:45 am]

**BILLING CODE 9110-9F-P**

## DEPARTMENT OF HOMELAND SECURITY

### Office of the Secretary

[Docket No. DHS- 2015-0063]

### Privacy Act of 1974; Department of Homeland Security/ALL-010 Asset Management Records System of Records

**AGENCY:** Privacy Office, Department of Homeland Security.

**ACTION:** Notice of Privacy Act system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, the Department of Homeland Security proposes to update and reissue a current Department of Homeland Security system of records titled “Department of Homeland Security/ALL-010 Asset Management Records System of Records.” This system allows the Department of Homeland Security to collect and maintain records of all Department-owned or controlled property that has been issued to DHS employees and

contractors. As a result of a biennial review of this system, the Department of Homeland Security is updating this system of records notice to update the (1) category of records, (2) routine uses, (3) reflect an additional system location, and (4) update the record source categories. Additionally, this notice includes non-substantive changes to simplify the formatting and text of the previously published notice.

**DATES:** Submit comments on or before October 28, 2015. This updated system will be effective October 28, 2015.

**ADDRESSES:** You may submit comments, identified by docket number DHS-2015-0063 by one of the following methods:

• *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

• *Fax:* 202-343-4010.

• *Mail:* Karen L. Neuman, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528-0655.

*Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

*Docket:* For access to the docket to read background documents or comments received, please visit <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For general and privacy questions please contact: Karen L. Neuman, (202) 343-1717, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528-0655.

### SUPPLEMENTARY INFORMATION:

#### I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS) proposes to update and reissue a current DHS system of records titled, “DHS/ALL-010 Asset Management Records System of Records.”

This system allows DHS to collect and maintain records of all Department-owned or controlled property that has been issued to DHS employees and contractors. DHS is updating this System of Records (SORN) to provide notice that asset management activities for three DHS Components: Domestic and Nuclear Detection Office (DNDO), Transportation Security Administration (TSA), and the United States Coast Guard (USCG), are transferring their financial management systems to the Department of Interior’s (DOI) Oracle Federal Financials (OFF) Virtual

Environment. OFF is an application owned by DOI that provides federal agencies with a web-based application that contains customizable financial management modules. When combined, the modules provide a comprehensive financial software package that supports budgeting, purchasing, federal procurement, accounts payable, fixed assets, general ledger, inventory, accounts receivable, reimbursement, reporting, and collection functions. Although DOI will host DHS information, DHS will retain control over its data. Individuals should request DHS records resident on the DOI system through DHS and DHS will review and if approve (as appropriate) all requests.

DHS is updating the category of records to replace Social Security number with Employee ID number and remove “outstanding debts related to said property.” After surveying asset managers throughout the Department, DHS confirmed that Social Security numbers are not used for tracking Departmental assets. Some Components, however, use an Employee ID number that is not the Social Security number. Outstanding debts related to DHS assets are more appropriately covered under the existing DHS/ALL-008 Accounts Receivable System of Records (73 FR 61885, October 17, 2008). DHS is also publishing an update the DHS/ALL-008 concurrent with this SORN. DHS is updating the system location to provide notice that DHS information will be maintained at DOI.

DHS is adding a new routine use I to permit DHS to share records with the Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, Equal Employment Opportunity Commission and other parties responsible for the administration of the Federal Labor-Management Program, to align with other DHS SORNs. DHS is also updating and renumbering routine use J (formerly routine use I), which will allow DHS to share information with federal agencies that host shared financial services, such as DOI’s web-based financial management application. DHS is updating the record source categories to remove “employee locator documentation” because this is not a source of information for the categories of individuals and records in this system of records. Additionally, this notice includes non-substantive changes to simplify the formatting and text of the previously published notice.

Consistent with DHS’s information sharing mission, information stored in the DHS/ALL-010 Asset Management Records system of records may be shared with other DHS Components that

have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, DHS may share information with appropriate federal, state, local, tribal, territorial, foreign, and international government agencies, members of the public, and other entities consistent with the routine uses set forth in this system of records notice.

This updated system will be included in DHS’s inventory of record systems.

## II. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals’ records. The Privacy Act applies to information that is maintained in a “system of records.” A “system of records” is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass United States citizens and legal permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals when systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DHS by complying with DHS Privacy Act regulations, 6 CFR part 5.

The Privacy Act requires that each agency publish in the **Federal Register** a description denoting the type and character of each system of records in order to make agency recordkeeping practices transparent, to notify individuals about the use of their records, and to assist the individual to more easily find files within the agency. Below is a description of the DHS/ALL-010 Asset Management Records System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this revised system of records to the Office of Management and Budget and to Congress.

### System of Records:

Department of Homeland Security (DHS)/ALL-010

### SYSTEM NAME:

DHS/ALL-010 Asset Management Records

### SECURITY CLASSIFICATION:

Unclassified.

### SYSTEM LOCATION:

DHS maintains records at several Headquarters locations and in Component offices of DHS, in both Washington, DC and field locations. DHS also maintains records in the Department of Interior’s (DOI) Oracle Federal Financials (OFF) Virtual Environment in Reston, VA and Denver, CO.

### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include all current and former DHS employees and contractors assigned government-owned assets (*e.g.*, laptop computers, communication equipment, firearms, and other assets).

### CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records maintained in this system include:

- Individual’s name;
- Employee ID number; enter Email address;
- Office name;
- Office location;
- Office telephone number;
- Property management records,

which include information on government-owned property (*e.g.*, laptop computers, communication equipment, firearms, and other assets) in the personal custody of the individuals covered by this system and used in the performance of their official duties.

### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; the Federal Records Act, 44 U.S.C. 3101; 40 U.S.C. 121; and 41 CFR Chapter 101.

### PURPOSE(S):

The purpose of this system is to track all DHS-owned or controlled property that has been issued to current and former DHS employees and contractors.

### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records of information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including Offices of the United States Attorneys, or other federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body when it is relevant

or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any Component thereof;
2. Any employee or former employee of DHS in his/her official capacity;
3. Any employee or former employee of DHS in his/her individual capacity when DOJ or DHS has agreed to represent the employee; or
4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;
2. DHS has determined that as a result of the suspected or confirmed compromise, there is a risk of identity theft or fraud, harm to economic or property interests, harm to an individual, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) or harm to the individual who relies upon the compromised information; and
3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate

authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

I. To the Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, Equal Employment Opportunity Commission and other parties responsible for the administration of the Federal Labor-Management Program for the purpose of processing any corrective actions, or grievances, or conducting administrative hearings or appeals, or if needed in the performance of other authorized duties.

J. To federal agencies that provide financial management services for DHS Components under a cross-servicing agreement for purposes such as budgeting, purchasing, procurement, reimbursement, asset management, reporting, and collection functions.

K. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, when disclosure is necessary to preserve confidence in the integrity of DHS, when disclosure is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

DHS stores records in this system electronically in multiple databases or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on magnetic disc, tape, digital media, and CD-ROM.

**RETRIEVABILITY:**

DHS retrieves data by name or employee ID number.

**SAFEGUARDS:**

DHS safeguards records in this system in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. DHS has imposed strict controls to minimize the risk of compromising the information that is being stored. DHS limits access to the computer system containing the records to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

**RETENTION AND DISPOSAL:**

DHS destroys records in accordance with the NARA General Record Schedule 3, Inventory Files (NC1-64-77-5 item 10b), and are destroyed two years after equipment is removed from agency control.

**SYSTEM MANAGER AND ADDRESS:**

The Chief Readiness Support Officer, Department of Homeland Security, Washington, DC 20528.

**NOTIFICATION PROCEDURE:**

Individuals seeking notification of and access to any record contained in this system of records, including DHS records hosted by another federal agency under a cross-servicing agreement for financial management services, or seeking to contest its content, may submit a request in writing to the Headquarters or Component's Freedom of Information Act (FOIA) Officer, whose contact information can be found at <http://www.dhs.gov/foia-contact-information>. If an individual believes more than one Component maintains Privacy Act records concerning him or her the individual may submit the request to the Chief Privacy Officer, Department of Homeland Security, 245 Murray Drive SW., Building 410, STOP-0655, Washington, DC 20528-0655.

When seeking records about yourself from this system of records or any other Departmental system of records, your request must conform with the Privacy Act regulations set forth in 6 CFR part 5. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy and FOIA Officer,

<http://www.dhs.gov/foia> or 1-866-431-0486. In addition, you should:

- Explain why you believe the Department would have information on you;
- Identify which Component(s) of the Department you believe may have the information about you;
- Specify when you believe the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS Component agency may have responsive records;

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without the above information, the Component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

#### RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

#### CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

#### RECORD SOURCE CATEGORIES:

Records are generated from property purchase orders and receipts; acquisition, transfer and disposal of data; or otherwise from the record subject.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: September 18, 2015.

**Karen L. Neuman,**

*Chief Privacy Officer, Department of Homeland Security.*

[FR Doc. 2015-24583 Filed 9-25-15; 8:45 am]

BILLING CODE 9110-9B-P

## DEPARTMENT OF HOMELAND SECURITY

### Office of the Secretary

[Docket No. DHS-2015-0038]

### Privacy Act of 1974; Department of Homeland Security/ALL-019 Payroll, Personnel, and Time and Attendance Records System of Records

**AGENCY:** Privacy Office, Department of Homeland Security.

**ACTION:** Notice of Privacy Act system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, the Department of Homeland Security proposes to update and reissue a current Department of

Homeland Security system of records notice titled, "Department of Homeland Security/ALL-019 Payroll, Personnel and Time and Attendance Records System of Records." This system of records allows the Department of Homeland Security to collect and maintain records on current and former Department of Homeland Security employees to track time worked, leave, or other absences for reporting and compliance purposes, and also to ensure proper payment of salary and benefits. As a result of a biennial review of this system, records have been updated within the (1) category of records and (2) routine uses. Additionally, this notice includes non-substantive changes to simplify the formatting and texts of the previously published notice. This updated system will be included in the Department's inventory of record systems.

**DATES:** Submit comments on or before October 28, 2015. This new system will be effective October 28, 2015.

**ADDRESSES:** You may submit comments, identified by docket number DHS-2015-0038 by one of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-343-4010.
- *Mail:* Karen L. Neuman, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528-0655.

*Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

*Docket:* For access to the docket, to read background documents, or comments received go to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For general or privacy questions please contact: Karen L. Neuman (202) 343-1717, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528-0655.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS) proposes to update and reissue a current DHS system of records titled, "DHS/ALL-019 Payroll, Personnel, and Time and Attendance Records System of Records."

This system helps DHS ensure proper payment of salary and benefits to DHS

personnel and track time worked and leave or other absences (both excused and unexcused) for reporting and compliance purposes. The categories of records have been modified to include more specific details about information collected from current and former employees of DHS. In some instances, DHS Components may use a timekeeping system that relies on a hash identification number calculated from a finger scan. The hash identification number cannot be used to recreate a readable fingerprint to confirm the employee's identity. DHS is also modifying routine uses (A), (G), and (I) to provide greater clarity and non-substantive grammatical changes. DHS is amending the previous routine use (J) to eliminate a redundancy with 5 U.S.C. 552a (b)(11). New routine uses (P) through (Z) provide notice and transparency about external disclosures as part of the DHS payroll, time, and attendance process.

Consistent with DHS's information sharing mission, information stored in the DHS/ALL-019 Payroll, Personnel, and Time and Attendance Records may be shared with other DHS Components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, DHS may share information with appropriate federal, state, local, tribal, territorial, foreign, and international government agencies, members of the public, and other entities consistent with the routine uses set forth in this system of records notice.

This updated system will be included in DHS's inventory of record systems.

##### II. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which federal government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a "system of records." A "system of records" is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. This system covers that defined group, but as a matter of policy, DHS extends administrative Privacy Act protections to all individuals when systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors. Below is the



description of the DHS/ALL-019 Payroll, Personnel, and Time and Attendance Records System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this revised system of records to the Office of Management and Budget and to Congress.

**System of Records:**

Department of Homeland Security (DHS)/ALL-019

**SYSTEM NAME:**

DHS/ALL-019 Payroll, Personnel, and Time and Attendance Records.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Records are maintained at several Headquarters locations; in Component offices of DHS, in both Washington, DC and at field locations; and at DHS contractual or other federal agency payroll service provider locations.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current and former employees of DHS.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Categories of records in this system include:

*Payroll Records:*

- Social Security number;
- Employee's name;
- Date of birth;
- Gender, Race/National Origin, and Disability Data;

• Address data such as home mailing address, email address, work address, etc.;

- Duty location;

• Position Data such as job title, occupational series, grade, step, pay plan, etc.;

- Awards and bonuses;
- Employment verification

information;

- Education and training data;
- Military and veteran data;
- Taxes;
- Other deductions;
- Garnishments;
- Salary data;
- Retirement data;
- Pay period;
- Fiscal year data;
- Benefits; and
- Direct deposit information.

*Time and Attendance Records:*

- Employee's name;
- Duty location such as work address

or Port of Entry;

- Supervisor name;
- Timekeeper name;
- Position Data such as job title,

occupational series, grade, step, pay plan;

• Fingerprint hash identification number calculated from a finger scan that cannot be used to recreate a readable fingerprint;

- Time-off awards or incentives;
- Number and type of hours worked.

Type of hours worked may include:

- Regular Hours Worked;
- Regular law enforcement availability pay (LEAP);
- Overtime (including administratively uncontrollable overtime (AUO));
- Telework;
- Night Differential;
- Compensatory time earned and used;
- Compensatory travel earned and used;
- Training time;
- Tour of duty; and
- Military leave.

• All forms of leave requests, balances, and credits, including Leave Without Pay (LWOP);

• All other absence types, including Absent Without Leave (AWOL) and Suspension;

• Information necessary to administer any of the agency's voluntary leave transfer programs including leave donated or used and any supporting documentation from the leave requestor (which may include medical records);

• Any other forms of leave available to current and former employees of DHS;

• Investigative case title and tracking number (used to track time worked associated with a specific case); and

- Fair Labor Standards Act (FLSA) compensation.

*Data Reporting and Personnel and Pay Processing Tables*

- Nature of action codes;
- Civil service authority codes;
- Standard remarks;
- Signature block table;
- Position title table;
- Financial organization table; and
- Salary tables.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 66a; 5 U.S.C. 5501 *et seq.*, 5525 *et seq.*, 5701 *et seq.*, and 6301 *et seq.*; Executive Order 9397, as amended by Executive Order 13478; Pub. L. 100-202, Pub. L. 100-440, and Pub. L. 101-509.

**PURPOSE(S):**

The purpose of this system is to ensure proper payment of salary and benefits to DHS personnel, and to track time worked, leave, or other absences for reporting and compliance purposes.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C.

§ 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. § 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including Offices of the U.S. Attorneys, or other federal agencies conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any Component thereof;
2. Any employee or former employee of DHS in his or her official capacity;
3. Any employee or former employee of DHS in his or her individual capacity when DOJ or DHS has agreed to represent the employee; or
4. The U.S. Government or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. §§ 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;

2. DHS has determined that as a result of the suspected or confirmed compromise, there is a risk of identity theft or fraud, harm to economic or property interests, harm to an individual, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) that rely upon the compromised information; and

3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative



agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate federal, state, tribal, territorial, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. §§ 7111 and 7114.

I. To designated officers and employees of federal, state, tribal, territorial, local, or international agencies in connection with the hiring or continued employment of an individual, the conduct of a suitability or security investigation of an individual, the grant, renewal, suspension, or revocation of a security clearance, or the certification of security clearances, to the extent that DHS determines the information is relevant and necessary to the hiring agency's decision.

J. To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings.

K. To the other federal agencies who provide payroll personnel processing services under a cross-servicing agreement for purposes relating to the conversion of DHS employee payroll and personnel processing services; the issuance of paychecks to employees and distribution of wages; and the distribution of allotments and deductions to financial and other institutions, some through electronic funds transfer.

L. To federal, state, tribal, territorial, or local agencies for use in locating individuals and verifying their income sources to enforce child support orders, to establish and modify orders of support, and for enforcement of related court orders.

M. To provide wage and separation information to another federal agency as required by law for payroll purposes.

N. To the Office of Personnel Management, the Merit System Protection Board, Federal Labor Relations Authority, or the Equal Employment Opportunity Commission when requested in the performance of their authorized duties.

O. To the Department of Labor in connection with a claim filed by an employee for compensation due to a job-connected injury or illness.

P. To the Department of the Treasury to issue checks.

Q. To State offices of unemployment compensation with survivor annuity or health benefits claims or records reconciliations.

R. To Federal Employee's Group Life Insurance or Health Benefits carriers in connection with survivor annuity or health benefits claims or records reconciliations.

S. To the Internal Revenue Service and State and local tax authorities for which an employee is or was subject to tax regardless of whether tax is or was withheld in accordance with Treasury Fiscal Requirements, as required.

T. To officials of labor organizations recognized under 5 U.S.C. Chapter 71 for the purpose of providing information as to the identity of DHS employees contributing union dues each pay period and the amount of dues withheld from each contributor.

U. To any source from which additional information is requested by DHS relevant to a DHS determination concerning an individual's pay, leave, or travel expenses, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and to identify the type of information requested.

V. To the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

W. To the Social Security Administration and the Department of the Treasury to disclose pay data on an annual basis.

X. To a federal agency or in response to a congressional inquiry when additional or statistical information is requested relevant to the DHS Transit Fare Subsidy Program.

Y. To the Department of Health and Human Services for the purpose of providing information on new hires and quarterly wages as required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Z. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of DHS or is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Pursuant to 5 U.S.C. § 552a(b)(12): Disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. § 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. § 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

DHS stores records in this system electronically or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on magnetic disc, tape, and digital media.

**RETRIEVABILITY:**

DHS may retrieve records by an individual's name, Social Security number, position, organizational element, pay period, investigative case title or tracking number (for time worked associated with a specific case), and/or fiscal year.

**SAFEGUARDS:**

DHS safeguards records in this system in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. DHS has imposed strict controls to minimize the risk of compromising the stored information. DHS limits access to the computer system containing the records in this system to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

**RETENTION AND DISPOSAL:**

In accordance with NARA General Records Schedule 2, Item 7, time and attendance records are destroyed after a Government Accountability Office audit or when six years-old; whichever is sooner. In accordance with NARA General Records Schedule 2, Item 1(b),

individual employee payroll records are destroyed when 56 years-old. In accordance with NARA General Records Schedule 1, Item 18, supervisor personnel files are reviewed annually and destroyed when a file is superseded/obsolete, or within one year after separation or transfer of an employee. Duplicate official personnel records are destroyed when six months-old.

#### SYSTEM MANAGER AND ADDRESS:

For DHS Headquarters, the System Manager is the Office of the Chief Human Capital Officer, Department of Homeland Security, Washington, DC 20528. For Components of DHS, the System Manager is the respective Human Capital Officer of the component.

#### NOTIFICATION PROCEDURE:

Individuals seeking notification of and access to any record contained in this system of records, including DHS records hosted by another federal agency under a cross-servicing agreement for financial management services, or seeking to contest its content, may submit a request in writing to the Chief Privacy Officer and the Headquarters or Component's Freedom of Information Act (FOIA) Officer, whose contact information can be found at <http://www.dhs.gov/foia-contact-information>. If an individual believes more than one Component maintains Privacy Act records concerning him or her the individual may submit the request to the Chief Privacy Officer, Department of Homeland Security, 245 Murray Drive, SW., Building 410, STOP-0655, Washington, DC 20528-0655.

When seeking records about yourself from this system of records or any other Departmental system of records your request must conform with the Privacy Act regulations set forth in 6 CFR part 5. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief FOIA Officer on the Department's Web site at <http://www.dhs.gov> or by calling toll free 1-866-431-0486. In addition you should:

- Explain why you believe the Department would have information on you.

- Identify which Component(s) of the Department you believe may have the information about you.

- Specify when you believe the records would have been created.

- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records.

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without this bulleted information the Component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

#### RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

#### CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

#### RECORD SOURCE CATEGORIES:

Records are obtained from the individual.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: September 18, 2015.

#### Karen L. Neuman

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2015-24589 Filed 9-25-15; 8:45 am]

BILLING CODE 9110-9B-P

## DEPARTMENT OF HOMELAND SECURITY

### Office of the Secretary

[Docket No. DHS-2015-0061]

### Privacy Act of 1974; Department of Homeland Security/ALL-007 Accounts Payable System of Records

**AGENCY:** Privacy Office, Department of Homeland Security.

**ACTION:** Notice of Privacy Act system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, the Department of Homeland Security proposes to update and reissue a current Department of Homeland Security system of records titled "Department of Homeland Security/ALL-007 Accounts Payable System of Records." This system allows the Department of Homeland Security to collect and maintain payment records. As a result of a biennial review of this system, the Department of Homeland Security is updating this system of

records notice to reflect an updated category of records, an additional system location, an updated routine use, and an updated retention schedule. Additionally, this notice includes non-substantive changes to simplify the formatting and text of the previously published notice.

**DATES:** Submit comments on or before October 28, 2015. This updated system will be effective October 28, 2015.

**ADDRESSES:** You may submit comments, identified by docket number DHS-2015-0061 by one of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202-343-4010.

- *Mail:* Karen L. Neuman, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528-0655.

*Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

*Docket:* For access to the docket to read background documents or comments received, please visit <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For general and privacy questions please contact: Karen L. Neuman, (202) 343-1717, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528-0655.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS) proposes to update and reissue a current DHS system of records titled, "DHS/ALL-007 Accounts Payable System of Records." DHS uses the information collected in this system of records to meet its obligation to manage Departmental funds and ensure that DHS pays its creditors, including DHS employees for travel related reimbursements, and ensures that DHS has an accurate accounting of the money it owes. DHS is updating this SORN to provide notice that financial management activities for three DHS Components: Domestic and Nuclear Detection Office (DNDO), Transportation Security Administration (TSA), and the United States Coast Guard (USCG), are transferring their financial management services to the Department of Interior's (DOI) Oracle Federal Financials (OFF) Virtual Environment. OFF is an application

owned by DOI that provides federal agencies with a web-based application that contains customizable financial management modules. When combined, the modules provide a comprehensive financial software package that supports budgeting, purchasing, federal procurement, accounts payable, fixed assets, general ledger, inventory, accounts receivable, reimbursement, reporting, and collection functions. Although DOI will host DHS information, DHS will retain control over its data. Individuals should request DHS records resident on the DOI system through DHS and DHS will review and if approve (as appropriate) all requests.

DHS is updating the category of records to include general contact information, such as phone numbers, FASCIMILE numbers, and email addresses in recognition that DHS may contact vendors or employees via other methods than standard mail. DHS is updating the system location to provide notice that DHS information will be maintained at DOL.

DHS is adding a new routine use I to permit DHS to share records with the Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, Equal Employment Opportunity Commission and other parties responsible for the administration of the Federal Labor-Management Program, to align with other DHS SORNs. DHS is also updating and renumbering routine use J (formerly routine use I), which will allow DHS to share information with federal agencies that host shared financial services, such as DOI's web-based financial management application. DHS updated the retention period to reflect the new General Records Schedule 1.1, which modified the retention period for financial transaction records from six years and three months to exactly six years. Additionally, this notice includes non-substantive changes to simplify the formatting and text of the previously published notice.

This system of records does not include information to enable travel service providers under contract to the federal government to authorize, issue, or account for travel and travel reimbursements provided to individuals on official federal government business, which are covered under GSA/GOVT-4 Contracted Travel Services Program, 74 FR 26700 (June 3, 2009).

Consistent with DHS's information sharing mission, information stored in the DHS/ALL-007 Accounts Payable system of records may be shared with other DHS Components that have a need to know the information to carry out their national security, law enforcement,

immigration, intelligence, or other homeland security functions. In addition, DHS may share information with appropriate federal, state, local, tribal, territorial, foreign, and international government agencies, members of the public, and other entities consistent with the routine uses set forth in this system of records notice.

This updated system will be included in DHS's inventory of record systems.

## II. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a "system of records." A "system of records" is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass United States citizens and lawful permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals when systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DHS by complying with DHS Privacy Act regulations, 6 CFR part 5.

The Privacy Act requires that each agency publish in the **Federal Register** a description denoting the type and character of each system of records in order to make agency recordkeeping practices transparent, to notify individuals about the use of their records, and to assist the individual to more easily find files within the agency. Below is a description of the DHS/ALL-007 Accounts Payable System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this revised system of records to the Office of Management and Budget and to Congress.

### System of Records:

Department of Homeland Security (DHS)/ALL-007.

### SYSTEM NAME:

DHS/ALL-007 Accounts Payable Records

### SECURITY CLASSIFICATION:

Unclassified.

### SYSTEM LOCATION:

DHS maintains records at several Headquarters locations and in Component offices of DHS, in both Washington, DC and field locations. DHS also maintains records in the Department of Interior's (DOI) Oracle Federal Financials (OFF) Virtual Environment in Reston, VA and Denver, CO.

### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals include any individual or organization that serves as a creditor to DHS, including parties in interest for which reimbursable services are performed and employees for travel related reimbursements.

### CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system includes:

- Individual's name;
- Tax identification number, which may be a Social Security number in certain instances;
- Addresses and other general contact information, such as phone numbers, FASCIMILE numbers, or email addresses;
- Importer of record number;
- Records of expenses (bills, refund checks, out-of-pocket travel expenses);
- Records of payments;
- Disbursement schedules;
- Monies owed; and
- Electronic financial institution data.

### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. § 301; 5 U.S.C. § 5701 *et seq.*, Travel, Transportation, and Subsistence; the Federal Records Act, 44 U.S.C. 3101; the Homeland Security Act of 2002, Public Law 107-296, 6 U.S.C. § 121; 19 U.S.C. § 1451; 31 U.S.C. § 7701(c); the Chief Financial Officers Act of 1990, Pub. L. 101-576; 19 CFR §§ 24.16 and 24.17; Executive Order 11348, as amended by Executive Order 12107; and Executive Order 9397, as amended by Executive Order 13478.

### PURPOSE(S):

The purpose of this system is to collect and maintain the information from individuals in connection with reimbursable services provided to DHS to ensure the Department properly pays these individuals. This system will allow DHS to maintain payment records and record monies owed.

### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. § 552a(b) of the Privacy Act, all or a portion of the records or information

contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. § 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including Offices of the United States Attorneys, or other federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any Component thereof;
2. Any employee or former employee of DHS in his/her official capacity;
3. Any employee or former employee of DHS in his/her individual capacity when DOJ or DHS has agreed to represent the employee; or
4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. §§ 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;
2. DHS has determined that as a result of the suspected or confirmed compromise, there is a risk of identity theft or fraud, harm to economic or property interests, harm to an individual, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) or harm to the individual who relies upon the compromised information; and
3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an

agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. §§ 7111 and 7114.

I. To the Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, Equal Employment Opportunity Commission and other parties responsible for the administration of the Federal Labor-Management Program for the purpose of processing any corrective actions, or grievances, or conducting administrative hearings or appeals, or if needed in the performance of other authorized duties.

J. To federal agencies that provide financial management services for DHS Components under a cross-servicing agreement for purposes such as budgeting, purchasing, procurement, reimbursement, reporting, and collection functions.

K. To the Department of the Treasury to effect disbursement of authorized payments.

L. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, when disclosure is necessary to preserve confidence in the integrity of DHS, when disclosure is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

DHS stores records in this system electronically in multiple databases or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on magnetic disc, tape, digital media, and CD-ROM.

**RETRIEVABILITY:**

DHS retrieves data by an individual's name, tax identification number/Social Security number, employee identification number, by individual's importer of record number, or other personal identifier.

**SAFEGUARDS:**

DHS safeguards records in this system in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. DHS has imposed strict controls to minimize the risk of compromising the information that is being stored. DHS limits access to the computer system containing the records to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

**RETENTION AND DISPOSAL:**

DHS destroys records six years after final payment or cancellation, in accordance with National Archives and Records Administration General Records Schedule 1.1, item 010.

**SYSTEM MANAGER AND ADDRESS:**

The Chief Financial Officer, Department of Homeland Security, Washington, DC 20528.

**NOTIFICATION PROCEDURE:**

Individuals seeking notification of and access to any record contained in this system of records, including DHS records hosted by another federal agency under a cross-servicing agreement for financial management services, or seeking to contest its content, may submit a request in writing to the Headquarters or Component's Freedom of Information Act (FOIA) Officer, whose contact information can be found at <http://www.dhs.gov/foia-contact-information>. If an individual believes more than one Component maintains Privacy Act records concerning him or her the individual may submit the request to the Chief Privacy Officer, Department of Homeland Security, 245 Murray Drive SW., Building 410, STOP-0655, Washington, DC 20528-0655.

When seeking records about yourself from this system of records or any other Departmental system of records, your request must conform with the Privacy Act regulations set forth in 6 CFR. Part 5. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy Officer and FOIA Officer, <http://www.dhs.gov/foia> or 1-866-431-0486. In addition, you should:

- Explain why you believe the Department would have information on you;
- Identify which component(s) of the Department you believe may have the information about you;
- Specify when you believe the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS Component agency may have responsive records;

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without the above information, the Component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

#### RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

#### CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

#### RECORD SOURCE CATEGORIES:

Information originates with DHS, its Components and offices, and individuals submitting supporting documentation for reimbursement.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: September 18, 2015.

#### Karen L. Neuman,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2015-24587 Filed 9-25-15; 8:45 am]

BILLING CODE 9110-9B-P

## DEPARTMENT OF HOMELAND SECURITY

### Office of the Secretary

[Docket No. DHS-2015-0062]

### Privacy Act of 1974; Department of Homeland Security/ALL-008 Accounts Receivable System of Records

**AGENCY:** Department of Homeland Security, Privacy Office.

**ACTION:** Notice of Privacy Act system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, the Department of Homeland Security proposes to update and reissue a current Department of Homeland Security system of records titled "Department of Homeland Security/ALL-008 Accounts Receivable System of Records." This system allows the Department of Homeland Security to collect and maintain payment records. As a result of a biennial review of this system, the Department of Homeland Security is updating this system of records notice to reflect an updated category of records, an additional system location, an updated routine use, and an updated retention schedule. Additionally, this notice includes non-substantive changes to simplify the formatting and text of the previously published notice.

**DATES:** Submit comments on or before October 28, 2015. This updated system will be effective October 28, 2015.

**ADDRESSES:** You may submit comments, identified by docket number DHS-2015-0062 by one of the following methods:

- Federal e-Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Fax: 202-343-4010.

- Mail: Karen L. Neuman, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528-0655.

*Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

*Docket:* For access to the docket to read background documents or comments received, please visit <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For general and privacy questions please contact: Karen L. Neuman, (202) 343-1717, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528-0655.

## SUPPLEMENTARY INFORMATION:

### I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS) proposes to update and reissue a current DHS system of records titled, "DHS/ALL-008 Accounts Receivable System of Records." This system consists of both electronic and paper records that are used by DHS and its Components and offices to collect and maintain accounts receivable records. The collection and maintenance of accounts receivable information assists DHS in meeting its obligation to manage Departmental funds and ensures that the Department has an accurate accounting of all the money that it is owed. DHS is updating this SORN to provide notice that financial management activities for three DHS Components: Domestic and Nuclear Detection Office (DNDO), Transportation Security Administration (TSA), and the United States Coast Guard (USCG), are transferring their financial management services to the Department of Interior's (DOI) Oracle Federal Financials (OFF) Virtual Environment. OFF is an application owned by DOI that provides federal agencies with a web-based application that contains customizable financial management modules. When combined, the modules provide a comprehensive financial software package that supports budgeting, purchasing, federal procurement, accounts payable, fixed assets, general ledger, inventory, accounts receivable, reimbursement, reporting, and collection functions. Although DOI will host DHS information, DHS will retain control over its data. Individuals should request DHS records resident on the DOI system through DHS and DHS will review and if approve (as appropriate) all requests.

DHS is updating the category of records to include general contact information, such as phone numbers, FAX numbers, and email addresses in recognition that DHS may contact vendors or employees via other methods than standard mail. DHS is updating the system location to provide notice that DHS information will be maintained at DOI. DHS is updating routine use L by dividing the previous routine use into two, with routine use L to provide information to unions recognized as exclusive bargaining representatives and new routine use M which permits sharing with the Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, Equal Employment Opportunity Commission (EEOC). DHS is adding the EEOC to the previously issued routine

use for the purpose of processing any corrective actions, or grievances, or conducting administrative hearings or appeals, or if needed in the performance of other authorized duties. DHS is also updating routine use N (previously routine use M), which will allow DHS to share information with federal agencies that host shared financial services, such as DOI's web-based financial management application. DHS is updating the retention period to reflect the new General Records Schedule 1.1, which modified the retention period for financial transaction records from six years and three months to exactly six years. Additionally, this notice includes non-substantive changes to simplify the formatting and text of the previously published notice.

Consistent with DHS's information sharing mission, information stored in the DHS/ALL-008 Accounts Receivable may be shared with other DHS Components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, DHS may share information with appropriate federal, state, local, tribal, territorial, foreign, and international government agencies, members of the public, and other entities consistent with the routine uses set forth in this system of records notice.

This updated system will be included in DHS's inventory of record systems.

## II. Privacy Act

The Privacy Act embodies fair information principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a "system of records." A "system of records" is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass United States citizens and lawful permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals when systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DHS by

complying with DHS Privacy Act regulations, 6 CFR part 5.

The Privacy Act requires that each agency publish in the **Federal Register** a description denoting the type and character of each system of records in order to make agency recordkeeping practices transparent, to notify individuals about the use of their records, and to assist the individual to more easily find files within the agency. Below is a description of the DHS/ALL-008 Accounts Receivable System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this revised system of records to the Office of Management and Budget and to Congress.

### System of Records:

Department of Homeland Security (DHS)/ALL-008.

#### SYSTEM NAME:

DHS/ALL-008 Accounts Receivable Records.

#### SECURITY CLASSIFICATION:

Unclassified.

#### SYSTEM LOCATION:

DHS maintains records at several Headquarters locations and in Component offices of DHS, in both Washington, DC and field locations. DHS also maintains records in the Department of Interior's (DOI) Oracle Federal Financials (OFF) Virtual Environment in Reston, VA and Denver, CO.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual or organization that is indebted to DHS.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system include:

- Individual's name;
- Tax identification number, which may be a Social Security number in certain instances;
- Addresses and other general contact information, such as phone numbers, FAX numbers, or email addresses;
- Waiver of Debt Letter of Appeal;
- Receipts;
- Notices of debts;
- Invoices;
- Record of payments, including refunds and overpayments;
- Number and amount of unpaid or overdue bills;
- Record of satisfaction of debt or referral for further action;
- Correspondence and documentation with debtors and creditors; and

- Electronic financial institution data.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 5 U.S.C. 5701 *et seq.*, Travel, Transportation, and Subsistence; the Federal Records Act, 44 U.S.C. 3101; the Homeland Security Act of 2002, Public Law 107-296, 6 U.S.C. 121; 19 U.S.C. 1451; 31 U.S.C. 7701(c); the Chief Financial Officers Act of 1990, Pub. L. 101-576; 19 CFR 24.16 and 24.17; Executive Order 11348, as amended by Executive Order 12107; and Executive Order 9397, as amended by Executive Order 13478.

#### PURPOSE(S):

The purpose of this system is to collect and maintain records of debts owed to DHS.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including Offices of the United States Attorneys, or other federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any Component thereof;
2. Any employee or former employee of DHS in his/her official capacity;
3. Any employee or former employee of DHS in his/her individual capacity when DOJ or DHS has agreed to represent the employee; or
4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;

2. DHS has determined that as a result of the suspected or confirmed compromise, there is a risk of identity theft or fraud, harm to economic or property interests, harm to an individual, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) or harm to the individual who relies upon the compromised information; and

3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To a federal, state, or local agency so that the agency may adjudicate an individual's eligibility for a benefit.

I. To the Department of Justice or other federal agency for further collection action on any delinquent debt when circumstances warrant.

J. To a debt collection agency for the purposes of debt collection.

K. To approved federal, state, and local government agencies for any legally mandated purpose in accordance with their authorizing statute or law and where an approved Memorandum of Agreement or Computer Matching Agreement (CMA) is in place between DHS and the entity.

L. To provide information to unions recognized as exclusive bargaining representatives under the Civil Service

Reform Act of 1978, 5 U.S.C. 7111 and 7114.

M. To the Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, Equal Employment Opportunity Commission and other parties responsible for the administration of the Federal Labor-Management Program for the purpose of processing any corrective actions, or grievances, or conducting administrative hearings or appeals, or if needed in the performance of other authorized duties.

N. To federal agencies who provide financial management services for DHS Components under a cross-servicing agreement for purposes such as budgeting, purchasing, procurement, reimbursement, reporting, and collection functions.

O. To the Government Accountability Accounting Office, Department of Justice, or a United States Attorney, copies of the Debt Collection Officer's file regarding the debt and actions taken to attempt to collect monies owed.

P. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information, when disclosure is necessary to preserve confidence in the integrity of DHS, when disclosure is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent the Chief Privacy Officer determines that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

#### **DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Yes, DHS may disclose, pursuant to 5 U.S.C. 552a(b)(12), to consumer reporting agencies in accordance with the provision of 15 U.S.C. 1681, *et seq.* or the Federal Claims Collection Act of 1966 as amended (31 U.S.C. 3701, *et seq.*). The purpose of this disclosure is to aid in the collection of outstanding debts owed to the Federal Government, typically, to provide an incentive for debtors to repay delinquent Federal Government debts by making these part of their credit records.

Disclosure of records is limited to the individual's name, address, TIN/SSN, and other information necessary to establish the individual's identity; the amount, status, and history of the claim; and the agency or program under which the claim arose. The disclosure will be made only after the procedural

requirements of 31 U.S.C. 3711(e) have been followed.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

DHS stores records in this system electronically in multiple databases or on paper in secure facilities in a locked drawer behind a locked door. The records are stored on magnetic disc, tape, digital media, and CD-ROM.

##### **RETRIEVABILITY:**

DHS retrieves data by an individual's name, tax identification number/Social Security number, employee identification number, or other personal identifier.

##### **SAFEGUARDS:**

DHS safeguards records in this system in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. DHS has imposed strict controls to minimize the risk of compromising the information that is being stored. DHS limits access to the computer system containing the records to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

##### **RETENTION AND DISPOSAL:**

DHS destroys records six years after final payment or cancellation, in accordance with National Archives and Records Administration General Records Schedule 1.1, item 010.

##### **SYSTEM MANAGER AND ADDRESS:**

The Chief Financial Officer, Department of Homeland Security, Washington, DC 20528.

##### **NOTIFICATION PROCEDURE:**

Individuals seeking notification of and access to any record contained in this system of records, including DHS records hosted by another federal agency under a cross-servicing agreement for financial management services, or seeking to contest its content, may submit a request in writing to the Headquarters or Component's Freedom of Information Act (FOIA) Officer, whose contact information can be found at <http://www.dhs.gov/foia-contact-information>. If an individual believes more than one Component maintains Privacy Act records concerning him or her the individual may submit the request to the Chief Privacy Officer, Department of Homeland Security, 245 Murray Drive



SW., Building 410, STOP-0655, Washington, DC 20528-0655.

When seeking records about yourself from this system of records or any other Departmental system of records, your request must conform with the Privacy Act regulations set forth in 6 CFR part 5. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy and FOIA Officer, <http://www.dhs.gov/foia> or 1-866-431-0486. In addition, you should:

- Explain why you believe the Department would have information on you;
- Identify which Component(s) of the Department you believe may have the information about you;
- Specify when you believe the records would have been created; and
- Provide any other information that will help the FOIA staff determine which DHS Component agency may have responsive records;

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without the above information, the Component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

**RECORD ACCESS PROCEDURES:**

See "Notification procedure" above.

**CONTESTING RECORD PROCEDURES:**

See "Notification procedure" above.

**RECORD SOURCE CATEGORIES:**

Information originates with DHS, its Components and offices, and individuals submitting supporting documentation for reimbursement.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

Dated: September 18, 2015.

**Karen L. Neuman,**

*Chief Privacy Officer, Department of Homeland Security.*

[FR Doc. 2015-24588 Filed 9-25-15; 8:45 am]

**BILLING CODE 9110-9B-P**

**DEPARTMENT OF HOMELAND SECURITY**

[DHS-2012-0022]

**Technical Resource for Incident Prevention (TRIPwire) User Registration; Correction**

**AGENCY:** National Protection and Programs Directorate, DHS.

**ACTION:** 60-Day Notice and Request for Comments; Correction.

**SUMMARY:** The Department of Homeland Security published a document in the **Federal Register** of September 4, 2015, concerning requests for comments on the Technical Resource for Incident Prevention (TRIPwire) User Registration. The document contained an incorrect docket number, and an incorrect email address for written comments.

**FOR FURTHER INFORMATION CONTACT:** Dennis Malloy, 703-235-9388.

**Correction**

In the **Federal Register** of September 4, 2015, 80 FR 53554, beginning in the second column, correct the **ADDRESSES** caption to read:

**ADDRESSES:** Written comments and questions about this Information Collection Request should be forwarded to Department of Homeland Security (Attn: NPPD/PSCD/OBP) 245 Murray Lane SW., Mail Stop 0612, Arlington, VA 20598-0612. Emailed requests should go to [Dennis.Malloy@hq.dhs.gov](mailto:Dennis.Malloy@hq.dhs.gov). Written comments should reach the contact person listed no later than November 3, 2015. Comments must be identified by "DHS-2012-0022" 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.

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; or

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.

Dated: September 16, 2015.

**Scott Libby,**

*Deputy Chief Information Officer.*

[FR Doc. 2015-24317 Filed 9-25-15; 8:45 am]

**BILLING CODE 9110-9P-P**

**DEPARTMENT OF HOMELAND SECURITY**

**U.S. Citizenship and Immigration Services**

[OMB Control Number 1615-0052]

**Agency Information Collection Activities: Application for Naturalization, Form N-400; Revision of a Currently Approved Collection**

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.

**ACTION:** 30-Day Notice.

**SUMMARY:** The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting 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. The information collection notice was previously published in the **Federal Register** on April 8, 2015, at 80 FR 18856, allowing for a 60-day public comment period. USCIS did receive 6 comments in connection with the 60-day notice.

**DATES:** The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until October 28, 2015. This process is conducted in accordance with 5 CFR 1320.10.

**ADDRESSES:** Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). Comments may also be submitted via fax at 202-395-5806.



(This is not a toll-free number.) All submissions received must include the agency name and the OMB Control Number 1615-0052.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

**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-2008-0025 in the search box. 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 Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Naturalization.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* N-400; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* *Primary:* Individuals or households. USCIS uses the information gathered on Form N-400 to make a determination as to a respondent's eligibility to naturalize and become a U.S. citizen.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 774,634.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 7,570,500.

(7) *An estimate of the total public burden (in cost) associated with the collection:* \$131,230,065.

Dated: September 21, 2015.

**Laura Dawkins,**

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2015-24519 Filed 9-25-15; 8:45 am]

BILLING CODE 9111-97-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLORP00000.L10200000.DF0000.15XL1109AF. HAG 15-0231]

#### Notice of Public Meetings for the John Day-Snake and Southeast Oregon Resource Advisory Councils

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of public meetings.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, and the U.S. Department of the Interior, Bureau of Land Management (BLM), the John Day-Snake and Southeast Oregon Resource Advisory Councils (RAC) will meet as indicated below:

**DATES:** The John Day-Snake and Southeast Oregon RACs will hold a joint workshop Monday, October 26, 2015, at the Prineville District Bureau of Land Management office, 3050 NE. 3rd Street, Prineville, Oregon, followed by separate

business meetings Tuesday, October 27, 2015. The Monday, Oct. 26, meeting will run from 12:00 p.m. to 5:00 p.m. The two RACs will meet separately Tuesday, October 26, from 8 a.m. to 1 p.m., with the John Day-Snake RAC meeting at the Prineville District Bureau of Land Management office, and the Southeast Oregon RAC meeting at the Ochoco National Forest Office, 3160 NE. 3rd Street, Prineville, Oregon. A public comment period will be offered during both business meetings.

**FOR FURTHER INFORMATION CONTACT:** Lisa Clark, Public Affairs Specialist, BLM Prineville District Office, 3050 NE. 3rd Street, Prineville, Oregon 97754, phone (541) 416-6864, or email [lmclark@blm.gov](mailto:lmclark@blm.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1(800) 877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The John Day-Snake and Southeast Oregon RACs consist of 15 members each, chartered and appointed by the Secretary of the Interior. Their diverse perspectives are represented in commodity, conservation, and general interests. They provide advice to BLM and Forest Service resource managers regarding management plans and proposed resource actions on public land in central and eastern Oregon.

Agenda items for the October 26 joint meeting include learning sessions on the 2015 fire season, Wild Horse and Burro management, a Greater Sage-grouse update, a discussion on RACs role in land designations, and community engagement. The John Day-Snake RAC will continue Oct. 27 with an update on the Lower Deschutes River, Hells Canyon and Snake River fee proposals, committee and member updates, an Oregon proposal for Wild Horse and Burro and any other matters that may reasonably come before the John Day-Snake RAC. The Southeast Oregon RAC will continue Oct. 27 with RAC officer elections, an Oregon proposal for Wild Horse and Burro, committee and member updates and any other matters that may reasonably come before the Southeast Oregon RAC. All meetings are open to the public. Information to be distributed to the John Day-Snake or Southeast Oregon RAC is requested prior to the start of each meeting. A public comment period will be offered on October 26, 2015, at 11:00 a.m. at both meeting locations. Unless

otherwise approved by the John Day-Snake or Southeast Oregon RAC Chairs, the public comment period in each meeting will last no longer than 30 minutes. Each speaker may address the John Day-Snake or Southeast Oregon RAC for a maximum of 5 minutes. A public call-in number for both meeting locations is provided on the John Day-Snake RAC Web site at <http://www.blm.gov/or/rac/jdrac.php>. Meeting times and the duration scheduled for public comment periods may be extended or altered when the authorized representative considers it necessary to accommodate business and all who seek to be heard regarding matters before the John Day-Snake or Southeast Oregon RAC.

**Carol Benkosky,**  
 Prineville District Manager.  
 [FR Doc. 2015-24570 Filed 9-25-15; 8:45 am]  
 BILLING CODE 4310-33-P

**DEPARTMENT OF THE INTERIOR**

**Bureau of Reclamation**

[RR03042000, 15XR0680A1, RX.18786000.100 0000]

**Agency Information Collection Activities; Proposed Revisions to a Currently Approved Information Collection (OMB Control Number 1006-0015)**

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice and request for comments.

**SUMMARY:** We, the Bureau of Reclamation, intend to submit a request for renewal (with revisions) of an existing approved information collection to the Office of Management and Budget (OMB) titled, Diversions, Return Flow, and Consumptive Use of Colorado River Water in the Lower Colorado River Basin, OMB Control Number 1006-0015.

**DATES:** Submit written comments on this revised information collection request on or before November 27, 2015.

**ADDRESSES:** Send written comments or requests for copies of the proposed revised forms to Mr. Paul Matuska, Bureau of Reclamation, Boulder Canyon Operations Office, Water Accounting and Verification Group, LC-4200, P.O. Box 61470, Boulder City, NV 89006, or via email to [pmatuska@usbr.gov](mailto:pmatuska@usbr.gov).

**FOR FURTHER INFORMATION CONTACT:** Paul Matuska at 702-293-8164.

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The Bureau of Reclamation delivers Colorado River water to water users for diversion and beneficial consumptive use in the States of Arizona, California, and Nevada. The Consolidated Decree of the United States Supreme Court in the case of *Arizona v. California, et al.*, entered March 27, 2006 (547 U.S. 150 (2006)), requires the Secretary of the Interior to prepare and maintain complete, detailed, and accurate records of diversions of water, return flow, and consumptive use and make these records available at least annually. The information collected ensures that a State or a water user within a State does not exceed its authorized use of

Colorado River water. Water users are obligated by provisions in their water delivery contracts to provide Reclamation information on diversions and return flows. Reclamation determines the consumptive use by subtracting return flow from diversions or by other engineering means.

**II. Changes to Use Data Reports**

The Form LC-72, Record of Water Diverted From Lake Mead and/or the Colorado River for Use in the State of Nevada, is no longer needed because the water entitlement holder who used the form is no longer able to withdraw water from the Colorado River.

**III. Data**

*OMB Control Number:* 1006-0015.  
*Title:* Diversions, Return Flow, and Consumptive Use of Colorado River Water in the Lower Colorado River Basin.

*Frequency:* Monthly, annually, or otherwise as determined by the Secretary of the Interior.

*Respondents:* Includes local and tribal entities, water districts, and individuals that use Colorado River water in the Lower Basin States (Arizona, California, and Nevada).

*Estimated total number of respondents:* 53.

*Estimated number of responses per respondent:* 1 annually and/or 12 monthly.

*Estimated total number of annual responses:* 280.

*Estimated total annual burden on respondents:* 46.7 hours.

*Estimated burden for each form:* 10 minutes.

Form No.	Estimated number of respondents	Total responses per year	*Estimated annual burden hours per form
LC-72A .....	1	1	0.2
LC-72B .....	24	24	4.0
Custom Forms .....	28	255	42.5
Total .....	53	280	46.7

**IV. Request for Comments**

We invite your comments on:

(a) Whether the collection of information is necessary for the proper performance of our functions, including whether the information will have practical use;

(b) The accuracy of our estimated time and cost burden of the collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, usefulness, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on respondents, including increased use of automated collection techniques or other forms of information technology.

We will summarize all comments received regarding this notice. We will publish that summary in the **Federal Register** when the information collection request is submitted to OMB for review and approval.

**V. Public Disclosure**

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: September 14, 2015.

**Jennifer McCloskey,**

*Acting Regional Director, Lower Colorado Region.*

[FR Doc. 2015-24548 Filed 9-25-15; 8:45 am]

BILLING CODE 4332-90-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

[RR83570000, 156R5065C6,  
RX.59389832.1009676]

#### Agency Information Collection Activities Under OMB Review; Renewal of a Currently Approved Collection (OMB Control Number 1006-0003)

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice and request for comments.

**SUMMARY:** We, the Bureau of Reclamation, have forwarded the following Information Collection Request to the Office of Management and Budget (OMB) for review and approval: Bureau of Reclamation Use Authorization Application (Form 7-2540), OMB Control Number: 1006-0003. The Information Collection Request describes the nature of the information collection and its expected cost burden.

**DATES:** OMB has up to 60 days to approve or disapprove this Information Collection Request, but may respond after 30 days; therefore, public comments must be received on or before October 28, 2015.

**ADDRESSES:** Send written comments to the Desk Officer for the Department of the Interior at the Office of Management and Budget, Office of Information and Regulatory Affairs, via facsimile to (202) 395-5806; or email to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). A copy of your comments should also be directed to Mr. Martin Bauer, Bureau of Reclamation, 84-57000, P.O. Box 25007, Denver, CO 80225-0007; or via email to [mbauer@usbr.gov](mailto:mbauer@usbr.gov). Please reference OMB Control Number 1006-0003 in your comments.

**FOR FURTHER INFORMATION CONTACT:** Mr. Martin Bauer at (303) 445-2719. You may also view the Information Collection Request at [www.reginfo.gov](http://www.reginfo.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The Bureau of Reclamation (Reclamation) is responsible for approximately 6.5 million acres of land which directly support Reclamation's Federal water projects in the 17 Western States. Under Title 43 CFR part 429,

individuals or entities wanting to use Reclamation's lands, facilities, or waterbodies must apply using Form 7-2540. Examples of such uses are:

- Agricultural uses such as grazing and farming;
- commercial or organized recreation and sporting activities;
- other commercial activities such as “guiding and outfitting” and “filming and photography;” and
- resource exploration and extraction, including sand and gravel removal and timber harvesting.

Reclamation reviews applications to determine whether granting individual use authorizations is compatible with Reclamation's present or future uses of the lands, facilities, or waterbodies. When we find a proposed use compatible, we advise the applicant of the estimated administrative costs and estimated application processing time. In addition to the administrative costs, we require the applicant to pay a use fee based on a valuation or by competitive bidding. If the application is for construction of a bridge, building, or other significant construction project, Reclamation may require that all plans and specifications be signed and sealed by a licensed professional engineer.

The required 60-day public comment period for the Bureau of Reclamation Use Authorization Application was initiated by a notice published in the **Federal Register** on November 14, 2014 (79 FR 68297). No public comments were received.

##### II. Changes to the Bureau of Reclamation Use Authorization Application Form and Its Instructions

The only change made to the form was to improve the readability and information-gathering, and to update the Web site links.

##### III. Data

*OMB Control Number:* 1006-0003.

*Title:* Bureau of Reclamation Use Authorization Application.

*Form Number:* Form 7-2540.

*Frequency:* Each time a use authorization is requested.

*Respondents:* Individuals, corporations, companies, and State and local entities who want to use Reclamation lands, facilities, or waterbodies.

*Estimated Annual Total Number of Respondents:* 175.

*Estimated Number of Responses per Respondent:* 1.

*Estimated Total Number of Annual Responses:* 175.

*Estimated Total Annual Burden on Respondents:* 350 hours.

*Estimated Completion Time per Respondent:* 2 hours.

#### IV. Request for Comments

We invite comments concerning this information collection on:

(a) Whether the proposed collection of information is necessary for the proper performance of our functions, including whether the information will have practical use;

(b) the accuracy of our burden estimate for the proposed collection of information, including the validity of the methodology and assumptions used;

(c) ways to enhance the quality, usefulness, and clarity of the information to be collected; and

(d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Reclamation will display a valid OMB control number on the form.

A **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on November 14, 2014 (79 FR 68297). No comments were received.

#### V. Public Disclosure

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: September 11, 2015.

**Roseann Gonzales,**

*Director, Policy and Administration.*

[FR Doc. 2015-24567 Filed 9-25-15; 8:45 am]

BILLING CODE 4332-90-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. AA1921-167 (Fourth Review)]

#### Pressure Sensitive Plastic Tape From Italy; Scheduling of a Full Five-Year Review

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice of the scheduling of a full review pursuant to the Tariff Act of 1930 (“the Act”) to determine whether revocation of the antidumping duty order on pressure sensitive plastic tape from Italy would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission has determined to exercise its authority to extend the review period by up to 90 days.

**DATES:** Effective Date: September 22, 2015.

**FOR FURTHER INFORMATION CONTACT:**

Carolyn Carlson (202–205–3002), 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 June 5, 2015, the Commission determined that responses to its notice of institution of the subject five-year review were such that a full review should proceed (80 FR 34458, June 16, 2015); accordingly, a full review is being scheduled pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)). A record of the Commissioners’ votes, the Commission’s statement on adequacy, and any individual Commissioner’s statements are available from the Office of the Secretary and at the Commission’s Web site.

**Participation in the review and public service list.**—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in this review as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission’s rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission’s notice of institution of the review need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses

of all persons, or their representatives, who are parties to the review.

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).

**Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.**—Pursuant to section 207.7(a) of the Commission’s rules, the Secretary will make BPI gathered in this review available to authorized applicants under the APO issued in the review, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the review. A party granted access to BPI following publication of the Commission’s notice of institution of the review need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

**Staff report.**—The prehearing staff report in the review will be placed in the nonpublic record on January 14, 2016, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission’s rules.

**Hearing.**—The Commission will hold a hearing in connection with the review beginning at 9:30 a.m. on February 2, 2016, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before January 25, 2016. A nonparty who has testimony that may aid the Commission’s deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on January 27, 2016, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission’s rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

**Written submissions.**—Each party to the review may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions

of section 207.65 of the Commission’s rules; the deadline for filing is January 22, 2016. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission’s rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission’s rules. The deadline for filing posthearing briefs is February 10, 2016. In addition, any person who has not entered an appearance as a party to the review may submit a written statement of information pertinent to the subject of the review on or before February 10, 2016. On March 4, 2016, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before March 8, 2016, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission’s rules. All written submissions must conform with the provisions of section 201.8 of the Commission’s rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission’s rules. The Commission’s Handbook on E-Filing, available on the Commission’s Web site at <http://edis.usitc.gov>, elaborates upon the Commission’s rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission’s rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission’s rules, each document filed by a party to the review must be served on all other parties to the review (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.

**Authority:** This review is 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 23, 2015.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2015–24543 Filed 9–25–15; 8:45 am]

**BILLING CODE 7020–02–P**

## DEPARTMENT OF JUSTICE

## Antitrust Division

**Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Armaments Consortium**

Notice is hereby given that, on August 26, 2015, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), National Armaments Consortium (“NAC”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Applied Thin Films, Inc., Skokie, IL; General Electric Company, Niskayuna, NY; HART Technologies, Inc., Manassas, VA; InnoSense, LLC, Torrance, CA; International Dynamics Corp. (IDC), Clermont, FL; Iridium Satellite, LLC, McLean, VA; Marvin Engineering Co., Inc., Huntsville, AL; Montana Tech of the University of Montana, Butte, MT; Phoenix Nuclear Labs, Monona, WA; Polymer Aging Concepts, Inc., Dahlonaga, GA; SI2 Technologies, Inc., N. Billerica, MA; T.E.A.M., Inc., Woonsocket, RI; Texas Research Institute—Austin, Inc., Austin, TX; The Samraksh Company, Dublin, OH; Torch Technologies, Inc., Huntsville, AL; University of Miami, Coral Gables, FL; University of Pittsburgh, Pittsburgh, PA; UTRON Kinetics, LLC, Manassas, VA; Weibel Equipment, Inc., Leesburg, VA have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NAC intends to file additional written notifications disclosing all changes in membership.

On May 2, 2000, NAC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 30, 2000 (65 FR 40693).

The last notification was filed with the Department on May 28, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on June 25, 2015 (80 FR 36577).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2015–24529 Filed 9–25–15; 8:45 am]

BILLING CODE P

## DEPARTMENT OF JUSTICE

## Antitrust Division

**Notice Pursuant to the National Cooperative Research and Production Act of 1993—DVD Copy Control Association**

Notice is hereby given that, on August 21, 2015, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), DVD Copy Control Association (“DVD CCA”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Dongguan Digital AV Technology Corp., Ltd., Dongguan, PEOPLE’S REPUBLIC OF CHINA; Socionext, Inc., Yokohama, JAPAN; and Taiwan Sanshin Electronics Co., Ltd., Tokyo, JAPAN, have been added as parties to this venture.

Also, Centurion Corporation Limited, Singapore, SINGAPORE; Eastern Asia Technology Limited, Singapore, SINGAPORE; ETV Interactive Limited, Stirling, UNITED KINGDOM; Guandong Coagent Electronics S&T Co., Ltd., Guandong, PEOPLE’S REPUBLIC OF CHINA; Hyundai Media Co. Ltd., Seongnam-si, Gyeonggi-do, REPUBLIC OF KOREA; JRC Co. Ltd., Kwangju-si, Kyoungki-Do, JAPAN; Kyoei Sangyo Co., Ltd., Tokyo, JAPAN; Moser Baer India Ltd., New Delhi, INDIA; Optical Experts Manufacturing, Inc., Charlotte, NC; Shenzhen Autone-Tronic Technology Co., Ltd., Baoan District, Shenzhen, PEOPLE’S REPUBLIC OF CHINA; Taiyo Yuden Co., Ltd., Tokyo, JAPAN; and Yusan Industries, Ltd., Hong Kong, HONG KONG-CHINA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DVD CCA intends to file additional written notifications disclosing all changes in membership.

On April 11, 2001, DVD CCA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on August 3, 2001 (66 FR 40727).

The last notification was filed with the Department on May 6, 2015. A notice was published in the **Federal**

**Register** pursuant to Section 6(b) of the Act on June 3, 2015 (80 FR 31619).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2015–24527 Filed 9–25–15; 8:45 am]

BILLING CODE P

## DEPARTMENT OF JUSTICE

## Antitrust Division

**Notice Pursuant to the National Cooperative Research and Production Act of 1993—Node.js Foundation**

Notice is hereby given that, on August 17, 2015, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Node.js Foundation (“Node.js Foundation”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to section 6(b) of the Act, the identities of the parties to the venture are: npm, Inc., Oakland, CA; StrongLoop, Inc., San Mateo, CA; YLD! Limited, London, UNITED KINGDOM; International Business Machines Corporation, Endicott, NY; DigitalOcean, New York, NY; Joyent, Inc., San Francisco, CA; Codefresh, Inc., Palo Alto, CA; Fidelity, Boston, MA; Sauce Labs, San Francisco, CA; Progress Software, Bedford, MA; Microsoft, Redmond, WA; PayPal, San Jose, CA; SAP SE., Walldorf, GERMANY; Famous Industries, Inc., San Francisco, CA; nearForm, Waterford, IRELAND; GoDaddy.com, LLC, Scottsdale, AZ; NodeSource, Inc., Anaheim, CA; Intel, Santa Clara, CA; Groupon, Inc., Chicago, IL; and Apigee Corporation, San Jose, CA. The general area of Node.js Foundation’s planned activity is to: (a) Enable widespread adoption and help accelerate development of open source, scalable network application technologies that run across distributed devices (the “Platform”); (b) promote the Platform worldwide; and (c) undertake such other activities as may from time to time be appropriate to further the purposes and achieve the goals set forth above. In support of such Purpose, Node.js Foundation may engage in some or all of the following activities: (a) Drive the development of, disseminate, support and maintain the

Platform; (b) create various printed and/or electronic materials for distribution to members and non-members; (c) maintain its own Web site; (d) coordinate the promotion of the Platform among members and non-members, as well as create basic marketing promotional collateral (*e.g.*, both Web pages as well as tangible materials); and (e) undertake those other activities as the Board may from time to time approve consistent with and in furtherance of the Purpose.

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2015-24525 Filed 9-25-15; 8:45 am]

**BILLING CODE 4410-11-P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—OpenDaylight Project, Inc.

Notice is hereby given that, on August 3, 2015 pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), OpenDaylight Project, Inc. (“OpenDaylight”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Lenovo, Santa Clara, CA; Comcast, Philadelphia, PA; ClearPath Networks, El Segundo, CA; AT&T Services, Inc., Dallas, TX; and Nokia Solutions and Networks GmbH & Co. KG, Munich, GERMANY, have been added as parties to this venture.

Also, Plexxi Inc., Cambridge, MA; and Guavus, San Mateo, CA, have withdrawn as parties to this venture.

In addition, Versa Networks, Santa Clara, CA, was incorrectly reported as a dropped member on November 6, 2013. The member never dropped from this venture and remains a member with full membership benefits with no lapse since joining this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and OpenDaylight intends to file additional written notifications disclosing all changes in membership.

On May 23, 2013, OpenDaylight filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 1, 2013 (78 FR 39326).

The last notification was filed with the Department on March 25, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 22, 2015 (80 FR 22551).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2015-24528 Filed 9-25-15; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Comment Request for Information Collection on Administrative Procedures Including Form MA 8-7, Extension Without Revisions

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. 3506(c)(2)(A)]. This program helps 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.

Currently, ETA is soliciting comments concerning the collection of data consistent with 20 CFR 601, including Form MA 8-7, which expires May 31, 2016.

**DATES:** Submit written comments to the office listed in the addresses section below on or before November 27, 2015.

**ADDRESSES:** Send written comments to Robert Johnston, Office of Unemployment Insurance, Room S-4524, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 202-693-3005 (this is not a toll-free number). Individuals with

hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1-877-889-5627 (TTY/TDD). Email: [Johnston.Robert@dol.gov](mailto:Johnston.Robert@dol.gov). To obtain a copy of the proposed information collection request (ICR), please contact the person listed above.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Department of Labor, Employment and Training Administration regulations, 20 CFR 601, Administrative Procedures, contains collection of information requirements at sections 601.2 and 601.3. Section 601.2 requires states to submit copies of their unemployment compensation laws for approval by the Secretary of Labor (Secretary) so that the Secretary may determine the status of state laws and plans of operation. Section 601.3 requires states to “submit all relevant state materials such as statutes, executive and administrative orders, legal opinions, rules, regulations, interpretations, court decisions, etc.” These materials are used by the Secretary to determine whether the state law contains provisions required by section 3304(a) of the Internal Revenue Code of 1986. Grants of funds are made to states for the administration of their employment security laws if their unemployment compensation laws and their plans of operation for public employment offices meet required conditions of Federal laws. The information transmitted by Form MA 8-7 is used by the Secretary to make findings (as specified in the above cited Federal laws) required for certification to the Secretary of the Treasury for payment to states or for certification of the state law for purposes of additional tax credit. If this information is not available, the Secretary cannot make such certifications. To facilitate transmittal of required material, the Department prescribes the use of Form MA 8-7, Transmittal for Unemployment Insurance Materials. This simple check off form is used by the states to identify material being transmitted to the National Office and allows the material to be routed to appropriate staff for prompt action.

##### **II. Review Focus**

The Department 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;

- evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

**III. Current Actions**

*Type of Review:* Extension without changes.  
*Title:* Transmittal for Unemployment Insurance Materials.  
*OMB Number:* 1205–0222.  
*Affected Public:* State Workforce Agencies.  
*Estimated Total Annual Respondents:* 53.  
*Estimated Total Annual Responses:* 301.  
*Estimated Total Annual Burden Hours:* 75.  
*Total Annual Burden Cost for Respondents:* There is no cost for respondents.

**Portia Wu,**

*Assistant Secretary for Employment and Training, Labor.*

[FR Doc. 2015–24571 Filed 9–25–15; 8:45 am]

**BILLING CODE 4510–FW–P**

**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Comment Request for Information Collection on the ETA 218, Benefit Rights and Experience Report, Extension With Revisions**

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. 3506(c)(2)(A)]. The PRA helps ensure that respondents can provide data in the desired format with minimal reporting burden (time and financial resources), collection instruments are clearly understood and the impact of collection requirements on respondents can be properly assessed.

Currently, ETA is soliciting comments concerning the collection of data on the ETA 218, Benefit Rights and Experience Report, which expires May 31, 2016.

**DATES:** Submit written comments to the office listed in the addresses section below on or before November 27, 2015.

**ADDRESSES:** Send written comments to Tom Stengle, Office of Unemployment Insurance, Room S–4524, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 202–693–2991 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD). Email: *stengle.thomas@dol.gov*. To obtain a copy of the proposed information collection request (ICR), please contact the person listed above.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Attachment to the labor force, usually measured as amount of past wages earned, is used to determine eligibility for state unemployment compensation programs. The data in the ETA 218, Benefit Rights and Experience Report, includes numbers of individuals who were and were not monetarily eligible, those eligible for the maximum benefits,

those eligible based on classification by potential duration categories, and those exhausting their full entitlement as classified by actual duration categories. These data are used by the National Office in solvency studies, cost estimating and modeling, and assessment of state benefit formulas.

**II. Review Focus**

The Department 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;

- evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- enhance the quality, utility, and clarity of the information to be collected; and

- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

**III. Current Actions**

*Type of Review:* Extension with revision.

*Title:* Benefit Rights and Experience Report, ETA 218.

*OMB Number:* 1205–0177.

*Affected Public:* State Workforce Agencies.

*Estimated Total Annual Respondents:* 53.

*Estimated Total Annual Responses:* 220.

*Estimated Total Annual Burden Hours:* 108 hours.

*Total Estimated Annual Other Cost Burden:* There is no cost for respondents.

Instruments	Respondents	Hours per response	Annual response frequency	Total responses	Annualized hours
ETA 218 for Regular Program Claimants .....	53	0.5	4	212	106
ETA 218 for Federal-State EB Claimants .....	2	0.5	2	4	2
Unduplicated Totals .....	53	.....	.....	220	108



We will summarize and/or include in the request for OMB approval of the ICR, the comments received in response to this comment request; they will also become a matter of public record.

**Portia Wu,**

*Assistant Secretary for Employment and Training, Labor.*

[FR Doc. 2015-24573 Filed 9-25-15; 8:45 am]

**BILLING CODE 4510-FN-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Comment Request for Information Collection on the ETA 9048, Worker Profiling and Reemployment Services Activity, and the ETA 9049, Worker Profiling and Reemployment Services Outcomes, Extension Without Revisions

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. 3506(c)(2)(A)]. This program helps 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.

Currently, ETA is soliciting comments concerning the collection of data on the ETA 9048, Worker Profiling and Reemployment Services Activity, and the ETA 9049, Worker Profiling and Reemployment Services Outcomes, which expires May 31, 2016.

**DATES:** Submit written comments to the office listed in the addresses section below on or before November 27, 2015.

**ADDRESSES:** Send written comments to Diane Wood, Office of Unemployment Insurance, Room S-4524, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 202-693-3212 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1-877-

889-5627 (TTY/TDD). Email: [wood.diane@dol.gov](mailto:wood.diane@dol.gov). To obtain a copy of the proposed information collection request (ICR), please contact the person listed above.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Worker Profiling and Reemployment Services (WPRS) program allows for the targeting of reemployment services to those most in need of services. The ETA 9048 and ETA 9049 are the only means of tracking the activities in the WPRS program. The ETA 9048 report describes flows of claimants at various points in the WPRS system from initial profiling through the completion of specific reemployment services. The ETA 9049 describes the reemployment experience of profiled claimants who were referred to services by examining the state's existing wage record files to see in which quarter the individuals who received reemployment services became employed, what wages they earned, and whether they changed industries.

##### II. Review Focus

The Department 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;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

##### III. Current Actions

*Type of Review:* Extension without changes.

*Title:* Worker Profiling and Reemployment Services Activity and Outcomes.

*OMB Number:* 1205-0353.

*Affected Public:* State Workforce Agencies.

*Form(s):* ETA 9048, ETA 9049.

*Estimated Total Annual Respondents:* 53.

*Annual Frequency:* Quarterly.

*Estimated Total Annual Responses:* 424.

*Average Time per Response:* 0.25 Hours.

*Estimated Total Annual Burden Hours:* 106 Hours.

*Total Estimated Annual Other Cost Burden:* There is no cost for respondents.

We will summarize and/or include in the request for OMB approval of the ICR, the comments received in response to this comment request; they will also become a matter of public record.

**Portia Wu,**

*Assistant Secretary for Employment and Training, Labor.*

[FR Doc. 2015-24572 Filed 9-25-15; 8:45 am]

**BILLING CODE 4510-FW-P**

## LIBRARY OF CONGRESS

### Copyright Office

[Docket No. 2015-4]

#### Scope of the Copyright Royalty Judges' Continuing Jurisdiction

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Final order.

**SUMMARY:** The Copyright Royalty Judges ("CRJs"), acting pursuant to statute, referred novel material questions of substantive law to the Register of Copyrights for resolution. Those questions concerned the manner and extent to which section 114(f)(5)(C) of the Copyright Act bars the CRJs from admitting into evidence or otherwise considering the provisions contained in settlement agreements reached pursuant to the Webcaster Settlement Act of 2009. The Register resolved those questions in a written decision that was transmitted to the CRJs. That decision is reproduced below.

**DATES:** *Effective Date:* September 22, 2015.

#### FOR FURTHER INFORMATION CONTACT:

Stephen Ruwe, Assistant General Counsel, U.S. Copyright Office, P.O. Box 70400, Washington, DC 20024. Telephone: (202) 707-8350.

**SUPPLEMENTARY INFORMATION:** The Copyright Royalty Judges are tasked with determining and adjusting rates and terms of royalty payments for statutory licenses under the Copyright Act. See 17 U.S.C. 801. If, in the course of proceedings before the CRJs, novel material questions of substantive law concerning the interpretation of provisions of title 17 arise, the CRJs are required by statute to refer those



questions to the Register of Copyrights for resolution. 17 U.S.C. 802(f)(1)(B).

On August 19, 2015, the CRJs, acting pursuant to 17 U.S.C. 802(f)(1)(B), referred novel material questions of substantive law to the Register concerning the manner and extent to which section 114(f)(5)(C) of the Copyright Act bars the CRJs from admitting into evidence or otherwise considering the provisions contained in settlement agreements reached pursuant to the Webcaster Settlement Act of 2009. On September 18, 2015, the Register resolved those questions in a Memorandum Opinion that she transmitted to the CRJs. To provide the public with notice of the decision rendered by the Register, the Memorandum Opinion is reproduced in its entirety below.

Dated: September 22, 2015.

**Maria A. Pallante,**  
*Register of Copyrights.*

**Before the U.S. Copyright Office,  
Library of Congress, Washington, DC  
20559**

In the Matter of: DETERMINATION OF ROYALTY RATES AND TERMS FOR EPHEMERAL RECORDING AND WEBCASTING DIGITAL PERFORMANCE OF SOUND RECORDINGS (Web IV)

Docket No. 14–CRB–0001–WR(2016–2020)  
(Web IV)

### MEMORANDUM OPINION ON NOVEL MATERIAL QUESTIONS OF LAW

Section 114(f)(5)(C) of the Copyright Act bars the Copyright Royalty Judges (“CRJs” or “Judges”) from taking into consideration in ratesetting proceedings the provisions of agreements entered into under the Webcaster Settlement Act of 2009, which allowed the parties to negotiate alternative rates and terms from those established by the CRJs. Questions have arisen in the pending proceeding to set royalty rates and terms for webcasters’ digital performance of sound recordings and associated ephemeral reproductions about the proper interpretation of this provision. The CRJs determined that these were novel material questions of substantive law and, as required under section 802(f)(1)(B) of the Copyright Act, referred them to the Register of Copyrights for resolution. The Register’s determination follows.

#### I. Background

The instant proceeding will establish royalty rates and terms for webcasters’ digital performance of sound recordings and the making of ephemeral recordings under the statutory licenses set forth in sections 112(e) and 114(f)(2) of the

Copyright Act for the period beginning January 1, 2016 and ending on December 31, 2020. Such rates and terms are to be set under the “willing buyer/willing seller standard,” meaning that the rates and terms should be those “that most clearly represent the rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller.”<sup>1</sup> Royalties for the use of sound recordings under these statutory licenses are collected from webcasters by the receiving agent SoundExchange, Inc. (“SoundExchange”), which then distributes them to sound recording copyright owners.<sup>2</sup>

The rates and terms established in the current proceeding will replace existing royalty rates and terms applicable to webcasters that were agreed to and implemented under the Webcaster Settlement Act of 2009 (“2009 WSA”).<sup>3</sup> The 2009 WSA is the third webcaster settlement act (“WSA”) passed by Congress, following the Webcaster Settlement Act of 2008<sup>4</sup> (“2008 WSA”) and the Small Webcaster Settlement Act of 2002<sup>5</sup> (“2002 SWSA”).

The 2002 SWSA was enacted to address a group of small webcasters’ professed inability to pay the fees established by the Librarian of Congress (“Librarian”) under the Copyright Arbitration Royalty Panel system, the predecessor to the current CRJ process.<sup>6</sup> The 2002 SWSA provided authority, during a limited window of time, for SoundExchange and small webcasters to negotiate and enter into alternative agreements to replace the rates set by the Librarian.<sup>7</sup> The 2008 WSA provided the same authority as under the 2002 SWSA, but with regard to webcasters of all sizes, and in relation to a 2007 rate determination by the CRJs under the revised ratesetting system adopted by Congress in 2004.<sup>8</sup> The 2007 determination was also perceived by webcasters as establishing unduly high rates.<sup>9</sup> The 2009 WSA extended the window of time during which the parties were authorized to reach settlements under the 2008 WSA.<sup>10</sup>

The 2002 and subsequent WSAs have been codified in section 114 of the

Copyright Act.<sup>11</sup> In their current form, the statutory provisions allow the parties to agree to alternative rates in lieu of those set by the CRJs for uses through December 31, 2015, but also foreclose consideration of the provisions of those agreements by the CRJs in ratesetting proceedings. More specifically, section 114(f)(5)(C) provides in pertinent part as follows:

(C) Neither subparagraph (A) [allowing the parties to enter into alternative agreements] nor any provisions of any agreement entered into pursuant to subparagraph (A), including any rate structure, fees, terms, conditions, or notice and recordkeeping requirements set forth therein, shall be admissible as evidence or otherwise taken into account in any administrative, judicial, or other government proceeding involving the setting or adjustment of the royalties payable for the public performance or reproduction in ephemeral phonorecords or copies of sound recordings, the determination of terms or conditions related thereto, or the establishment of notice or recordkeeping requirements by the Copyright Royalty Judges under paragraph (4) or section 112(e)(4). It is the intent of Congress that any royalty rates, rate structure, definitions, terms, conditions, or notice and recordkeeping requirements, included in such agreements shall be considered as a compromise motivated by the unique business, economic and political circumstances of webcasters, copyright owners, and performers rather than as matters that would have been negotiated in the marketplace between a willing buyer and a willing seller, or otherwise meet the objectives set forth in section 801(b).<sup>12</sup>

As permitted under the 2009 WSA, SoundExchange entered into settlement agreements (each, a “WSA agreement”) with various webcasters to replace the rates set by the CRJs.<sup>13</sup> Under the enabling legislation, the rates and terms in each of these WSA agreements are to be made available “to any webcasters meeting the respective eligibility conditions of the agreements as an alternative to the rates and terms of any

<sup>1</sup> 17 U.S.C. § 114(f)(2)(B).

<sup>2</sup> 17 U.S.C. § 114(f)(2)(A), (g)(1); 37 CFR § 380.2.

<sup>3</sup> Pub. L. 111–36, 123 Stat. 1926.

<sup>4</sup> Pub. L. 110–435, 122 Stat. 4974.

<sup>5</sup> Pub. L. 107–321, 116 Stat. 2780.

<sup>6</sup> Pub. L. 107–321, § 2, 116 Stat. 2780, 2780–81 (2002).

<sup>7</sup> *Id.* § 4, 116 Stat. at 2781–83.

<sup>8</sup> See H.R. Rep. No. 111–139, at 2–3 (2009).

<sup>9</sup> See 111 Cong. Rec. H10279 (daily ed. Sept. 27, 2008) (statement of Rep. Berman); H.R. Rep. No. 111–139, at 2 (2009).

<sup>10</sup> H.R. Rep. No. 111–139, at 3 (2009).

<sup>11</sup> 17 U.S.C. § 114(f)(5).

<sup>12</sup> 17 U.S.C. § 114(f)(5)(C).

<sup>13</sup> See Notification of Agreements Under the Webcaster Settlement Act of 2009, 74 FR 34,796, 34,797 (July 17, 2009) (publishing agreement concerning commercial webcasters including small pureplay webcasters); Notification of Agreements Under the Webcaster Settlement Act of 2009, 74 FR 40,614, 40,614 (Aug. 12, 2009) (publishing agreements with Sirius XM Radio Inc., College Broadcasters, Inc., Corporation for Public Broadcasting, and Northwestern College).

determination by the [CRJs].”<sup>14</sup> One such WSA agreement with SoundExchange is known as the “Pureplay Agreement,” on which Pandora Media, Inc. (“Pandora”) and other webcasters currently rely for certain uses of sound recordings. Certain individual webcasters, including Pandora and iHeartMedia, Inc. (“iHeartMedia”), have also entered into directly negotiated license agreements with individual record labels (“direct agreements”), rather than with SoundExchange.<sup>15</sup>

According to SoundExchange, direct agreements sought to be introduced by the webcasting parties in the instant ratesetting proceeding incorporate substantive provisions and/or are otherwise influenced by the Pureplay Agreement entered into under the 2009 WSA.<sup>16</sup> In a pretrial submission, SoundExchange argued that section 114(f)(5)(C) prevents the CRJs from considering the direct license agreements submitted by the licensee services, and that they should be excluded from the current proceeding.<sup>17</sup>

In response to these concerns, the CRJs issued an order inviting briefing from the participants regarding five novel material questions of substantive law and, on July 29, 2015, referred the following questions to the Register pursuant to 17 U.S.C. 802(f)(1)(B):<sup>18</sup>

1. Does section 114(f)(5)(C) of the [Copyright] Act bar the Judges from considering *in its entirety* a license agreement between a webcaster and a record company if that agreement includes any terms that are *copied verbatim* from a [2009] WSA settlement agreement?

2. Does section 114(f)(5)(C) of the [Copyright] Act bar the Judges from considering *in its entirety* a license

agreement between a webcaster and a record company if that agreement includes any terms that are *substantively identical* to terms of a [2009] WSA settlement agreement?

3. Does section 114(f)(5)(C) of the [Copyright] Act bar the Judges from considering *in its entirety* a license agreement between a webcaster and a record company if that agreement includes terms that the [Copyright Royalty] Judges conclude have been *influenced* by terms of a [2009] WSA settlement agreement?

4. Does section 114(f)(5)(C) of the [Copyright] Act bar the Judges from considering *in its entirety* a license agreement between a webcaster and a record company if that agreement *refers to* a [2009] WSA settlement agreement in provisions unrelated to the rate structure, fees, terms, conditions, or notice and recordkeeping requirements set forth therein?

5. If the answer to any of the previous questions is “no,” does section 114(f)(5)(C) of the [Copyright] Act bar the Judges from considering *specific provisions* of a license agreement between a webcaster and a record company that are the same as, are copied from, influenced by or refer to provisions of a [2009] WSA settlement agreement?

## II. Summary of the Parties’ Arguments

All parties agree that section 114(f)(5)(C) bars the CRJs from admitting into evidence or otherwise considering provisions of the actual settlement agreements reached pursuant to the 2009 WSA.<sup>19</sup> The issue at hand instead concerns directly negotiated licensing agreements that allegedly incorporate portions of, or the terms of which were influenced by, the WSA agreements.

SoundExchange argues that each of the referred questions should be answered in the affirmative, and that the direct license agreements should be excluded from consideration. On the other side of the issue, the webcasting parties, namely Pandora, iHeartMedia, and the National Association of Broadcasters and National Religious Broadcasters Noncommercial Music License Committee (together, the “Broadcasters,” and all of the licensee parties collectively, the “Webcasters”), assert that the questions should be answered in the negative, and that the CRJs should be able to take these agreements into consideration as

benchmarks or corroborative evidence in the current proceeding.<sup>20</sup>

### A. SoundExchange’s Position

SoundExchange reads the statutory bar broadly, arguing that if a direct license agreement incorporates any terms of, is based upon, or is influenced by, the provisions of a WSA agreement, then the CRJs should refrain from considering that agreement pursuant to section 114(f)(5)(C).<sup>21</sup> SoundExchange offers three primary arguments in support of this contention.

First, SoundExchange claims that section 114(f)(5)(C)’s inclusion of the phrase “otherwise taken into account” demonstrates that the statute’s scope is broader than a mere bar against the admission of evidence.<sup>22</sup> SoundExchange maintains that the Webcasters’ interpretation is faulty because it “reads entirely out of the statute Congress’s bar on the [CRJs] from ‘*tak[ing] into account*’ the WSA agreements.”<sup>23</sup> SoundExchange urges that if Congress intended only to preclude the admissibility of the WSA agreements, this language would be unnecessary, and that interpreting a statute so as to render language inoperative or superfluous is improper.<sup>24</sup>

Second, SoundExchange argues that Congress enacted a “very broad rule of exclusion” to prevent the terms of a WSA agreement from being used against a settling party in subsequent proceedings, including in cases where these terms appear in subsequently negotiated agreements.<sup>25</sup> SoundExchange contends that Congress was not solely interested in the admissibility of the WSA agreements themselves, but more broadly wanted to allow the parties “to enter into ‘compromise’ agreements, ‘motivated by the unique business, economic and political circumstances’ then facing the settling parties, without fear that the

<sup>14</sup> Notification of Agreements Under the Webcaster Settlement Act of 2009, 74 FR 34,796, 34,797 (July 17, 2009); Notification of Agreements Under the Webcaster Settlement Act of 2009, 74 FR 40,614, 40,614 (Aug. 12, 2009); 17 U.S.C. 114(f)(5)(B) (“[T]he terms of such [a WSA] agreement shall be available, as an option, to any commercial webcaster or noncommercial webcaster meeting the eligibility conditions of such agreement.”).

<sup>15</sup> See iHeartMedia Initial Br. at 6; Pandora Initial Br. at 1–2.

<sup>16</sup> Order Referring Novel Question of Law and Setting Briefing Schedule, Docket No. 14–CRB–0001–WR (2016–2020) (July 29, 2015) (“Referral Order”) at 1–2.

<sup>17</sup> Referral Order at 2 (citing SoundExchange Proposed Conclusions of Law ¶ 48).

<sup>18</sup> See Referral Order at 1. Section 802(f)(1)(B) provides that “[i]n any case in which a novel material question of substantive law concerning an interpretation of those provisions of this title that are the subject of the proceeding is presented, the Copyright Royalty Judges shall request a decision of the Register of Copyrights, in writing, to resolve such novel question.” 17 U.S.C. 802(f)(1)(B).

<sup>19</sup> SoundExchange Initial Br. at 1; Pandora Initial Br. at 1; iHeartMedia Initial Br. at 2–3; Broadcasters Initial Br. at 1.

<sup>20</sup> Initial Brief for SoundExchange at 8, 12, 13, 15, 17, No. 14–CRB–0001–WR (2016–2020) (Web IV) (Aug. 7, 2015) (“SoundExchange Initial Br.”); Initial Brief for Pandora at 25, No. 14–CRB–0001–WR (2016–2020) (Web IV) (Aug. 7, 2015) (“Pandora Initial Br.”); Initial Brief for iHeartMedia at 17, No. 14–CRB–0001–WR (2016–2020) (Web IV) (Aug. 7, 2015) (“iHeartMedia Initial Br.”); Initial Brief for the Broadcasters at 17–18, No. 14–CRB–0001–WR (2016–2020) (Web IV) (Aug. 7, 2015) (“Broadcasters Initial Br.”).

<sup>21</sup> SoundExchange Initial Br. at 1.

<sup>22</sup> *Id.* at 3. SoundExchange argues that this phrase means to “take into consideration; allow for.” *Id.* at 4.

<sup>23</sup> Responsive Brief for SoundExchange at 1, No. 14–CRB–0001–WR (2016–2020) (Web IV) (Aug. 14, 2015) (“SoundExchange Responsive Br.”) (emphasis and alteration in original).

<sup>24</sup> *Id.* at 3.

<sup>25</sup> SoundExchange Initial Br. at 4, 8.

agreement or any of its terms and conditions would later be used in any way to be indicative of terms to which willing buyers and willing sellers would agree.”<sup>26</sup> SoundExchange also notes that the legislative history of the 2002 SWSA, which first introduced the language in section 114(f)(5)(C), expressly states that to facilitate settlement, the parties needed assurances that their agreements could not later be used against them in future rate proceedings.<sup>27</sup>

Third, SoundExchange argues that any contrary interpretation of the statute would be fundamentally unfair because it would permit a party to introduce a licensing agreement that was directly influenced by a WSA agreement, while preventing an opposing party from introducing the WSA agreement itself to show the extent of its influence and to demonstrate why the license agreement should not be given weight as evidence of a market rate.<sup>28</sup> SoundExchange argues that such use of WSA agreements as both “a sword and a shield” is impermissible.<sup>29</sup>

Regarding each of the referred questions specifically, SoundExchange asserts that section 114(f)(5)(C) bars the CRJs from considering terms copied verbatim from a direct license agreement because “[w]here a license agreement is simply a verbatim copy of a WSA settlement agreement, considering the terms of the license agreement is effectively considering all the terms of the WSA agreement from which these terms were copied.”<sup>30</sup> SoundExchange further asserts that where only some terms of a direct agreement were copied verbatim from a WSA agreement, the entire direct license agreement nonetheless cannot be considered because as a “fundamental rule of contract interpretation . . . the terms of any agreement are presumed to be dependent and interrelated,” meaning the CRJs should not consider the non-copied terms without also taking into account the copied terms.<sup>31</sup> SoundExchange additionally argues that in every case where a webcaster was eligible for the WSA agreement, it

should be presumed that the entire license agreement was directly affected by the WSA agreement because “the overarching shadow of the WSA agreement rates would have affected the entire negotiation” and, therefore, the statute should “bar[] consideration of the agreement as a whole.”<sup>32</sup>

SoundExchange next argues that if a direct agreement’s terms are substantively identical to the terms of a WSA agreement, the entire agreement should be barred for the same reasons as direct agreements with terms copied verbatim from a WSA agreement; “[o]therwise the party seeking to submit the license agreement could simply slightly re-word the relevant terms.”<sup>33</sup> Recognizing that substantively identical terms could have been arrived at independently of a WSA agreement, SoundExchange proposes a test for the CRJs to employ: (i) if the proffering party was eligible for and could opt into the WSA agreement, that fact should be conclusive proof that the substantively identical terms were derived directly from the WSA agreement; and (ii) if the proffering party was not eligible to opt into the WSA agreement, that party could attempt to show the independent derivation of its agreement through evidence of the parties’ negotiating history.<sup>34</sup>

Sound Exchange contends that if the terms of a license agreement have been directly influenced by the terms of a WSA agreement, then the entire license agreement should be barred because its consideration “would take ‘into account’ the terms of the WSA agreement, in violation of” the statute.<sup>35</sup> Recognizing that “the shadow of a WSA settlement agreement [does not] influence[] all negotiations to an equal extent,” SoundExchange proposes that only agreements evidencing “direct influence” should be barred, and that there should be a “very strong presumption” of such influence where a webcaster was eligible for and could opt into the WSA agreement and could fall back on that option in the absence of the direct agreement.<sup>36</sup> SoundExchange maintains that its interpretation would not bar the consideration of all marketplace agreements that are in any way influenced by WSA agreements.<sup>37</sup> Rather, SoundExchange contends that its interpretation is limited to those agreements that have been “*directly*

influenced” by a WSA agreement.<sup>38</sup> SoundExchange argues that its test is “straightforward” and “does not involve ‘arbitrary line-drawing’ or ‘second-guessing regarding parties’ intent.”<sup>39</sup>

SoundExchange next argues that a direct agreement should be barred in its entirety if it refers to a WSA agreement, including to provisions unrelated to rate structure, fees, terms, conditions, or notice and recordkeeping requirements, because “a reference to a WSA agreement in any provision of a license is a reference to a WSA agreement’s ‘terms’ and ‘conditions’ [because] [t]here are no provisions of a license that are ‘unrelated’ to its ‘terms’ and ‘conditions.’”<sup>40</sup> SoundExchange points to the “broad language” of section 114(f)(5)(C) to claim that it should “apply expansively, effectively encompassing *all* provisions in a WSA agreement.”<sup>41</sup> As SoundExchange puts it, “[i]t is difficult to imagine that a license could make a *reference* to a term or condition of a WSA agreement without incorporating that term or condition or otherwise being directly influenced by that term or condition.”<sup>42</sup>

SoundExchange vigorously disputes the Webcasters’ interpretation of section 114(f)(5)(C), suggesting that under their view, a party could skirt the statutory prohibition by using its option to join a WSA agreement “as leverage” to negotiate and enter into a slightly modified agreement, thereafter presenting this modified agreement to the CRJs as “competent marketplace evidence.”<sup>43</sup> Additionally, addressing the Webcasters’ argument that SoundExchange’s interpretation of section 114(f)(5)(C) conflicts with section 114(f)(2)(B)— which provides that the CRJs may consider certain voluntary license agreements in establishing rates and terms under the willing buyer/willing seller standard<sup>44</sup>—SoundExchange contends that the terms of the WSA agreements are the result of compromise and, as such, are not marketplace evidence, and do not become marketplace evidence by

<sup>38</sup> *Id.* at 2–3, 9–11.

<sup>39</sup> *Id.* at 11.

<sup>40</sup> *Id.* at 15.

<sup>41</sup> *Id.* at 16.

<sup>42</sup> *Id.* at 17.

<sup>43</sup> SoundExchange Responsive Br. at 4.

<sup>44</sup> 17 U.S.C. 114(f)(2)(B) states, in relevant part: “Copyright Royalty Judges shall establish rates and terms that most clearly represent the rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller. . . . In establishing such rates and terms, the Copyright Royalty Judges may consider the rates and terms for comparable types of digital audio transmission services and comparable circumstances under voluntary license agreements. . . .”

<sup>26</sup> *Id.* at 5 (quoting 17 U.S.C. 114(f)(5)(C)); *see also* SoundExchange Responsive Br. at 6.

<sup>27</sup> SoundExchange Initial Br. at 6–7 (citing 2002 SWSA, § 2(7), 116 Stat. at 2781).

<sup>28</sup> *Id.* at 2, 6; *see also* SoundExchange Responsive Br. at 6 (For the CRJs to “take account of the direct influence of the shadow of the WSA agreement on the negotiation of the direct license, the [CRJs] would be forced to consider the WSA agreement and its terms[, y]et this necessary step of evaluating the probative value of the direct license would run headlong into § 114(f)(5)(C)’s bar.”).

<sup>29</sup> SoundExchange Initial Br. at 6.

<sup>30</sup> *Id.* at 8.

<sup>31</sup> *Id.* at 8–12.

<sup>32</sup> *Id.* at 8–12.

<sup>33</sup> *Id.* at 12; *see also* SoundExchange Responsive Br. at 4.

<sup>34</sup> SoundExchange Initial Br. at 13.

<sup>35</sup> *Id.*; *see also* SoundExchange Responsive Br. at 2–3, 9–11.

<sup>36</sup> SoundExchange Initial Br. at 14.

<sup>37</sup> *Id.* at 2.

being incorporated into new contracts.<sup>45</sup> SoundExchange maintains that even if there is tension between the statutory provisions as the Webcasters claim, this still does not permit section 114(f)(5)(C)'s plain text to be ignored.<sup>46</sup>

### B. The Webcasters' Position

The various Webcasters' arguments largely parallel one another. Each of the Webcasters asserts that section 114(f)(5)(C) applies only to the specific settlement agreements entered into with SoundExchange pursuant to the 2009 WSA, and not to any subsequent direct license agreements between a webcasting service and a sound recording owner.<sup>47</sup>

Looking to the text of the statute, the Webcasters urge that, in contrast to the WSA agreements, the direct agreements were not entered into with SoundExchange as contemplated by the statute.<sup>48</sup> They point out that they were not entered into during the time period for settlements authorized by the statute, do not bind all copyright owners as provided in the statute, were not published in the **Federal Register** as required by the statute, and do not provide any immunities from liability to the record companies as provided in the statute.<sup>49</sup> The Broadcasters and iHeartMedia add that, unlike the WSA agreements, the direct agreements were not motivated by the encouragement of Congress to reach an accommodation, and do not represent compromises motivated by the unique business, economic, and political circumstances of webcasters, copyright owners, or performers, as Congress specifically intended in passing the WSAs.<sup>50</sup>

The Webcasters reject SoundExchange's interpretation of the phrase "taken into account" as precluding the consideration of direct license agreements that may contain terms identical to or influenced by a WSA agreement. They argue that SoundExchange's interpretation would require disregarding every benchmark agreement proposed by the parties, as all license agreements are to some degree impacted by the prevailing rates and terms set under the statute.<sup>51</sup> Pandora contends that its reading does

not render the phrase meaningless as SoundExchange claims, but rather offers a "far more natural and plausible reading" that "simply prevents a party from end-running, or the [CRJs] from indirectly circumventing, the statutory admissibility proscription by invoking or relying upon the terms of a WSA agreement without that agreement having actually been moved into evidence."<sup>52</sup> iHeartMedia suggests that the phrase merely means that the CRJs "may not take administrative or judicial notice" of the WSA agreements.<sup>53</sup>

The Broadcasters add that if the preclusion in subparagraph (C) is applied to direct agreements, "it would force the [CRJs] to engage in arbitrary line-drawing and second-guessing regarding parties' intent in entering into license agreements in a manner nowhere contemplated or discussed in the statutory prohibition."<sup>54</sup> Additionally, iHeartMedia asserts that a recent opinion from a federal district court in the Southern District of New York considering section 114(i)—an allegedly "parallel provision" which contains the same "taken into account" language as section 114(f)(5)(C)—interpreted section 114(i) as precluding "only consideration of the [other] rates themselves" and not "consideration of how these rates influenced the market for musical works."<sup>55</sup>

Concerning the statute's legislative history, Pandora argues that Congress passed the WSA in order to encourage SoundExchange to negotiate "less onerous rates" than those announced by the CRJs, and that the bar on subsequent CRJ consideration of the WSA agreements was imposed specifically so that SoundExchange "would not be construed as a 'willing seller'" in relation to those rates in future CRB proceedings.<sup>56</sup> Pandora claims that Congress did not intend to limit the CRJs' ability to consider subsequent marketplace agreements that may be somehow derived from or influenced by a WSA agreement.<sup>57</sup> iHeartMedia similarly asserts that in enacting the 2002 SWSA, Congress indicated that "it would be 'in the public interest' to be 'clear that *the agreement* will not be

admissible as evidence or otherwise taken into account' in future rate-setting proceedings."<sup>58</sup> iHeartMedia argues that this legislative history demonstrates that Congress was only concerned with consideration of the WSA settlement agreements themselves, and not subsequent direct license agreements.<sup>59</sup>

The Webcasters also argue that SoundExchange's interpretation conflicts with section 114(f)(2)(B), which provides that the CRJs may consider voluntary license agreements to further the objective of establishing rates and terms that most clearly represent those that would have been negotiated in the marketplace between a willing buyer and a willing seller.<sup>60</sup> As Pandora puts it, that provision "explicitly encourages the [CRJs] to consider marketplace agreements between statutory services and rightsholders."<sup>61</sup> Pandora argues that section 114(f)(2)(B) "does not qualify that invitation with language excepting agreements that were 'influenced by' the statutory rates set forth in . . . WSA agreements, and any such gloss would contravene the settled canon of statutory construction that requires courts to give effect to all provisions of a statute as a 'harmonious whole.'" <sup>62</sup> In iHeartMedia's view, "[a]greements involving the same sellers, the same buyers, and the same statutory services not only are the very agreements Congress authorized the [CRJs] to consider, but also are critical to determining rates and terms that 'most clearly' represent what a willing buyer and willing seller in this market would negotiate in the absence of the statutory license."<sup>63</sup> iHeartMedia further asserts that an interpretation that would preclude the CRJs from considering the direct licenses would put section 114(f)(5)(C) into "irreconcilable conflict" with section 114(f)(2)(B), "because every direct license agreement is necessarily negotiated against the background—or in the 'shadow'—of the statutory regime, which includes the Webcaster Settlement Agreements."<sup>64</sup>

<sup>58</sup> iHeartMedia Initial Br. at 10 (quoting 2002 SWSA, § 2(1)–(7), 116 Stat. at 2780–81).

<sup>59</sup> *Id.*

<sup>60</sup> 17 U.S.C. § 114(f)(2)(B) states, in relevant part: "Copyright Royalty Judges shall establish rates and terms that most clearly represent the rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller. . . . In establishing such rates and terms, the Copyright Royalty Judges may consider the rates and terms for comparable types of digital audio transmission services and comparable circumstances under voluntary license agreements . . . ."

<sup>61</sup> Pandora Initial Br. at 12.

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.* at 13.

<sup>45</sup> SoundExchange Responsive Br. at 8–9.

<sup>46</sup> *Id.*

<sup>47</sup> Pandora Initial Br. at 1; iHeartMedia Initial Br. at 2–3; Broadcasters Initial Br. at 1.

<sup>48</sup> Broadcasters Initial Br. at 7; Pandora Initial Br. at 7; iHeartMedia Initial Br. at 8.

<sup>49</sup> Broadcasters Initial Br. at 7; Pandora Initial Br. at 7–9; iHeartMedia Initial Br. at 8.

<sup>50</sup> Broadcasters Initial Br. at 11; iHeartMedia Initial Br. at 10–11.

<sup>51</sup> Pandora Initial Br. at 4, 10; iHeartMedia Responsive Br. at 8; *see also* Pandora Responsive Br. at 1.

<sup>52</sup> Pandora Responsive Br. at 5.

<sup>53</sup> iHeartMedia Responsive Br. at 2, 5–7.

<sup>54</sup> Broadcasters Initial Br. at 9.

<sup>55</sup> iHeartMedia Initial Br. at 16 (citing *In re Pandora Media, Inc.*, 6 F. Supp. 3d 317, 366–67 (S.D.N.Y. 2014)).

<sup>56</sup> Pandora Initial Br. at 3–4, 14–15.

<sup>57</sup> *Id.* at 4, 9, 15–16; *see also* iHeartMedia Initial Br. at 9 ("Congress in § 114(f)(5)(C) did not preclude consideration of provisions found *outside* of a Webcaster Settlement Agreement, even where a provision is, for example, copied from or influenced by a provision in an agreement made pursuant to § 114(f)(5)(A).")

Pandora additionally asserts that SoundExchange's position that the statutory licenses and the WSA agreements cast a "shadow" upon the direct license agreements "conflates *admissibility* under Section 114(f)(5)(C) with the *weight* that should be given to the parties' competing benchmark agreements."<sup>65</sup> iHeartMedia agrees, stating "[t]he need to remove the effect of the shadow [cast by the WSA agreements on direct licenses] is part of the analysis under § 114(f)(2)(B), and provides no basis to discard from the evidentiary record—in whole or in part—any voluntarily negotiated direct license between a statutory service and an individual record label."<sup>66</sup> Pandora further adds that if, as SoundExchange posits, a party ever attempted to evade section 114(f)(5)(C) by entering into a direct license that copies a WSA agreement for the purpose of admitting it as a benchmark, the CRJs "would be more than capable of issuing rulings assuring a lack of prejudice . . . and assigning such an agreement the evidentiary weight it deserved."<sup>67</sup>

Finally, the Broadcasters assert that the Register is not authorized to render an opinion on the referred questions, because section 802(f)(1)(B) only allows for the referral of "a novel material question of substantive law," and the admissibility of evidence is, in the Broadcasters' view, a purely procedural question.<sup>68</sup>

### III. Register's Determination

Having considered the relevant statutory language and the input from the parties, the Register determines that it is appropriate to opine on the referred questions, and that the answer to each of the referred questions is "no." The Register finds that section 114(f)(5)(C) prohibits consideration of the provisions of the WSA agreements by the CRJs but does not bar the CRJs from considering directly negotiated license agreements that incorporate or otherwise reflect provisions in a WSA agreement. The Register further concludes, however, that the statutory bar does not preclude SoundExchange from introducing evidence or argument concerning the existence of the WSA agreements themselves, including their general influence or impact on the negotiation of the direct agreements, provided that individual provisions of the WSA are not introduced in the proceeding.

<sup>65</sup> Pandora Responsive Br. at 10 (emphasis in original).

<sup>66</sup> iHeartMedia Responsive Br. at 12.

<sup>67</sup> Pandora Responsive Br. at 11.

<sup>68</sup> Broadcasters Initial Br. at 17; Broadcasters Responsive Br. at 6.

### A. The Questions Were Properly Referred

Under 17 U.S.C. § 802(f)(1)(B), the CRJs are required to refer to the Register "novel material question[s] of substantive law."<sup>69</sup> The Broadcasters raise a threshold concern that the referred questions were improperly referred by the CRJs because they "relat[e] primarily to the admissibility of evidence," and are therefore procedural in nature.<sup>70</sup>

The Register finds the questions to be substantive rather than procedural, and that they were therefore properly referred by the CRJs. The referred questions require the Register to interpret the scope of section 114(f)(5)(C)'s prohibition, including what it means to take various types of agreements and their provisions "into account" for purposes of the ratesetting proceeding.<sup>71</sup> This goes well beyond a mere matter of procedure, as the interpretation of this statutory provision speaks to the benchmark evidence that the CRJs may appropriately consider, a core concern of the ratesetting process. The referred questions are thus readily distinguishable from simple issues of admissibility arising under the CRJs' evidence-related rules, such as whether proffered evidence is properly authenticated or whether an application of the hearsay rule is appropriate.<sup>72</sup> The questions were thus properly referred by the CRJs.

### B. Analysis of the Referred Questions

As noted above, the Register concludes that section 114(f)(5)(C) prohibits consideration of provisions of settlement agreements entered into pursuant to the 2009 WSA and does not bar the CRJs from considering direct license agreements containing provisions that are copied from, are substantively identical to, have been influenced by, or refer to, the provisions of a WSA agreement. This result is compelled not only by the language of section 114(f)(5)(C), but by the legislative intent behind that statute as well.

#### 1. Section 114(f)(5)(C) Does Not Bar Consideration of Direct License Agreements

A reading of the entirety of section 114(f)(5) makes clear that the material excluded under subparagraph (C) is

<sup>69</sup> 17 U.S.C. § 802(f)(1)(B).

<sup>70</sup> *Id.*; see also Broadcasters Responsive Br. at 6 (comparing section 802(f)(1)(B) with section 801(c), which states that "[t]he Copyright Royalty Judges may make any necessary procedural or evidentiary rulings").

<sup>71</sup> Referral Order at 1–3.

<sup>72</sup> See 37 CFR 351.10(a).

limited to the provisions of actual settlement agreements entered into pursuant to the WSA. Subparagraph (C) bars consideration of "subparagraph (A)" and "any provisions of any agreement entered into pursuant to subparagraph (A)." <sup>73</sup> Subparagraph (A), in turn, permits SoundExchange and webcasters to enter into the WSA agreements.<sup>74</sup> Subparagraph (B) requires that any such agreement will "be published in the **Federal Register**" and that "the terms of such agreement shall be available, as an option, to any commercial webcaster or noncommercial webcaster meeting the eligibility conditions of such agreement."<sup>75</sup> Subparagraph (F) adds that "[t]he authority to make settlements pursuant to subparagraph (A) shall expire at 11:59 p.m. Eastern time on the 30th day after the date of the enactment of the Webcaster Settlement Act of 2009."<sup>76</sup>

Accordingly, the "provisions of . . . agreement[s]" barred under section 114(f)(5)(C) must be contained within agreements: (i) between SoundExchange and webcasters; (ii) that are binding on all copyright owners; (iii) that are published in the **Federal Register**; (iv) that are available as an option to any eligible webcasters; and (v) that were entered into on or before July 30, 2009.<sup>77</sup> Based only on the requirement to publish in the **Federal Register**, the only agreements meeting these criteria are the WSA agreements themselves. A direct license agreement's provisions cannot be the subject of the statute's prohibition because the direct agreement containing them cannot satisfy these criteria—such a direct agreement was not "entered into pursuant to subparagraph (A)." This is true regardless of whether the direct license's provisions are copied from or influenced by a WSA agreement's provisions.

Additionally, section 114(f)(5)(C) includes an explicit statement of Congress's intent concerning the evidentiary bar:

It is the intent of Congress that any royalty rates, rate structure, definitions, terms, conditions, or notice and recordkeeping requirements, *included in such agreements* shall be considered as a compromise motivated by the

<sup>73</sup> *Id.* (emphasis added)

<sup>74</sup> 17 U.S.C. 114(f)(5)(A). Note, subparagraph (A) refers to the "receiving agent," which is identified as SoundExchange by 37 CFR 261.2 and 261.4(b).

<sup>75</sup> 17 U.S.C. 114(f)(5)(B).

<sup>76</sup> 17 U.S.C. 114(f)(5)(F).

<sup>77</sup> See 17 U.S.C. 114(f)(5). The 2009 WSA was enacted on June 30, 2009. Webcaster Settlement Act of 2009, Pub. L. 111–36, 123 Stat. 1926 (2009). Thirty days thereafter was July 30, 2009.

unique business, economic and political circumstances of webcasters, copyright owners, and performers rather than as matters that would have been negotiated in the marketplace between a willing buyer and a willing seller, or otherwise meet the objectives set forth in section 801(b).<sup>78</sup>

The reference to “such agreements” subparagraph (C) clearly refers to the WSA agreements Congress was authorizing under subparagraph (A). The provisions that are barred from consideration are thus those “included” in WSA agreements—not other agreements.

This interpretation is confirmed by relevant legislative history as well. When Congress enacted the 2002 SWSA, which first contained this statutory language, it explained that it intended to make “clear that *the agreement* will not be admissible as evidence or otherwise taken into account.”<sup>79</sup> In referencing “the agreement,” Congress was clearly referring to a specific agreement—namely, the alternative agreement with SoundExchange it was authorizing under that legislation.<sup>80</sup> There was no suggestion that Congress was referencing other agreements as well.

The Register further observes that section 114(f)(5)(C) is addressed to individual provisions contained in the WSA agreements, rather than the agreements as a whole. Section 114(f)(5)(C) provides that no “provisions of any agreement entered into pursuant to subparagraph (A), including any rate structure, fees, terms, conditions, or notice and recordkeeping requirements set forth therein,” shall be taken into consideration.<sup>81</sup> It is apparent from both this language enumerating specific examples of rates and terms, and the language setting forth Congress’ intent quoted above, that Congress meant to exclude from consideration in future proceedings the particular rates and terms “included” in a WSA agreement—rather than the existence or fact of the agreement itself. Had Congress intended to bar any consideration of the WSA agreements whatsoever, it could have easily have said so. But it did not. Instead, Congress made clear it was referring to the individual “provisions of”—*i.e.*, the rates and terms contained in—the WSA agreements.

Section 114(f)(5)(C) also provides that “subparagraph (A)” itself shall not be

admissible as evidence or otherwise taken into account.<sup>82</sup> Based on a plain reading of the statute, the Register determines that this simply means that the language of subparagraph (A) cannot—either in whole or in part—be introduced into evidence or otherwise considered in a CRJ proceeding. Accordingly, the reference to subparagraph (A) in section 114(f)(5)(C) does not preclude consideration of the existence or effects of the WSAs entered into as a result of subparagraph (A) so long as the language of subparagraph (A) is not introduced. Again, had Congress wished to articulate a broader proscription, it could have done so. The Register will not read section 114(f)(5)(C) more broadly than it is written.

Contrary to SoundExchange’s assertions, the phrase “taken into account” in section 114(f)(5)(C) does not alter the Register’s reading of the statutory language. SoundExchange’s interpretation—that consideration of the terms of a direct license agreement that have been copied from or directly influenced by the terms of a WSA agreement would impermissibly “take into account” the terms of the WSA agreement—is overreaching. The Register agrees with the Webcasters that such a reading could effectively exclude all potentially probative benchmark agreements from consideration because virtually every voluntary agreement could be said to be influenced to some extent by the background statutory scheme—which includes the WSA agreements.<sup>83</sup> Indeed, this is the nature of a compulsory licensing regime in general; the existence of a statutory “fallback” can influence the direct agreements that are entered into in its shadow. While the Register is sympathetic to SoundExchange’s argument that the direct agreements have been shaped by the availability of the Pureplay Agreement as an alternative option for licensees, the same would be true of direct agreements entered into with CRJ-determined rates as a fallback.

The far more plausible reading of the “otherwise take into account” language,

<sup>82</sup> *Id.*

<sup>83</sup> *See, e.g.*, Determination of Rates and Terms for Preexisting Subscription Services and Satellite Digital Audio Radio Services, 78 FR 23054, 23065 n.32 (Apr. 17, 2013) (noting that although the CRJs “question whether any agreements regarding sound recording rights could be purely market-based given the current statutory framework,” they “do not have the luxury of ignoring record evidence of the contemporaneous results of arm’s length negotiations between the same buyers and sellers and rights involved in the market for which the Judges are charged to determine a reasonable rate.”).

which the Register determines is what Congress intended, is simply that the CRJs are not only barred from admitting WSA agreement terms into evidence, but that they also cannot consider the provisions of WSA agreements even if not offered as evidence. For example, the broader “taken into account” language would prohibit the CRJs from taking notice of provisions of the WSA agreements that have been published in the **Federal Register**, even if not introduced into evidence.<sup>84</sup> Thus the phrase is not superfluous, as SoundExchange suggests.

To interpret section 114(f)(5)(C) as preventing the CRJs from taking direct license agreements into consideration would seemingly undermine Congress’ directive in section 114(f)(2)(B), which encourages the CRJs to “consider the rates and terms for comparable types of digital audio transmission services and comparable circumstances under voluntary license agreements.”<sup>85</sup> Direct agreements between sound recording owners and webcasters for uses covered by the section 112 and 114 licenses would appear to be very the type of evidence that section 114(f)(2)(B) Congress had in mind. Had Congress intended the exclusionary rule to extend to directly negotiated agreements as SoundExchange suggests, it presumably would also have acted to reconcile section 114(f)(5)(C) with section 114(f)(2)(B).

Finally, the Register agrees with the Webcasters that as a practical matter, it could be very difficult to draw lines between negotiated agreements that were “directly influenced” by WSA agreements and those that were not. SoundExchange’s suggested rule would require the CRJs to sort admissible from inadmissible agreements based on amorphous criteria, which would be a challenging task to say the least.

## 2. Section 114(f)(5)(C) Does Not Preclude Consideration of the General Effect of WSA Agreements on Direct License Agreements

Although the Register finds that the CRJs may take into consideration direct

<sup>84</sup> *See* 5 U.S.C. 556(e) (acknowledging that “an agency decision [can] rest[] on official notice of a material fact not appearing in the evidence in the record”); 17 U.S.C. 803(b)(6)(C)(xi) (noting that “[n]o evidence, including exhibits, may be submitted in the written direct statement or written rebuttal statement of a participant without a sponsoring witness, *except where the Copyright Royalty Judges have taken official notice*”) (emphasis added).

<sup>85</sup> *See* 17 U.S.C. 114(f)(2)(B). The Register notes that this section does not restrict this consideration to only those agreements that do not contain terms that are copied verbatim from, are substantively identical to, have been influenced by, or refer to terms of a WSA settlement agreement.

<sup>78</sup> 17 U.S.C. 114(f)(5)(C) (emphasis added).

<sup>79</sup> Small Webcaster Settlement Act of 2002, Pub. L. 107–321, § 2(7), 116 Stat. at 2781 (2002) (emphasis added).

<sup>80</sup> *See id.*

<sup>81</sup> 17 U.S.C. 114(f)(5)(C).

licenses that incorporate or otherwise reflect WSA agreement terms, it is also the case that they are entitled to weigh the value of any such evidence in light of the overall circumstances of the marketplace, including any general impact of the WSA agreements.

As discussed above, in rate determinations, the CRJs are tasked with replicating a “hypothetical market” where “the webcasting statutory license [does] not exist.”<sup>86</sup> Among the tools at the CRJs’ disposal to accomplish this task are “the rates and terms for comparable types of digital audio transmission services and comparable circumstances under voluntary license agreements.”<sup>87</sup> As Webcasters seem to acknowledge, when considering a voluntary agreement, the CRJs may consider whether an agreement was made in the “shadow” of a statutory rate or WSA agreement in evaluating its worth as a benchmark.<sup>88</sup> As the U.S. Court of Appeals for the D.C. Circuit has stressed, “[i]t is generally within the discretion of the Judges to assess evidence of an agreement’s comparability and to decide whether to look to its rates and terms for guidance.”<sup>89</sup> This “broad discretion” includes the ability to “discount . . . benchmarks” offered by the parties.<sup>90</sup> Although section 114(f)(5)(C) may preclude the consideration or comparison of individual rates and terms contained in the WSA agreements, it does not prevent the CRJs from considering the agreements at all.

Section 114(f)(5)(C) bars the CRJs from considering the terms of agreements negotiated under the 2009 WSA. Nowhere does the statute suggest that the mere existence of such agreements, or their general effect on the marketplace or particular negotiations, may not be considered. As noted above, the statutory language is specific in limiting the scope of the prohibition to the “provisions of any [WSA] agreement.”<sup>91</sup> Section 114(f)(5)(C) provides examples of the types of provisions Congress had in mind: “rate structure, fees, terms, conditions, or notice and recordkeeping requirements.”<sup>92</sup> This list, which

appears twice in subparagraph (C),<sup>93</sup> makes clear that the ban applies only to a WSA agreement’s specific terms, as embodied in particular provisions.

A recent case from federal district court in the Southern District of New York speaks to this issue.<sup>94</sup> As part of a rate determination for the performance of musical compositions by Pandora in a ratesetting proceeding conducted under a federal consent decree, the court discussed section 114(i) of the Copyright Act, which contains the same “taken into account” language as section 114(f)(5)(C).<sup>95</sup> Section 114(i) provides relevant part:

License fees payable for the public performance of sound recordings under section 106(6) shall not be taken into account in any administrative, judicial, or other governmental proceeding to set or adjust the royalties payable to copyright owners of musical works for the public performance of their works.<sup>96</sup>

During the course of the federal court proceeding, the licensing organization, ASCAP, the licensor, proposed a variety of benchmarks for the court to consider, including a series of licensing agreements negotiated directly between copyright owners and licensees outside of the consent decree process.<sup>97</sup> At trial, the parties disputed the extent to which the court could consider evidence relating to the rate for the public performance of sound recordings (as opposed to musical works).<sup>98</sup> While the presiding judge noted that she could “not take the [sound recording rate] into account in determining the fair market rate for a public performance license [for musical compositions],” she went on to state that “one observation may be safely made”:<sup>99</sup>

I don’t understand that that testimony about motive in negotiations and turmoil within ASCAP over these different rates [for sound recordings] would be inadmissible pursuant to Section 114. Indeed, I think it would be difficult to deal with the facts on the ground as they exist and to set a rate that is reasonable in the context of the facts . . . without knowing about that.<sup>100</sup>

<sup>93</sup> 17 U.S.C. 114(f)(5)(C).

<sup>94</sup> See *In re Pandora Media, Inc.*, 6 F. Supp. 3d 317 (S.D.N.Y. 2014).

<sup>95</sup> See *id.* at 366–67.

<sup>96</sup> 17 U.S.C. 114(i).

<sup>97</sup> *In re Pandora Media, Inc.*, 6 F. Supp. 3d at 320.

<sup>98</sup> Transcript of Trial at 729:18–733:1, *In re Pandora Media, Inc.*, 6 F. Supp. 3d 317 (S.D.N.Y. 2014) (Nos. 12 Civ. 8035, 41 Civ. 1395).

<sup>99</sup> *In re Pandora Media, Inc.*, 6 F. Supp. 3d at 366–67.

<sup>100</sup> Transcript of Trial at 731:1–7, *In re Pandora Media, Inc.*, 6 F. Supp. 3d 317 (S.D.N.Y. 2014) (Nos. 12 Civ. 8035, 41 Civ. 1395).

This commentary in the consent decree case further supports the Register’s determination that evidence concerning the general impact and influence of the WSA agreements—and the statutory licensing regime that gave rise to them—may appropriately be considered by the CRJs in evaluating the probative value of the direct agreements.

September 18, 2015

**Maria A. Pallante**

*Register of Copyrights and Director, United States Copyright Office.*

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## MILLENNIUM CHALLENGE CORPORATION

[MCC FR 15–03]

### Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance in Fiscal Year 2016

**AGENCY:** Millennium Challenge Corporation.

**ACTION:** Notice.

**SUMMARY:** This report to Congress is provided in accordance with Section 608(b) of the Millennium Challenge Act of 2003, as amended, 22 U.S.C. 7707(b) (the “Act”).

Dated: September 22, 2015.

**Maame Ewusi-Mensah Frimpong,**

*VP/General Counsel and Corporate Secretary, Millennium Challenge Corporation.*

### Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance in Fiscal Year 2016

#### Summary

In accordance with section 608(b)(2) of the Millennium Challenge Act of 2003 (the “Act”, 22 U.S.C. 7707(b)(1)), the Millennium Challenge Corporation (MCC) is submitting the following report. This report identifies the criteria and methodology that the Millennium Challenge Corporation (MCC) intends to use to determine which candidate countries may be eligible to be considered for assistance under the Act for FY 2016.

Under section 608 (c)(1) of the Act, MCC will, for a thirty-day period following publication, accept and consider public comment for purposes of determining eligible countries under section 607 of the Act (22 U.S.C. 7706).

<sup>86</sup> *Intercollegiate Broad. Sys., Inc. v. Copyright Royalty Bd.*, 796 F.3d 111, 131 (D.C. Cir. 2015) (internal alterations omitted).

<sup>87</sup> 17 U.S.C. 114(f)(2)(B).

<sup>88</sup> See Pandora Responsive Br. at 10–11; iHeartMedia Responsive Br. at 12.

<sup>89</sup> *Intercollegiate Broad. Sys. v. Copyright Royalty Bd.*, 574 F.3d 748, 759 (D.C. Cir. 2009).

<sup>90</sup> *Music Choice v. Copyright Royalty Bd.*, 774 F.3d 1000, 1009 (D.C. Cir. 2014).

<sup>91</sup> See 17 U.S.C. 114(f)(5)(C) (emphasis added).

<sup>92</sup> See *id.*



## Criteria and Methodology for FY 2016

This document explains how the Board of Directors (Board) of the Millennium Challenge Corporation (MCC) will identify, evaluate, and determine eligibility of countries for Millennium Challenge Account (MCA) assistance for fiscal year (FY) 2016. The statutory basis for this report is set forth in Appendix A. Specifically, this document discusses:

- I. Which Countries MCC Will Evaluate
- II. How the Board Evaluates These Countries
  - A. Overall
  - B. For Selection for First Compact Eligibility
  - C. For Selection for Second/Subsequent Compact Eligibility
  - D. For Selection for the Threshold Program
  - E. A Note on Potential Regional Investments

### I. Which countries are evaluated?

As discussed in the August 2015 Report on Countries that are Candidates for Millennium Challenge Account Eligibility for Fiscal Year 2016 and Countries that Would be Candidates but for Legal Prohibitions (the “Candidate Country Report”), MCC evaluates all low-income countries (LICs) and lower-middle income countries (LMICs) countries as follows:

- For scorecard evaluation purposes for FY 2016, MCC defines LICs as those countries between \$0 and \$1985 GNI per capita, and LMICs as those countries between \$1986 and \$4125 GNI per capita.<sup>1</sup>
- For funding purposes for FY 2016, MCC defines the poorest 75 countries as LICs, and the remaining countries up to the upper-middle income (UMIC) threshold of \$4125 as LMICs.<sup>2</sup>

Under Appendix B, lists of all LICs, LMICs and statutorily prohibited countries for evaluation purposes are provided. The list using the “funding” definition was outlined in the FY 2016 Candidate Country Report and describes how funding categories work.

### II. How does the Board evaluate these countries?

#### A. Overall Evaluation

The Board looks at three legislatively-mandated factors in its evaluation of any candidate country for compact eligibility: (1) Policy performance; (2) the opportunity to reduce poverty and generate economic growth; and (3) the availability of MCC funds.

<sup>1</sup> This corresponds to LIC and LMIC definitions using the historic International Development Association (IDA) thresholds published by the World Bank.

<sup>2</sup> By law, no more than 25 percent of all compact funds for a given fiscal year may be provided to LMIC countries (using this “funding” definition).

#### 1. Policy Performance

Because of the importance of needing to evaluate a country’s policy performance—and needing to do so in a comparable, cross-country way—the Board relies to the maximum extent possible upon the best-available objective and quantifiable indicators of policy performance. These indicators act as proxies of the country’s commitment to good governance, as laid out in MCC’s founding legislation. Comprised of 20 third-party indicators in the categories of “encouraging economic freedom,” “investing in people,” and “ruling justly,” MCC “scorecards” are created for all LICs and LMICs. To “pass” the indicators on the scorecard, the country must perform above the median among its income group (as defined above), except in the cases of inflation, political rights, civil liberties, and immunization rates (LMICs only), where threshold scores have been established. In particular, the Board considers whether the country:

- Passed at least 10 of the 20 indicators, with at least one in each category,
- Passed the “Control of Corruption” indicator, and
- Passed either the “Political Rights” or “Civil Liberties” indicator.

While satisfaction of all three aspects means a country is termed to have “passed” the scorecard, the Board also considers whether the country performed “substantially worse” in any one policy category than it does on the scorecard overall. Appendix C describes all 20 indicators, their definitions, what is required to “pass,” their source, and their relationship to the legislative criteria.

The 20 policy performance indicators are the predominant basis for determining which countries will be eligible for MCC assistance, and the Board expects a country to be passing its scorecard at the point the Board decides to select the country for either a first or second/subsequent compact. However, the Board also recognizes that even the best-available data has inherent challenges. For example, data gaps, real-time events versus data lags, the absence of narratives and nuanced detail, and other similar weaknesses affect each of these indicators. In such instances, the Board uses its judgment to interpret policy performance as measured by the scorecards. The Board may also consult other sources of information to further enhance its understanding of a given country’s policy performance beyond the issues on the scorecard, which is especially useful given the unique perspective of each Board member (*e.g.*,

specific policy issues related to trade, civil society, other U.S. aid programs, financial sector performance, and security/foreign policy issues). The Board uses its judgment on how best to weigh such information in assessing overall policy performance.

#### 2. The Opportunity To Reduce Poverty and Generate Economic Growth

The Board also consults other sources of qualitative and quantitative information to have a more detailed view of the opportunity to reduce poverty and generate economic growth in a country.

While the Board considers a range of other information sources depending on the country, specific areas of attention typically include better understanding the issues on, trends in, and trajectory of:

- The control of corruption and rule of law;
- The state of democratic and human rights (especially of vulnerable groups<sup>3</sup>);
- The perspective of civil society on salient governance issues;
- The potential for the private sector (both local and foreign) to lead investment and growth;
- The levels of poverty within a country; and
- The country’s institutional capacity.

Where applicable, the Board also considers MCC’s own experience and ability to reduce poverty and generate economic growth in a given country—such as considering MCC’s core skills versus the country’s needs, capacity within MCC to work with a country, and the likelihood that MCC is seen by the country as a credible partner.

This information provides greater clarity on the likelihood that MCC investments will have an appreciable impact on reducing poverty and generating economic growth in a given country. The Board has used such information both to not select countries that are otherwise passing their scorecards, as well as to better understand when a country’s performance on a particular indicator may not be up to date or is about to change. More details on this subject (sometimes referred to as “supplemental information”) can be found on MCC’s Web site at <https://www.mcc.gov/pages/docs/doc/pub-guide-to-supplemental-information-fy15>.

#### 3. The Availability of MCC Funds

The final factor that the Board must consider when evaluating countries is

<sup>3</sup> For example, women; children; lesbian, gay, bisexual, and transgender individuals; people with disabilities; and workers.



the funding available. The agency's allocation of its budget is constrained, and often specifically limited, by provisions in the authorizing legislation and appropriations acts. MCC has a continuous pipeline of countries in compact development, compact implementation, and compact closeout, as well as threshold programs. Consequently, the Board factors in the overall portfolio picture when making its selection decisions given the funding available for each of the agency's planned or existing programs.

The following sub-sections describe how each of these three legislatively-mandated factors are applied with regard to the selection situations the Board encounters each December: Selection of countries for first compact eligibility, selection of countries for second/subsequent compact eligibility, and selection of countries for the threshold program. Thereafter, a note is included on consideration of countries for potential regional investments.

#### *B. Evaluation for Selection of Countries for First Compact Eligibility*

When selecting countries for compact eligibility, the Board looks at all three legislatively-mandated aspects described in the previous section: (1) Policy performance, first and foremost as measured by the scorecards and bolstered through additional information (as described in the previous section); (2) the opportunity to reduce poverty and generate economic growth, examined through the use of other supporting information (as described in the previous section); and (3) the funding available.

At a minimum, the Board looks to see that the country passes its scorecard. It also examines supporting evidence that the country's commitment to good governance is on a sound footing and performance is on a positive trajectory, and that MCC has funding to support a meaningful compact with that country. Where applicable, previous threshold program information is also considered. The Board then weighs the information described above across each of the three dimensions.

The approach described above is then applied in any additional years of selection of a country to continue to develop a first compact, with the added benefit of having cumulative scorecards, cumulative records of policy performance, and other accumulated supporting information to determine the overall pattern of performance over the emerging multi-year trajectory.

#### *C. Evaluation for Selection of Countries for Second/Subsequent Compact Eligibility*

Section 609(k) of the Millennium Challenge Act of 2003, as amended, specifically authorizes MCC to enter into "one or more subsequent Compacts." MCC does not consider subsequent compact eligibility, however, before countries have completed their compact, or are within 18 months of completion, (e.g., a second compact if they have completed or are within 18 months of completing their first compact).

Selection for subsequent compacts is not automatic and is intended only for countries that (1) exhibit successful performance on their previous compact; (2) exhibit improved scorecard policy performance during the partnership; and (3) exhibit a continued commitment to further their sector reform efforts in any subsequent partnership. As a result, the Board has an even higher standard when selecting countries for subsequent compacts.

##### 1. Successful Implementation of the Previous Compact

To evaluate the degree of success of the previous compact, the Board looks to see if there is a clear evidence base of success within the budget and time limits of the compact, in particular by looking at three aspects:

- The degree to which there is evidence of strong political will and management capacity: Is the partnership characterized by the country ensuring that both policy reforms and the compact program itself are being implemented to the best ability that the country can deliver;
- The degree to which the country has exhibited commitment and capacity to achieve program results: Are the financial and project results being achieved; to what degree is the country committing its own resources to ensure the compact is a success; to what extent is the private sector engaged (if relevant); and other compact-specific issues; and
- The degree to which the country has implemented the compact in accordance with MCC's core policies and standards: That is, is the country adhering to MCC's policies and procedures, including in critical areas such as remediating unresolved fraud and corruption and abuse or misuse of funds issues; procurement; and monitoring and evaluation.

Details on the specific types of information examined (and sources used) in each of the three areas are provided in Appendix D. Overall, the

Board is looking for evidence that the previous compact will be completed or has been completed successfully, on time and on budget, and that there is a commitment to continued, robust reform going forward.

##### 2. Improved Scorecard Policy Performance

Beyond successful implementation of the previous compact, the Board expects the country to have improved its overall scorecard policy performance during the partnership, and to pass the scorecard in the year of selection for the subsequent compact. The Board focuses on:

- The overall scorecard pass/fail rate over time, what this suggests about underlying policy performance, as well as an examination of the underlying reasons;
- The progress over time on policy areas measured by both hard-hurdle indicators—Control of Corruption, and Democratic Rights—including an examination of the underlying reasons; and
- Other indicator trajectories as deemed relevant by the Board.

In all cases, while the Board expects the country to be passing its scorecard, other sources of information are examined to understand the nuance and reasons behind scorecard or indicator performance over time, including any real-time updates, methodological changes within the indicators themselves, shifts in the relevant candidate pool, or alternative policy performance perspectives (such as gleaned through consultations with civil society and related stakeholders). Other sources of information are also consulted to look at policy performance over time in areas not covered by the scorecard, but that are deemed important by the Board (such as trade, foreign policy concerns, etc.).

##### 3. A Commitment to Further Sector Reform

The Board expects that subsequent compacts will endeavor to tackle deeper policy reforms necessary to unlock an identified constraint to growth. Consequently, the Board considers its own experience during the previous compact in considering how committed the country is to reducing poverty and increasing economic growth, and therefore tries to gauge the country's commitment for further sector reform should it be selected for a subsequent compact. This includes:

- Assessing the country's delivery of policy reform during the previous compact (as described above);
- Assessing expectations of the country's ability and willingness to

continue embarking on sector policy reform in a subsequent compact;

- Examining both other sources of information that describe the nature of the opportunity to reduce poverty and generate growth (as outlined in A.2 above), and the relative success of the previous compact overall, as already discussed; and

- Finally, considering how well funding can be leveraged for impact, given its experience in the previous compact.

Through this overall approach to subsequent compact selection, the Board applies the three legislatively mandated evaluation criteria (policy performance, the opportunity to reduce poverty and generate economic growth, and the funding available) in a way that rests critically on deeply assessing the previous partnership: From a compact success standpoint, a commitment to improved scorecard policy performance standpoint, and a commitment to continued sector policy reform standpoint. The Board then weighs all of the information described above in making its decision.

The approach described above is then applied in any additional years of selection necessary as the country continues to develop the subsequent compact, with the added benefit of having even further detail on previous compact implementation, cumulative scorecards, records of policy performance, and other accumulated supporting information to determine the overall pattern of performance over the resulting multi-year trajectory.

#### *D. Evaluation for Eligibility for Threshold Programs*

The Board may also select countries to participate in the Threshold Program. The Threshold Program provides assistance to candidate countries that exhibit a significant commitment to meeting the eligibility criteria described in the previous sub-sections, but fail to meet such requirements. Specifically, in examining the policy performance, the opportunity to reduce poverty and generate economic growth, and the funding available, the Board will consider whether a country potentially eligible for threshold program assistance appears to be on a trajectory to becoming a viable contender for compact eligibility in the medium term.

#### *E. A Note on Potential Regional Investments*

FY 2016 marks the first year that the Board may consider selecting countries where potential regional investments (*i.e.*, cross-border investments) may be developed.

With respect to regional investments, the fundamental criteria and process for selection will remain unchanged: Countries will continue to be evaluated and selected individually, as described in sections A, B, and C above. However, for countries where regional investments might be contemplated, the Board will also examine additional supplemental information looking at the policy environment from a regional dimension.

Specifically, the Board will examine additional data and information related to:

- The current state of the country's political and economic integration with its region and neighbors;
- Impediments to further integration with its region and neighbors; and
- The potential gains from investing at a regional level, including illustrative potential sector opportunities.

The Board will weigh this additional regional information in tandem with the other supplemental factors described earlier in sections A, B, and C. The Board will then decide whether or not it will direct MCC to explore some form of a regional investment with the country.

#### **Appendix A: Statutory Basis for This Report**

This report to Congress is provided in accordance with section 608(b) of the Millennium Challenge Act of 2003, as amended, 22 U.S.C. 7707(b) (the Act).

Section 605 of the Act authorizes the provision of assistance to countries that enter into a Millennium Challenge Compact with the United States to support policies and programs that advance the progress of such countries in achieving lasting economic growth and poverty reduction. The Act requires MCC to take a number of steps in selecting countries for compact assistance for FY 2016 based on the countries' demonstrated commitment to just and democratic governance, economic freedom, and investing in their people, MCC's opportunity to reduce poverty and generate economic growth in the country, and the availability of funds. These steps include the submission of reports to the congressional committees specified in the Act and publication of information in the **Federal Register** that identify:

1. The countries that are "candidate countries" for MCA assistance for FY 2016 based on per capita income levels and eligibility to receive assistance under U.S. law. (section 608(a) of the Act; 22 U.S.C. 7707(a));
2. The criteria and methodology that MCC's Board of Directors (Board) will use to measure and evaluate policy

performance of the candidate countries consistent with the requirements of section 607 of the Act (22 U.S.C. 7706) in order to determine "eligible countries" from among the "candidate countries" (section 608(b) of the Act; 22 U.S.C. 7707(b)); and

3. The list of countries determined by the Board to be "eligible countries" for FY 2016, with justification for eligibility determination and selection for compact negotiation, including those eligible countries with which MCC will seek to enter into compacts (section 608(d) of the Act; 22 U.S.C. 7707(d)).

This report reflects the satisfaction of item #2 above.

#### **Appendix B: Lists of all LICs, LMICs, and Statutorily Prohibited Countries for Evaluation Purposes Income Classification for Scorecards**

Since MCC was created, it has relied on the World Bank's gross national income (GNI) per capita income data (Atlas method) and the historical ceiling for eligibility as set by the World Bank's International Development Association (IDA) to divide countries into two income categories for purposes of creating scorecards: LICs and LMICs. These categories are used to account for the income bias that occurs when countries with more per capita resources perform better than countries with fewer. Using the historical IDA eligibility ceiling for the scorecards ensures that the poorest countries compete with their income level peers and are not compared against countries with more resources to mobilize.

MCC will continue to use the traditional income categories for eligibility to categorize countries in two groups for purposes of FY 2016 scorecard comparisons:

- LICs are countries with GNI per capita below IDA's historical ceiling for eligibility (\$1,985 for FY 2016); and
- LMICs are countries with GNI per capita above IDA's historical ceiling for eligibility but below the World Bank's upper middle income country threshold (\$1,986—\$4,125 for FY 2016).

The list of countries categorized as LICs and LMICs for the purpose of FY 2016 scorecard assessments can be found below.<sup>4</sup>

<sup>4</sup> In December 2011, a statutory change requested by MCC altered the way MCC must group countries for the purposes of applying MCC's 25 percent LMIC funding cap. This change, designed to bring stability to the funding stream, affects how MCC funds countries selected for compacts and does not affect the way scorecards are created. For determining whether a country can be funded as an LMIC or LIC:

- The poorest 75 countries are now considered LICs for the purposes of MCC funding. They are not limited by the 25 percent funding cap on LMICs.

**Low Income Countries (FY 2016 Scorecard)**

1. Afghanistan
2. Bangladesh
3. Benin
4. Burkina Faso
5. Burma
6. Burundi
7. Cambodia
8. Cameroon
9. Central African Republic
10. Chad
11. Comoros
12. Congo, the Democratic Republic of
13. Cote d'Ivoire
14. Djibouti
15. Eritrea
16. Ethiopia
17. Gambia
18. Ghana
19. Guinea
20. Guinea-Bissau
21. Haiti
22. India
23. Kenya
24. Korea, Democratic People's Republic of
25. Kyrgyz Republic
26. Laos
27. Lesotho
28. Liberia
29. Madagascar
30. Malawi
31. Mali
32. Mauritania
33. Mozambique
34. Nepal
35. Nicaragua
36. Niger
37. Pakistan
38. Rwanda
39. Sao Tome and Principe
40. Senegal
41. Sierra Leone
42. Solomon Islands
43. Somalia
44. South Sudan
45. Sudan
46. Tajikistan
47. Tanzania
48. Togo
49. Uganda
50. Vietnam
51. Yemen
52. Zambia
53. Zimbabwe

**Lower Middle Income Countries (FY 2016 Scorecard)**

1. Armenia

• Countries with a GNI per capita above the poorest 75 but below the World Bank's upper middle income country threshold (\$4,125 for FY 2015) are considered LMICs for the purposes of MCC funding. By law, no more than 25 percent of all compact funds for a given fiscal year can be provided to these countries.

The FY 2016 Candidate Country Report lists LICs and LMICs based on this new definition and outlines which countries are subject to the 25 percent funding cap.

2. Bhutan
3. Bolivia
4. Cabo Verde
5. Congo, Republic of
6. Egypt
7. El Salvador
8. Georgia
9. Guatemala
10. Guyana
11. Honduras
12. Indonesia
13. Kiribati
14. Kosovo
15. Micronesia
16. Moldova
17. Morocco
18. Nigeria
19. Papua New Guinea
20. Philippines
21. Samoa
22. Sri Lanka
23. Swaziland
24. Syria
25. Timor-Leste
26. Ukraine
27. Uzbekistan
28. Vanuatu

**Statutorily Prohibited Countries for FY16<sup>5</sup>**

1. Bolivia
2. Burma
3. Eritrea
4. North Korea
5. South Sudan
6. Sudan
7. Syria
8. Zimbabwe

**Appendix C: Indicator Definitions**

The following indicators will be used to measure candidate countries' demonstrated commitment to the criteria found in section 607(b) of the Act. The indicators are intended to assess the degree to which the political and economic conditions in a country serve to promote broad-based sustainable economic growth and reduction of poverty and thus provide a sound environment for the use of MCA funds. The indicators are not goals in themselves; rather, they are proxy measures of policies that are linked to broad-based sustainable economic growth. The indicators were selected based on (i) their relationship to

economic growth and poverty reduction; (ii) the number of countries they cover; (iii) transparency and availability; and (iv) relative soundness and objectivity. Where possible, the indicators are developed by independent sources.<sup>6</sup> Listed below is a brief summary of the indicators (a detailed rationale for the adoption of these indicators can be found in the Public Guide to the Indicators on MCC's public Web site at [www.mcc.gov](http://www.mcc.gov)).

**Ruling Justly**

1. Political Rights: Independent experts rate countries on the prevalence of free and fair elections of officials with real power; the ability of citizens to form political parties that may compete fairly in elections; freedom from domination by the military, foreign powers, totalitarian parties, religious hierarchies and economic oligarchies; and the political rights of minority groups, among other things. Pass: Score must be above the minimum score of 17 out of 40. Source: Freedom House

2. Civil Liberties: Independent experts rate countries on freedom of expression; association and organizational rights; rule of law and human rights; and personal autonomy and economic rights, among other things. Pass: Score must be above the minimum score of 25 out of 60. Source: Freedom House

3. Freedom of Information: Measures the legal and practical steps taken by a government to enable or allow information to move freely through society; this includes measures of press freedom, national freedom of information laws, and the extent to which a county is filtering internet content or tools. Pass: Score must be above the median score for the income group. Source: Freedom House/Centre for Law and Democracy/Access Info Europe

4. Government Effectiveness: An index of surveys and expert assessments that rate countries on the quality of public service provision; civil servants' competency and independence from political pressures; and the government's ability to plan and implement sound policies, among other things. Pass: Score must be above the

<sup>5</sup> This list is current as of July 21, 2015. Between such date and the December 2015 selection Board meeting, other countries may also be the subject of future statutory restrictions or determinations, or changed country circumstances, that affect their legal eligibility for assistance under part I of the Foreign Assistance Act by reason of application of the Foreign Assistance Act or any other provision of law for FY 2016. Even though these countries are prohibited from receiving assistance, scorecards are still created for them to ensure all countries are included in an income group in order to determine the global medians/scores for that income group.

<sup>6</sup> Special note on Kosovo: Since UN agencies do not currently publish data for Kosovo due to non-recognition status, MCC is unable to source data directly from the UN for the six indicators that are constructed in all or in part from this data: Land Rights and Access, Health Expenditures, Primary Education Expenditures, Immunization Rates, Girls' Secondary Education Enrollment Rate, and Child Health. As result, MCC publishes data from UNKT (the UN Kosovo Team) in cases where UNKT uses comparable methodologies to their UN sister organizations. See <http://www.unkt.org/> for more information.

median score for the income group. Source: Worldwide Governance Indicators (World Bank/Brookings)

5. Rule of Law: An index of surveys and expert assessments that rate countries on the extent to which the public has confidence in and abides by the rules of society; the incidence and impact of violent and nonviolent crime; the effectiveness, independence, and predictability of the judiciary; the protection of property rights; and the enforceability of contracts, among other things. Pass: Score must be above the median score for the income group. Source: Worldwide Governance Indicators (World Bank/Brookings)

6. Control of Corruption: An index of surveys and expert assessments that rate countries on: "grand corruption" in the political arena; the frequency of petty corruption; the effects of corruption on the business environment; and the tendency of elites to engage in "state capture," among other things. Pass: Score must be above the median score for the income group. Source: Worldwide Governance Indicators (World Bank/Brookings)

#### Encouraging Economic Freedom

1. Fiscal Policy: The overall budget balance divided by gross domestic product (GDP), averaged over a three-year period. The data for this measure comes primarily from IMF country reports or, where public IMF data are outdated or unavailable, are provided directly by the recipient government with input from U.S. missions in host countries. All data are cross-checked with the IMF's World Economic Outlook database to try to ensure consistency across countries and made publicly available. Pass: Score must be above the median score for the income group. Source: International Monetary Fund Country Reports, National Governments, and the International Monetary Fund's World Economic Outlook Database

2. Inflation: The most recent average annual change in consumer prices. Pass: Score must be 15 percent or less. Source: The International Monetary Fund's World Economic Outlook Database

3. Regulatory Quality: An index of surveys and expert assessments that rate countries on the burden of regulations on business; price controls; the government's role in the economy; and foreign investment regulation, among other areas. Pass: Score must be above the median score for the income group. Source: Worldwide Governance Indicators (World Bank/Brookings)

4. Trade Policy: A measure of a country's openness to international

trade based on weighted average tariff rates and non-tariff barriers to trade. Pass: Score must be above the median score for the income group. Source: The Heritage Foundation

5. Gender in the Economy: An index that measures the extent to which laws provide men and women equal capacity to generate income or participate in the economy, including the capacity to access institutions, get a job, register a business, sign a contract, open a bank account, choose where to live, and to travel freely. Pass: Score must be above the median score for the income group. Source: International Finance Corporation

6. Land Rights and Access: An index that rates countries on the extent to which the institutional, legal, and market framework provide secure land tenure and equitable access to land in rural areas and the time and cost of property registration in urban and peri-urban areas. Pass: Score must be above the median score for the income group. Source: The International Fund for Agricultural Development and the International Finance Corporation

7. Access to Credit: An index that rates countries on rules and practices affecting the coverage, scope, and accessibility of credit information available through either a public credit registry or a private credit bureau; as well as legal rights in collateral laws and bankruptcy laws. Pass: Score must be above the median score for the income group. Source: International Finance Corporation

8. Business Start-Up: An index that rates countries on the time and cost of complying with all procedures officially required for an entrepreneur to start up and formally operate an industrial or commercial business. Pass: Score must be above the median score for the income group. Source: International Finance Corporation

#### Investing in People

1. Public Expenditure on Health: Total expenditures on health by government at all levels divided by GDP. Pass: Score must be above the median score for the income group. Source: The World Health Organization

2. Total Public Expenditure on Primary Education: Total expenditures on primary education by government at all levels divided by GDP. Pass: Score must be above the median score for the income group. Source: The United Nations Educational, Scientific and Cultural Organization and National Governments

3. Natural Resource Protection: Assesses whether countries are protecting up to 17 percent of all their

biomes (e.g., deserts, tropical rainforests, grasslands, savannas and tundra). Pass: Score must be above the median score for the income group. Source: The Center for International Earth Science Information Network and the Yale Center for Environmental Law and Policy

4. Immunization Rates: The average of DPT3 and measles immunization coverage rates for the most recent year available. Pass: Score must be above the median score for LICs, and 90 percent or higher for LMICs. Source: The World Health Organization and the United Nations Children's Fund

5. Girls Education:  
a. Girls' Primary Completion Rate: The number of female students enrolled in the last grade of primary education minus repeaters divided by the population in the relevant age cohort (gross intake ratio in the last grade of primary). LICs are assessed on this indicator. Pass: Score must be above the median score for the income group. Source: United Nations Educational, Scientific and Cultural Organization

b. Girls Secondary Enrollment Education: The number of female pupils enrolled in lower secondary school, regardless of age, expressed as a percentage of the population of females in the theoretical age group for lower secondary education. LMICs will be assessed on this indicator instead of Girls Primary Completion Rates. Pass: Score must be above the median score for the income group. Source: United Nations Educational, Scientific and Cultural Organization

6. Child Health: An index made up of three indicators: (i) Access to improved water, (ii) access to improved sanitation, and (iii) child (ages 1–4) mortality. Pass: Score must be above the median score for the income group. Source: The Center for International Earth Science Information Network and the Yale Center for Environmental Law and Policy

#### Relationship to Legislative Criteria

Within each policy category, the Act sets out a number of specific selection criteria. A set of objective and quantifiable policy indicators is used to inform eligibility decisions for MCA assistance and to measure the relative performance by candidate countries against these criteria. The Board's approach to determining eligibility ensures that performance against each of these criteria is assessed by at least one of the objective indicators. Most are addressed by multiple indicators. The specific indicators appear in parentheses next to the corresponding criterion set out in the Act.

Section 607(b)(1): Just and democratic governance, including a demonstrated commitment to—

(A) promote political pluralism, equality and the rule of law (Political Rights, Civil Liberties, Rule of Law, and Gender in the Economy);

(B) respect human and civil rights, including the rights of people with disabilities (Political Rights, Civil Liberties, and Freedom of Information);

(C) protect private property rights (Civil Liberties, Regulatory Quality, Rule of Law, and Land Rights and Access);

(D) encourage transparency and accountability of government (Political Rights, Civil Liberties, Freedom of Information, Control of Corruption, Rule of Law, and Government Effectiveness); and

(E) combat corruption (Political Rights, Civil Liberties, Rule of Law, Freedom of Information, and Control of Corruption);

Section 607(b)(2): Economic freedom, including a demonstrated commitment to economic policies that—

(A) encourage citizens and firms to participate in global trade and

international capital markets (Fiscal Policy, Inflation, Trade Policy, and Regulatory Quality);

(B) promote private sector growth (Inflation, Business Start-Up, Fiscal Policy, Land Rights and Access, Access to Credit, Gender in the Economy, and Regulatory Quality);

(C) strengthen market forces in the economy (Fiscal Policy, Inflation, Trade Policy, Business Start-Up, Land Rights and Access, Access to Credit, and Regulatory Quality); and

(D) respect worker rights, including the right to form labor unions (Civil Liberties and Gender in the Economy); and

Section 607(b)(3): Investments in the people of such country, particularly women and children, including programs that—

(A) promote broad-based primary education (Girls' Primary Completion Rate, Girls' Secondary Education Enrollment Rate, and Total Public Expenditure on Primary Education);

(B) strengthen and build capacity to provide quality public health and reduce child mortality (Immunization

Rates, Public Expenditure on Health, and Child Health); and

(C) promote the protection of biodiversity and the transparent and sustainable management and use of natural resources (Natural Resource Protection).

**Appendix D: Subsequent Compact Considerations**

MCC reporting and data in the following chart are used to assess compact performance of MCC partners nearing the end of compact implementation (*i.e.*, within 18-months of compact end date). Some reporting used for assessment may contain sensitive information and adversely affect implementation or MCC-partner country relations. This information is for MCC's internal use and is not made public. However, key implementation information is summarized in compact status and results reports that are published quarterly on MCC's Web site under MCC country programs ([www.mcc.gov/pages/countries](http://www.mcc.gov/pages/countries)) or monitoring and evaluation (<http://www.mcc.gov/pages/results/m-and-e>) Web pages.

Topic	MCC Reporting/data source	Published documents
<p>COUNTRY PARTNERSHIP</p> <p>Political Will</p> <ul style="list-style-type: none"> <li>• Status of major conditions precedent</li> <li>• Program oversight/implementation                             <ul style="list-style-type: none"> <li>○ project restructures</li> <li>○ partner response to MCA capacity issues</li> </ul> </li> <li>• Political independence of MCA</li> </ul> <p>Management Capacity</p> <ul style="list-style-type: none"> <li>• Project management capacity</li> <li>• Project performance</li> <li>• Level of MCC intervention/oversight</li> <li>• Relative level of resources required</li> </ul> <p>PROGRAM RESULTS</p> <p>Financial Results</p> <ul style="list-style-type: none"> <li>• Commitments—including contributions to compact funding</li> <li>• Disbursements</li> </ul> <p>Project Results</p> <ul style="list-style-type: none"> <li>• Output, outcome, objective targets</li> <li>• MCA commitment to 'focus on results'</li> <li>• MCA cooperation on impact evaluation</li> </ul> <ul style="list-style-type: none"> <li>• Percent complete for process/outputs</li> <li>• Relevant outcome data</li> <li>• Details behind target delays</li> </ul> <p>Target Achievements</p> <p>ADHERENCE TO STANDARDS</p> <ul style="list-style-type: none"> <li>• Procurement</li> <li>• Environmental and social</li> <li>• Fraud and corruption</li> <li>• Program closure</li> <li>• Monitoring and evaluation</li> <li>• All other legal provisions</li> </ul> <p>COUNTRY SPECIFIC</p> <p>Sustainability</p> <ul style="list-style-type: none"> <li>• Implementation entity</li> <li>• MCC investments</li> </ul> <p>Role of private sector or other donors</p>	<ul style="list-style-type: none"> <li>• Quarterly implementation reporting</li> <li>• Quarterly results reporting</li> <li>• Survey of MCC staff</li> </ul> <ul style="list-style-type: none"> <li>• Indicator tracking tables</li> <li>• Quarterly financial reporting</li> <li>• Quarterly implementation reporting</li> </ul> <ul style="list-style-type: none"> <li>• Quarterly results reporting</li> <li>• Survey of MCC staff</li> <li>• Impact evaluations</li> </ul> <ul style="list-style-type: none"> <li>• Audits (GAO and OIG)</li> <li>• Quarterly implementation reporting</li> <li>• Survey of MCC staff</li> </ul> <ul style="list-style-type: none"> <li>• Quarterly implementation reporting</li> <li>• Quarterly results reporting</li> <li>• Survey of MCC staff</li> </ul>	<ul style="list-style-type: none"> <li>• Quarterly results published as "Table of Key Performance Indicators" (available by country): <a href="http://go.usa.gov/jMcC">http://go.usa.gov/jMcC</a>.</li> <li>• Survey questions to be posted: <a href="http://1.usa.gov/PE0xCX">http://1.usa.gov/PE0xCX</a>.</li> </ul> <ul style="list-style-type: none"> <li>• Monitoring and Evaluation Plans (available by country): <a href="http://go.usa.gov/jMcC">http://go.usa.gov/jMcC</a>.</li> <li>• Quarterly Status Reports (available by country): <a href="http://1.usa.gov/NfEbcl">http://1.usa.gov/NfEbcl</a>.</li> </ul> <ul style="list-style-type: none"> <li>• Quarterly results published as "Table of Key Performance Indicators" (available by country): <a href="http://1.usa.gov/QoduNI">http://1.usa.gov/QoduNI</a>.</li> <li>• Survey questions to be posted: <a href="http://1.usa.gov/PE0xCX">http://1.usa.gov/PE0xCX</a>.</li> </ul> <ul style="list-style-type: none"> <li>• Published OIG and GAO Audits</li> <li>• Survey questions to be posted: <a href="http://1.usa.gov/PE0xCX">http://1.usa.gov/PE0xCX</a>.</li> </ul> <ul style="list-style-type: none"> <li>• Quarterly results published as "Table of Key Performance Indicators" (available by country): <a href="http://1.usa.gov/QoduNI">http://1.usa.gov/QoduNI</a>.</li> <li>• Survey questions to be posted: <a href="http://1.usa.gov/PE0xCX">http://1.usa.gov/PE0xCX</a>.</li> </ul>

Topic	MCC Reporting/data source	Published documents
<ul style="list-style-type: none"> <li>• Other relevant investors/investments</li> <li>• Other donors/programming</li> <li>• Status of related reforms</li> <li>• Trajectory of private sector involvement going forward</li> </ul>		

[FR Doc. 2015-24490 Filed 9-25-15; 8:45 am]

BILLING CODE 9211-03-P

## NATIONAL CREDIT UNION ADMINISTRATION

### Agency Information Collection Activities: Submission to OMB for Revision of a Currently Approved Information Collection, Credit Union Service Organizations; Comment Request

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Request for comment.

**SUMMARY:** The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public. NCUA previously amended its credit union service organization (CUSO) regulation to increase transparency and address certain safety and soundness concerns. The final rule extends certain requirements of the CUSO regulation to federally insured, state-chartered credit unions and imposes new requirements on federally insured credit unions (FICUs). Under the amended rule, FICUs with an investment in, or loan to, a CUSO must obtain a written agreement with the CUSO addressing accounting, financial statements, audits, reporting, and legal opinions. The rule limits the ability of a "less than adequately capitalized" FICU to recapitalize an insolvent CUSO. All CUSOs are required to annually provide basic profile information to NCUA and the appropriate state supervisory authority (SSA). CUSOs engaging in certain complex or high-risk activities are also required to report more detailed information, including audited financial statements and customer information.

**DATES:** Comments will be accepted until October 28, 2015.

**ADDRESSES:** Interested parties are invited to submit written comments to the NCUA Contact and the OMB Reviewer listed below:

*NCUA Contact:* Joy Lee, National Credit Union Administration, 1775 Duke

Street, Alexandria, Virginia 22314-3428, Fax No. 703-837-2861, Email: [OCIOPRA@ncua.gov](mailto:OCIOPRA@ncua.gov).

*OMB Reviewer:* Office of Management and Budget, ATTN: Desk Officer for the National Credit Union Administration, Office of Information and Regulatory Affairs, Washington, DC 20503.

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information, a copy of the information collection request, or a copy of submitted comments should be directed to:

*NCUA Contact:* Joy Lee, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428, Fax No. 703-837-2861, Email: [OCIOPRA@ncua.gov](mailto:OCIOPRA@ncua.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract and Request for Comments

NCUA is revising the currently approved collection of information, OMB Control Number, 3133-0149, to reflect amendments to 12 CFR part 712. Part 712 implements authority in the Federal Credit Union Act<sup>1</sup> relating to FICU lending or investment activity with a CUSO. The rule addresses NCUA's safety and soundness concerns for activities conducted by CUSOs and imposes certain recordkeeping obligations on FICUs that have investment or lending relationships with, or conduct operations through, CUSOs. Certain reporting obligations are imposed on natural person credit union CUSOs and corporate CUSOs as a result of the rule.

Specifically, under the amended rule, FICUs with an investment in, or loan to, a CUSO must obtain a written agreement with the CUSO (or revise any current agreement the FICU has with a CUSO) to provide that the CUSO will:

- (1) Account for all its transactions in accordance with generally accepted accounting principles (GAAP);
- (2) prepare quarterly financial statements and obtain an annual financial statement audit of its financial statements by a licensed certified public accountant;
- (3) provide complete access to the books and records of the CUSO; and
- (4) annually report directly to NCUA and the appropriate state

<sup>1</sup> 12 U.S.C. 1756, 1757(5)(D), 1757(7)(I), 1766, 1782, 1785, and 1786.

supervisory authority (SSA) certain financial and other information prescribed by the rule. 12 CFR 712.3(d).

The report (CUSO Registry) must contain basic registration information, including the CUSO's name and address, point of contact, services offered, the names and charter numbers of credit unions investing in, lending to, or receiving services from the CUSO, and investor and subsidiary information. In addition, for any CUSO engaged in complex or high-risk activities, as defined in the rule, the report must contain additional, enhanced, more detailed information, including audited financial statements and more specific customer information. 12 CFR 712.3(d)(4). NCUA plans to implement secure online technology for the CUSOs' direct submission of financial and other reports.

Development of the CUSO Registry is underway, which will provide fully electronic reporting by CUSOs.

A FICU and a CUSO must be operated in a manner that demonstrates to the public the separate corporate existence of the FICU and the CUSO. Section 712.4(b) requires that prior to investing in a CUSO, the FICU must obtain a written legal opinion confirming the CUSO is established in a legally sufficient way to limit the FICU's exposure to loss of its loans or investments in the CUSO. 12 CFR 712.4(b).

The amendments also require that a FICU that is, or as a result of recapitalizing an insolvent CUSO, will become less than adequately capitalized must, under certain circumstances, obtain NCUA (or SSA, if applicable) approval to recapitalize a CUSO that has become insolvent. 12 CFR 712.2(d).

NCUA previously requested comments in response to a notice on "Information Collection Activities: Submission to OMB for Revision of a Currently Approved Information Collection, Credit Union Service Organizations" due September 4, 2015. (80 FR 38475, July 6, 2015). NCUA received a few comments in response to this sixty-day notice. Staff carefully reviewed and considered these comments.

In particular, with regard to concern about confidentiality, the rule addresses documents, such as an agreement

between a credit union and its CUSO, and legal opinions, which are and would remain credit union property. There is no requirement that the documents be made public. CUSO reports may contain or consist of trade secrets and commercial or financial information which relate to the business, personal, or financial affairs of a person or organization, are furnished to NCUA, and are privileged or confidential. With regard to concern of data security measures, at a minimum NCUA information systems adhere to the National Institute of Standards and Technology (NIST) security controls and guidelines at the moderate level. In addition, with regard to concern about duplication, currently, NCUA collects CUSO related information on the NCUA Form 5300 Call Report and the NCUA Form 4501A Online CU Profile (OMB Control No. 3133-0004). Upon successful implementation of the CUSO Registry, NCUA plans to eliminate the duplicate information collected on the Call Report and Online CU Profile.

In summary, Part 712 contains the following information collection (IC) requirements:

(IC 1.) Obtain Written Agreement. Before making a loan to, or investment in, a CUSO, a FICU must obtain a written agreement from the CUSO (or revise any current agreement the FICU has with a CUSO) that the CUSO will: Follow generally accepted accounting principles (GAAP); prepare financial statements at least quarterly and obtain an annual opinion audit from a licensed certified public accountant; provide access to its books and records to NCUA and the appropriate SSA; and file financial and other reports directly with NCUA and the appropriate SSA;

(IC 2.) Obtain Written Legal Opinion. A FICU must obtain a written legal opinion confirming the CUSO is established in a legally sufficient way to limit the credit union's exposure to loss of its loans to, or investments in, the CUSO;

(IC 3.) Obtain Regulatory Approval. Any FICU that is or, as a result of recapitalizing an insolvent CUSO will become, less than adequately capitalized, must seek NCUA approval before recapitalizing an insolvent CUSO; and

(IC 4.) CUSO Reporting. A CUSO with an investment or loan from a FICU must annually submit a report directly to NCUA and the appropriate SSA that contains financial and other information prescribed in the rule. All CUSOs are required to provide basic profile information to NCUA and the appropriate SSA. CUSOs engaging in certain complex or high-risk activities

are also required to report more detailed information, including audited financial statements and customer information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

NCUA requests that you send any comments on the information collection requirements for Credit Union Service Organizations, 12 CFR part 712, to the locations listed in the **ADDRESSES** section. Your comments should address: (a) The necessity of the information collection for the proper performance of NCUA, including whether the information will have practical utility; (b) the accuracy of our estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) ways we could minimize the burden of the collection of the information on the respondents such as through the use of automated collection techniques or other forms of information technology. It is NCUA's policy to make all comments available to the public for review.

## II. Data

*Title:* Credit Union Service Organizations, 12 CFR part 712.

*OMB Number:* 3133-0149.

*Form Number:* None.

*Type of Review:* Revision to a currently approved collection.

*Description:* NCUA amended Part 712 to increase transparency and address safety and soundness concerns about activities conducted by CUSOs and imposes certain recordkeeping obligations on FICUs that have investment or lending relationships with, or conduct operations through, CUSOs.<sup>2</sup> The final rule extends certain requirements of the CUSO regulation to federally insured, state-chartered credit unions and imposes new requirements on FICUs. Under the amended rule, a FICU with an investment in, or loan to, a CUSO must obtain a written agreement with the CUSO addressing accounting, financial statements, audits, reporting, and legal opinions. The rule limits the ability of a "less than adequately capitalized" FICU to recapitalize an insolvent CUSO. All CUSOs are required to annually provide basic profile information to NCUA and the appropriate SSA. CUSOs engaging in certain complex or high-risk activities are also required to report more detailed information, including audited financial

statements and customer information. These reporting obligations are imposed on natural person credit union CUSOs and corporate credit union CUSOs as a result of the rule.

*Respondents:* Federally insured credit unions and credit union service organizations.

*Estimated No. of Respondents:* 4,116.

*Frequency of Response:* One-time, on occasion, and annual.

*Estimated Burden Hours per Response:* Varies based on type and frequency of response.

*Estimated Total Annual Burden Hours:* 11,558.5 hours.

*Estimated Total Annual Cost:* \$76,177.2

By the National Credit Union Administration on September 22, 2015.

**Gerard Poliquin,**

*Secretary of the Board.*

[FR Doc. 2015-24478 Filed 9-25-15; 8:45 am]

**BILLING CODE 7535-01-P**

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## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Arts

#### National Council on the Arts 186th Meeting

**AGENCY:** National Endowment for the Arts, National Foundation on the Arts and Humanities.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held at Constitution Center, 400 7th St. SW., Washington, DC 20506. Agenda times are approximate.

**DATES:** Friday, October 30, 2015 from 9:00 a.m. to 11:30 a.m. in Conference Rooms A and B (This session will be open and also will be webcast).

**FOR FURTHER INFORMATION CONTACT:** Office of Public Affairs, National Endowment for the Arts, Washington, DC 20506, at 202/682-5570.

**SUPPLEMENTARY INFORMATION:** The meeting on October 30th will be open to the public on a space available basis. The tentative agenda is as follows: The session will begin at 9:00 a.m. with opening remarks and voting on recommendations for funding and rejection and guidelines, followed by updates from the Chairman. There also will be the following presentations (times are approximate): from 9:30 a.m. to 10:00 a.m.—*Presentation on 50th Anniversary Web Resources* (Jessamyn

<sup>2</sup> 78 FR 72537 (Dec. 3, 2013).



Sarmiento, Director of Public Affairs, NEA); from 10:00 a.m. to 10:30 a.m.—*Presentations on the Beginning of the NEA & the Founding of the American Film Institute* (George Stevens, Jr., President's Committee on the Arts & Humanities Co-Chair and Founding Director of the American Film Institute); and from 10:30 a.m. to 11:15 a.m.—*Presentations on the History & Impact of NEA Funding*. From 11:15–11:30 there will be concluding remarks from the Chairman and announcement of voting results. The meeting will adjourn at 11:30 a.m.

The session also will be webcast. To register to watch the webcasting of this meeting, go to <http://artsgov.adobeconnect.com/nca-oct2015-webcast/event/registration.html>.

If, in the course of the open session discussion, it becomes necessary for the Council to discuss non-public commercial or financial information of intrinsic value, the Council will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b, and in accordance with the February 15, 2012 determination of the Chairman. Additionally, discussion concerning purely personal information about individuals, such as personal biographical and salary data or medical information, may be conducted by the Council in closed session in accordance with subsection (c)(6) of 5 U.S.C. 552b.

Any interested persons may attend, as observers, Council discussions and reviews that are open to the public. If you need special accommodations due to a disability, please contact the Office of Accessibility, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5733, Voice/T.T.Y. 202/682–5496, at least seven (7) days prior to the meeting.

Dated: September 22, 2015.

**Kathy Plowitz-Worden,**

*Panel Coordinator, Office of Guidelines and Panel Operations.*

[FR Doc. 2015–24499 Filed 9–25–15; 8:45 am]

**BILLING CODE 7537–01–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 28, 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](mailto: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, 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: 2016–013

1. *Applicant*, Michael J. Polito, Department of Oceanography and Coastal Sciences, Louisiana State University, 1002–Y Energy, Coast & Environment Building, Baton Rouge, LA 70803

#### Activity for Which Permit Is Requested

Take, ASPA, Import, Export; The applicant intends to opportunistically collect sediments and organic remains from around active & abandoned penguin colonies, and to obtain body and tail feathers from gentoo, chinstrap, and Adélie penguins from breeding sites in the South Orkneys, South Shetland, and Antarctic Peninsula regions, Ross Sea and Victoria Land Coast, vicinity of McMurdo Station, and East Antarctica. Access to these sites will be by foot, zodiac, helicopter, Twin Otter and other vessels including commercial tour ships. These samples will be used to help interpret decadal and millennial-scale shifts in the diets and population movements of Antarctic krill predators

in concert with climate variability and commercial harvesting. For each species, up to 3 colonies per year will be sampled with up to 20 individuals (adults or chicks) sampled per colony. Samples will be sent back to the USA and the UK for analysis.

### Location

South Orkneys, South Shetland and Antarctic Peninsula regions, Ross Sea and Victoria Land Coast, vicinity of McMurdo Station, East Antarctica. Sites will be on an opportunistic basis and may include some of the following ASPAs: 102, Rookery Islands, Holme Bay; 103, Ardrey Island and Odbert Island; 104, Sabrina Island, Balleny Islands; 105, Beaufort Island, Ross Sea; 106, Cape Hallett, Victoria Land; 107, Dion Islands, Marguerite Bay; 108, Green Island, Berthelot Islands; 109, Moe Island, South Orkney Islands; 110, Lynch Island, South Orkney Islands; 111, Southern Powell Island and adjacent islands, South Orkney Island; 112, Coppermine Peninsula, Robert Island; 113, Litchfield Island, Arthur Harbor, Palmer Archipelago; 114, North Coronation Island, South Orkney Islands; 115, Lagotellerie Island, Marguerite Bay; 116, “New College Valley”, Caughley Beach, Cape Bird, Ross Island; 117, Avian Island, Northwest Marguerite Bay; 121, Cape Royds, Ross Island; 124, Cape Crozier, Ross Island; 125, Fildes Peninsula, King George Island, South Shetland Islands; 126, Byers Peninsula, Livingston Island; 127, Haswell Island; 128, Western Shore of Admiralty Bay, King George Island; 129, Rothera Point, Adelaide Island; 132, Potter Peninsula, King George Island; 133, Harmony Point, Nelson Island; 134, Cierva Point offshore islands, Danco Coast; 135, North-East Bailey Peninsula, Budd Coast, Wilkes Land; 136, Clark Peninsula, Budd Coast, Wilkes Land; 139, Biscoe Point, Anvers Island; 149, Cape Shirreff, Livingston Island; 150, Ardley Island, Maxwell Bay, King George Island; 159, Cape Adare; 160, Frazier Island, Wilkes Land; and 171, Narebski Point, Barton Peninsula, King George Island

### Dates

December 1, 2015–August 31, 2019.

**Nadene G. Kennedy,**

*Polar Coordination Specialist, Division of Polar Programs.*

[FR Doc. 2015–24522 Filed 9–25–15; 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 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 28, 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](mailto: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, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

**Application Details****Permit Application: 2016-014**

1. *Applicant:* Dwayne Stevens, Marine Operations Manager, Lindblad Expeditions, 1415 Western Ave. Suite 700, Seattle, WA 98101.

**Activity for Which Permit Is Requested**

Waste Permit; The applicant wishes to fly small, battery operated, remotely controlled Unmanned Aerial Systems (UASs) equipped with cameras to take scenic photos and film of the Antarctic. The UASs would not be flown over

concentrations of birds or mammals or over Antarctic Specially Protected Areas or Historic Sites and Monuments. The proposed pilot has paragliding, ultralight aircraft and helicopter pilot experience; over 15 years experience with remote controlled aircraft; and over 2 years experience and over 500 safe flights with the specific proposed UASs. The UASs would be equipped with flotation in the case of accidental landing, would only be flown over water after launching from an inflatable Zodiac boat, would only be flown when the wind is less than 25 knots, and visual contact would be maintained with the vehicle at all times. The applicant is seeking a Waste Permit to cover any accidental releases that may result from flying a UAS.

**Location**

Antarctic Peninsula region and South Georgia.

**Dates**

November 1, 2015 to March 31, 2017.

**Nadene G. Kennedy,**

*Polar Coordination Specialist, Division of Polar Programs.*

[FR Doc. 2015-24523 Filed 9-25-15; 8:45 am]

**BILLING CODE 7555-01-P**

**NUCLEAR REGULATORY COMMISSION**

[NRC-2015-0001]

**Sunshine Act Meeting**

**DATE:** September 28, October 5, 12, 19, 26, November 2, 2015.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**Week of September 21, 2015**

Thursday, September 24, 2015

9:55 a.m. Affirmation Session (Public Meeting) (Tentative), Tennessee Valley Authority (Watts Bar Unit 2)—Petition for Review of LBP-15-14.

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

**ADDITIONAL INFORMATION** By a vote of 4-0 on September 22, 2015 the Commission determined pursuant to U.S.C. 552b(e) and 9.107(a) of the Commission's rules that the above referenced Affirmation Session be held with less than one week notice to the public. The meeting is scheduled on September 24, 2015.

**Week of September 28, 2015—Tentative**

Monday, September 28, 2015

1:30 p.m. NRC All Employees Meeting (Public Meeting), Marriott Bethesda North Hotel, 5701 Marinelli Road, Rockville, MD 20852.

Thursday, October 1, 2015

9:00 a.m. Strategic Programmatic Overview of the Decommissioning and Low-Level Waste and Spent Fuel Storage and Transportation Business Lines (Public Meeting), (Contact: Damaris Marciano: 301-415-7328).

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

**Week of October 5, 2015—Tentative**

There are no meetings scheduled for the week of October 5, 2015.

**Week of October 12, 2015—Tentative**

There are no meetings scheduled for the week of October 12, 2015.

**Week of October 19, 2015—Tentative**

Monday, October 19, 2015

9:30 a.m. Briefing on Security Issues (Closed—Ex. 1).

Wednesday, October 21, 2015

9:00 a.m. Joint Meeting of the Federal Energy Regulatory Commission (FERC) and the Nuclear Regulatory Commission (NRC) (Part 1) (Public Meeting), To be held at FERC Headquarters, 888 First Street NE., Washington, DC, (Contact: Tania Martinez-Navedo: 301-415-6561).

This meeting will be webcast live at the Web address—[www.ferc.gov](http://www.ferc.gov)

11:20 a.m. Joint Meeting of the Federal Energy Regulatory Commission (FERC) and the Nuclear Regulatory Commission (NRC) (Part 2) (Closed—Ex. 1 & 3), To be held at FERC Headquarters, 888 First Street NE., Washington, DC.

**Week of October 26, 2015—Tentative**

There are no meetings scheduled for the week of October 26, 2015.

**Week of November 2, 2015—Tentative**

There are no meetings scheduled for the week of November 2, 2015

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Glenn Ellmers at 301-415-0442 or via email at [Glenn.Ellmers@nrc.gov](mailto:Glenn.Ellmers@nrc.gov).

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/public-involve/public-meetings/schedule.html>.

The NRC provides reasonable accommodation to individuals with

disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301-287-0727, by videophone at 240-428-3217, or by email at [Kimberly.Meyer-Chambers@nrc.gov](mailto:Kimberly.Meyer-Chambers@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301-415-1969), or email [Brenda.Akstulewicz@nrc.gov](mailto:Brenda.Akstulewicz@nrc.gov) or [Patricia.Jimenez@nrc.gov](mailto:Patricia.Jimenez@nrc.gov).

Dated: September 23, 2015.

**Glenn Ellmers,**

*Policy Coordinator, Office of the Secretary.*

[FR Doc. 2015-24612 Filed 9-24-15; 11:15 am]

BILLING CODE 7590-01-P

## OVERSEAS PRIVATE INVESTMENT CORPORATION

[OPIC-257, OMB No. XXX]

### Submission for OMB Review; comments request

**AGENCY:** Overseas Private Investment Corporation (OPIC).

**ACTION:** Notice and request for comments.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency is submitting an existing collection in use without an OMB control number for OMB review and approval, and requests public review and comment on the submission. OPIC received no comments in response to the sixty (60) day notice. The purpose of this notice is to allow an additional thirty (30) days for public comments to be submitted. Comments are being solicited on the need for the information; the accuracy of OPIC's burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

**DATES:** Comments must be received within thirty (30) calendar days of publication of this Notice.

**ADDRESSES:** Mail all comments and requests for copies of the subject form to OPIC's Agency Submitting Officer: James Bobbitt, Overseas Private Investment Corporation, 1100 New York Avenue NW., Washington, DC 20527. See **SUPPLEMENTARY INFORMATION** for other information about filing.

**FOR FURTHER INFORMATION CONTACT:** OPIC Agency Submitting Officer: James Bobbitt, (202)336-8558.

**SUPPLEMENTARY INFORMATION:** OPIC received no comments in response to the sixty (60) day notice published in **Federal Register** volume 80 FR 43479 on July 22, 2015. All mailed comments and requests for copies of the subject form should include form number OPIC-257 on both the envelope and in the subject line of the letter. Electronic comments and requests for copies of the subject form may be sent to [James.Bobbitt@opic.gov](mailto:James.Bobbitt@opic.gov), subject line OPIC-257.

### Summary Form Under Review

*Type of Request:* Approval for existing collection in use without an OMB control number.

*Title:* Enterprise Development Network Project Information Questionnaire.

*Form Number:* OPIC-257.

*Frequency of Use:* Once per applicant per project. The form is used to generate online sales leads. It is completed by the applicant and the information collected is routed to OPIC-affiliated Loan Originators. Applicants may make multiple submissions of the same project information, but the overwhelming majority submit once per applicant per project.

*Type of Respondents:* Business or other institutions; individuals.

*Standard Industrial Classification Codes:* All.

*Description of Affected Public:* Companies or citizens investing overseas.

*Reporting Hours:* 16 hours (5 minutes per form).

*Number of Responses:* 192 per year.

*Federal Cost:* \$0. Automated leads are generated and sent to OPIC Affiliates for review, prequalification and action.

*Authority for Information Collection:* Sections 231; 234(b); and 234(c) of the Foreign Assistance Act of 1961, as amended.

*Abstract (Needs and Uses):* The Project Information Questionnaire is the principal document used by OPIC's Enterprise Development Network (EDN) to collect project and contact information. These leads are routed to a network of approved Loan Originators. After review, Loan Originators can

contact the project sponsors and offer assistance in the preparation and submission of OPIC loan applications.

Dated: September 22, 2015.

**Nichole Skoyles,**

*Administrative Counsel, Department of Legal Affairs.*

[FR Doc. 2015-24512 Filed 9-25-15; 8:45 am]

BILLING CODE 3210-01P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-75966; File No. SR-NYSE-2015-39]

### Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Supplementary Material .20 to Rule 103 To Permit Member Organizations That Operate as Designated Market Maker Units on the Exchange and Also Operate DMM Units on the NYSE MKT LLC To Make an Adjustment to Excess Net Capital

September 22, 2015.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on September 8, 2015, New York Stock Exchange LLC ("NYSE" 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 substantially 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 Supplementary Material .20 to Rule 103 ("NYSE Rule 103.20"), to permit member organizations that operate as Designated Market Maker ("DMM") units on the Exchange and also operate DMM units on the NYSE MKT LLC ("NYSE MKT") to make an adjustment to Excess Net Capital. The text of the proposed rule change is available on the Exchange's Web site at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission's Public Reference Room.

<sup>1</sup> See 15 U.S.C. 78s(b)(1).

<sup>2</sup> See 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 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 NYSE Rule 103.20, which sets forth the net liquid assets requirements for a member organization that operates as DMM a [sic] unit on the Exchange,<sup>3</sup> to permit such DMM unit to make an adjustment to Excess Net Capital when calculating Net Liquid Assets if it also operates as a DMM unit on NYSE MKT. The proposed adjustment would permit a DMM unit to add back to its Excess Net Capital the lesser of (1) the actual haircuts under Securities and Exchange Commission ("SEC" or "Commission") [sic] Rule 15c3-1 (the "SEC Net Capital Rule")<sup>4</sup> on its NYSE MKT dealer positions, or (2) the NYSE MKT DMM tentative net capital requirement calculated according to NYSE MKT Rule 103.20—Equities ("NYSE MKT Rule 103.20").

#### Background and Proposed Rule Change

NYSE Rule 103.20 sets forth a Net Liquid Assets requirement for DMM units that exceed [sic] the SEC Net Capital Rule minimum net capital requirement applicable to market-making activities. The purpose of the Exchange's requirement is to reasonably assure that each DMM unit maintains sufficient liquidity to carry out its obligation to maintain a fair and orderly market in its assigned securities in times of market stress.

Rule 103.20(a) defines "Net Liquid Assets" as the sum of (A) "Excess Net

Capital" and (B) "Liquidity" dedicated to the DMM unit. Excess Net Capital has the same meaning as the term excess net capital as computed in accordance with the SEC Net Capital Rule, which means the amount identified as item number 3770 of SEC Form X-17A-5 ("FOCUS Report"), except for DMM units that compute net capital under the alternative standard, for which it would mean item number 3910 of the FOCUS Report. Liquidity is defined as undrawn or actual borrowings that are dedicated to the DMM unit's business, as specified in Rule 103.20(a)(3)(A)–(C). Rule 103.20 requires that aggregate Net Liquid Assets of all DMM units equal at least \$125 million and that each DMM unit maintain or have allocated to it Net Liquid Assets that are the greater of (1) \$1 million, or (2) \$125,000 for each one-tenth of one percent (0.1%) of Exchange transaction dollar volume<sup>5</sup> in its registered securities.

Pursuant to NYSE MKT Rule 103.20, DMM units on NYSE MKT are required to calculate their NYSE MKT tentative net capital ("TNC") requirement based on the greater of (i) \$1,000,000 or (ii) the haircut charges on a theoretical position of 60 trading units of each assigned NYSE MKT DMM security and 20 trading units of each assigned Unlisted Trading Privileges DMM security. For NYSE MKT DMM units that also operate as DMMs on the NYSE, the haircuts on NYSE MKT DMM positions as computed pursuant to the SEC Net Capital Rule are deducted in computing Net Liquid Assets under NYSE Rule 103.20. DMM units operating on NYSE and NYSE MKT therefore incorporate the market risk charges (*i.e.*, haircuts) on the NYSE MKT positions twice: First, because the NYSE and NYSE MKT DMM capital requirements are cumulative,<sup>6</sup> Excess Net Capital available to meet the requirement of NYSE Rule 103.20 must be reduced by the amount of capital needed to satisfy the NYSE MKT Rule 103.20 requirement and, second, in computing Net Liquid Assets under NYSE Rule 103.20, the determination of Excess Net Capital incorporates several adjustments, such as a reduction for haircuts on proprietary positions, including NYSE MKT DMM positions.

The Exchange accordingly proposes to add a new section (6) to NYSE Rule 103.20(b), which sets forth the minimum Net Liquid Assets requirement,<sup>7</sup> to permit a DMM unit operating on both the NYSE and NYSE MKT to avoid duplicative reductions to Excess Net Capital by adding back the lesser of actual SEC Net Capital Rule haircuts on the firm's NYSE MKT DMM positions or the NYSE MKT DMM TNC requirement calculated pursuant to NYSE MKT Rule 103.20. The proposed adjustment would permit a DMM unit operating on both marketplaces to have Excess Net Capital reduced once for NYSE MKT DMM haircuts under NYSE Rule 103.20, thereby adjusting the DMM unit's capital available to meet its Net Liquid Assets requirement. The Exchange believes that this change would result in a more efficient utilization of capital by DMM units who operate on both exchanges.

The Exchange believes that the proposed change would not diminish the current levels of capital maintained by DMM units operating on both markets. The Exchange notes that it would continue to assess DMM unit financial requirements and that the Financial Industry Regulatory Authority, Inc. ("FINRA"), [sic] on behalf of the Exchange, would continue to monitor DMM unit compliance with NYSE Rule 103.20.

The Exchange proposes to notify DMM units of the implementation date of this rule change via a Member Education Bulletin.

The proposed change is not otherwise intended to address any other issues and the Exchange is not aware of any problems that DMM units would have in complying with the proposed change.

#### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act,<sup>8</sup> in general, and furthers the objectives of section 6(b)(5) of the Act,<sup>9</sup> in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in

<sup>7</sup> The Exchange also proposes to add a reference to the proposed adjustment in NYSE Rule 103.20(a)(1)(A), which defines the term "Net Liquid Assets."

<sup>8</sup> 15 U.S.C. 78f(b).

<sup>9</sup> 15 U.S.C. 78f(b)(5).

<sup>3</sup> Pursuant to Rule 2(j), a DMM unit is defined as a member organization or unit within a member organization that has been approved to act as a DMM unit under Rule 98. Pursuant to Rule 2(i), a DMM is defined as an individual member, officer, partner, employee or associated person of a DMM unit who is approved by the Exchange to act in the capacity of a DMM. All references to rules herein are to NYSE rules, unless otherwise noted.

<sup>4</sup> 17 CFR 240.15c3-1.

<sup>5</sup> The term "Exchange transaction dollar volume" means the most recent Statistical Data, calculated and provided by the NYSE on a monthly basis.

<sup>6</sup> NYSE Rule 103.20(b)(2) requires that Excess Net Capital be "dedicated exclusively to the DMM unit's activities and shall not be used by other business units." Accordingly, the portion of Excess Net Capital used to meet the DMM's NYSE Rule 103.20 requirement cannot include the capital which is being used to meet the firm's NYSE MKT DMM requirement.

general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed change would remove impediments to, and perfect the mechanisms of, a free and open market and a national market system by reducing the financial burden on DMM units operating on both the Exchange and NYSE MKT by eliminating the requirement to apply duplicative NYSE MKT DMM dealer haircuts. The Exchange believes that permitting DMM units operating on both marketplaces to take an adjustment would prevent those units from taking NYSE MKT DMM positions into consideration twice as part of the Excess Net Capital calculation under NYSE Rule 103.20, thereby potentially lowering the DMM units' Excess Net Capital available to meet their Net Liquid Assets requirements. The Exchange believes that the proposed rule would continue to assure that DMM units have sufficient liquidity to carry out their obligations to maintain an orderly market in their assigned securities in times of market stress.

The Exchange further believes that the proposed change would protect investors and the public interest by reducing existing barriers to entry for new DMM units and mitigating the potential loss of existing DMM units. Stabilizing and increasing the pool of DMM units with a more efficient financial structure would be beneficial to the Exchange and would also enhance market quality and thereby support investor protection and public interest goals.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is designed to permit DMM units operating on the Exchange and NYSE MKT to make an adjustment to Excess Net Capital to add back haircuts on NYSE MKT DMM positions and avoid taking these haircuts into consideration twice, but would not affect the overall level thereof. This

proposed change would eliminate a potential barrier to entry for new DMM units interested in operating on both markets, thereby promoting competition.

The Exchange notes that market makers and traders on other U.S. equity exchanges are not subject to net capital requirements beyond those required by the SEC Net Capital Rule. Nonetheless, DMM units have unique affirmative obligations and the Exchange continues to believe that it is appropriate that their financial requirements be higher than other market participants. The proposal would support competition by making DMM unit financial requirements more manageable for member organizations, including both existing and potential future DMM units, and would thereby promote greater interest in seeking DMM unit appointments on the Exchange. Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting the services it offers and the requirements it imposes to remain competitive with other U.S. equity exchanges.

For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

#### *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**

The Exchange has filed the proposed rule change pursuant to section 19(b)(3)(A)(iii) of the Act<sup>10</sup> and Rule 19b-4(f)(6) thereunder.<sup>11</sup> Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to section 19(b)(3)(A)

of the Act and Rule 19b-4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)<sup>12</sup> normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),<sup>13</sup> the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under section 19(b)(2)(B)<sup>14</sup> of the Act to determine whether the proposed rule change should be approved or disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSE-2015-39 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSE-2015-39. 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

<sup>12</sup> 17 CFR 240.19b-4(f)(6).

<sup>13</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>14</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>10</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>11</sup> 17 CFR 240.19b-4(f)(6).

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-NYSE-2015-39 and should be submitted on or before October 19, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>15</sup>

**Robert W. Errett,**  
Deputy Secretary.

[FR Doc. 2015-24517 Filed 9-25-15; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-75959; File No. SR-ISE Gemini-2015-16]

### Self-Regulatory Organizations; ISE Gemini, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees

September 22, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on September 11, 2015, ISE Gemini, LLC (the "Exchange" or "ISE Gemini") filed with the Securities and Exchange Commission the proposed rule change, as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

ISE Gemini proposes to amend the Schedule of Fees as described in more detail below. The text of the proposed

rule change is available on the Exchange's Internet Web site at <http://www.ise.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 self-regulatory organization 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 its Schedule of Fees to increase Taker Fees and Fees for Responses to Crossing Orders<sup>3</sup> (excluding PIM orders) for Market Maker,<sup>4</sup> Non-ISE Gemini Market Maker,<sup>5</sup> Firm Proprietary<sup>6</sup>/Broker-Dealer,<sup>7</sup> and Professional Customer<sup>8</sup> (collectively, "non-Priority Customer") orders in Non-Penny Symbols.<sup>9</sup> In Non-Penny Symbols, the current Taker Fee for Market Maker orders is \$0.86 per contract, and the current Taker Fee for Non-ISE Gemini Market Maker, Firm Proprietary/Broker Dealer, and Professional Customer orders is \$0.87 per contract. Additionally, ISE Gemini charges Fees for Responses to Crossing Orders that are equivalent to the Taker Fees described above. The Exchange

<sup>3</sup> "Responses to Crossing Orders" are any contra-side interest (*i.e.*, orders & quotes) submitted after the commencement of an auction in the Exchange's Facilitation Mechanism, Solicited Order Mechanism, Block Order Mechanism or Price Improvement Mechanism ("PIM").

<sup>4</sup> The term Market Maker refers to "Competitive Market Makers" and "Primary Market Makers" collectively. See Rule 100(a)(25).

<sup>5</sup> A "Non-ISE Gemini Market Maker" is a market maker as defined in Section 3(a)(38) of the Securities Exchange Act of 1934, as amended, registered in the same options class on another options exchange.

<sup>6</sup> A "Firm Proprietary" order is an order submitted by a member for its own proprietary account.

<sup>7</sup> A "Broker-Dealer" order is an order submitted by a member for a broker-dealer account that is not its own proprietary account.

<sup>8</sup> A "Professional Customer" is a person or entity that is not a broker/dealer and is not a Priority Customer.

<sup>9</sup> "Non-Penny Symbols" are options overlying all symbols excluding Penny Symbols.

now proposes to increase its Taker Fees and Fees for Responses to Crossing Orders to \$0.89 per contract for all non-Priority Customer orders executed in Non-Penny Symbols.

###### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,<sup>10</sup> in general, and Section 6(b)(4) of the Act,<sup>11</sup> in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

The Exchange believes that it is reasonable and equitable to increase fees for non-Priority Customer orders in Non-Penny Symbols as the proposed Taker Fee is marginally higher than ISE's current fees and is set at a level ISE believes will remain attractive to its members. Further, the proposed Taker Fee is within the range of fees charged by other options exchanges, including, for example, the Nasdaq Options Market ("NOM"), which charges a fee of \$0.94 per contract for Non-Priority Customer orders in Non-Penny Pilot Symbols.<sup>12</sup> Similarly, the proposed Fee for Responses to Crossing Orders in Non-Penny Symbols is being increased slightly and is appropriate to attract price improvement for Crossing Orders submitted to ISE. Further, the proposed Fee for Responses to Crossing Orders in Non-Penny Symbols is within the range of fees charged by other options exchanges, including, for example, BOX Options Exchange ("BOX"), which charges up to \$1.22 per contract for non-customer responses in Non-Penny Pilot Symbols.<sup>13</sup> In addition, while the Exchange is increasing the fee spread between non-Priority Customer and Priority Customer<sup>14</sup> orders, the

<sup>10</sup> 15 U.S.C. 78f.

<sup>11</sup> 15 U.S.C. 78f(b)(4).

<sup>12</sup> See NOM Fee Schedule, Chapter XV Options Pricing, Sec. 2. NASDAQ Options Market—Fees and Rebates.

<sup>13</sup> The fees charged by BOX to non-customers for Responses in the Solicitation of Facilitation Auction Mechanisms range from \$0.20 to \$0.27. See BOX Fee Schedule, Section I. Exchange Fees, C. Facilitation and Solicitation Transactions. According to the Fee Schedule, "Responses to Facilitation and Solicitation Orders executed in these mechanisms shall be charged the 'add' fee." *Id.* at Section II. Liquidity Fees and Credits, B. Facilitation and Solicitation Transactions, second bullet. The Fee for Adding Liquidity in Non-Penny Pilot Classes for all account types is \$0.95. *Id.* at Section II. Liquidity Fees and Credits, B. Facilitation and Solicitation Transactions. Thus, BOX's fees range from \$1.15 to \$1.22 per contract.

<sup>14</sup> In contrast to the proposed Taker Fee and Fee for Responses to Crossing Orders of \$0.89, Priority Customer orders that remove liquidity on ISE Gemini are charged a lower Taker Fee of \$0.82 for

Continued

<sup>15</sup> See 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

Exchange does not believe that the proposed changes are unfairly discriminatory. A Priority Customer is by definition not a broker or dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). This limitation does not apply to participants whose behavior is substantially similar to that of market professionals, including Professional Customers, who will generally submit a higher number of orders (many of which do not result in executions) than Priority Customers. Thus, as has historically been the case, Priority Customer orders remain entitled to more favorable fees than other market participants.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

In accordance with Section 6(b)(8) of the Act,<sup>15</sup> the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed fees are competitive with fees offered to orders executed on other options exchanges. The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,<sup>16</sup> and subparagraph (f)(2) of Rule 19b-4 thereunder,<sup>17</sup> because it establishes a

due, fee, or other charge imposed by ISE Gemini.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an Email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File No. SR-ISE Gemini-2015-16 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-ISE Gemini-2015-16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change;

the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-ISE Gemini-2015-16 and should be submitted by October 19, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>18</sup>

**Robert W. Errett,**  
*Deputy Secretary.*

[FR Doc. 2015-24515 Filed 9-25-15; 8:45 am]

**BILLING CODE 8011-01-P**

## **SECURITIES AND EXCHANGE COMMISSION**

[Release Nos. 33-9924; 34-75961; File No. 265-28]

### **Investor Advisory Committee Meeting**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Notice of Meeting of Securities and Exchange Commission Dodd-Frank Investor Advisory Committee.

**SUMMARY:** The Securities and Exchange Commission Investor Advisory Committee, established pursuant to Section 911 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, is providing notice that it will hold a public meeting. The public is invited to submit written statements to the Committee.

**DATES:** The meeting will be held on Thursday, October 15, 2015 from 10:00 a.m. until 4:00 p.m. (ET). Written statements should be received on or before October 15, 2015.

**ADDRESSES:** The meeting will be held in Multi-Purpose Room LL-006 at the Commission's headquarters, 100 F Street, NE., Washington, DC 20549. The meeting will be webcast on the Commission's Web site at [www.sec.gov](http://www.sec.gov). Written statements may be submitted by any of the following methods:

#### *Electronic Statements*

- Use the Commission's Internet submission form (<http://www.sec.gov/rules/other.shtml>); or
- Send an email message to [rules-comments@sec.gov](mailto:rules-comments@sec.gov). Please include File No. 265-28 on the subject line; or

#### *Paper Statements*

- Send paper statements to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

<sup>18</sup> 17 CFR 200.30-3(a)(12).

Tier 1 and \$0.81 for Tiers 2-5 and a \$0.82 Fee for Responses to Crossing Orders.

<sup>15</sup> 15 U.S.C. 78f(b)(8).

<sup>16</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>17</sup> 17 CFR 240.19b-4(f)(2).

All submissions should refer to File No. 265–28. This file number should be included on the subject line if email is used. To help us process and review your statement more efficiently, please use only one method.

Statements also will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Room 1580, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. All statements received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

**FOR FURTHER INFORMATION CONTACT:** Marc Oorloff Sharma, Senior Special Counsel, Office of the Investor Advocate, at (202) 551–3302, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public, except during that portion of the meeting reserved for an administrative work session during lunch. Persons needing special accommodations to take part because of a disability should notify the contact person listed in **FOR FURTHER INFORMATION CONTACT**.

The agenda for the meeting includes: Remarks from Commissioners; a discussion of recent market structure developments; a discussion of exchange-traded fund pricing; a report of the Committee chair regarding Committee matters; a discussion of SEC enforcement priorities; and a nonpublic administrative work session during lunch.

Dated: September 22, 2015.

**Brent J. Fields,**  
Secretary.

[FR Doc. 2015–24514 Filed 9–25–15; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75962; File No. SR–MIAX–2015–57]

### Self-Regulatory Organizations: Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 503

September 22, 2015.

Pursuant to the provisions of section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) <sup>1</sup> and Rule 19b–4

thereunder,<sup>2</sup> notice is hereby given that on September 21, 2015, Miami International Securities Exchange LLC (“MIAX” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rule 503.

The text of the proposed rule change is available on the Exchange's Web site at [http://www.miaxoptions.com/filter/wotitle/rule\\_filing](http://www.miaxoptions.com/filter/wotitle/rule_filing), at MIAX's principal office, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange proposes to amend Rule 503 to codify existing functionality during the Exchange's Opening Process. Specifically, the Exchange is amending Rule 503(f) to address a discrepancy between the rule text description of how this process works and how it is actually working in production. Specifically, the Exchange proposes to amend the rule to provide that the System will use the Expanded Quote Range (“EQR”) when there are quotes and orders that lock or cross each other. The proposal codifies the actual existing functionality during the Exchange's Opening Process. In addition, the Exchange proposes to relocate the EQR subsection that is currently in Rule 503(f)(5) to proposed Rule 503(f)(2)(i).

Currently Rule 503(f) provides that when there are quotes and orders that lock or cross an order, the System will use the highest bid and the lowest offer among valid width quotations received that have a bid/ask differential that is compliant with Rule 603(b)(4) to determine the highest quote bid and lowest quote offer.<sup>3</sup> If that price is within the highest valid width quote bid and lowest valid width quote offer and leaves no imbalance, the Exchange will open at that price, executing marketable trading interest, as long as the opening price includes only Exchange interest. Current Rule 503(f) also provides that the EQR<sup>4</sup> is only calculated when an imbalance occurs due to insufficient liquidity to satisfy all trading interest due an execution at a certain price.<sup>5</sup> In contrast, the System calculates and uses an EQR in all situations during the Exchange's Opening Process when there are quotes and orders that lock or cross—whether the lock or cross involves an order or a quote and whether or not there is an order imbalance.

While the System calculates EQR in either situation, it does not necessarily use the EQR in determining the calculated opening price where the maximum quantity of contracts may trade. For example, proposed Rule 503(f)(2)(iii) would state that in situations where there is matched interest that does not represent an imbalance and there is no valid width NBBO, the System will calculate a “quality opening market range” (as defined in a table to be determined by

<sup>3</sup> See Exchange Rule 603(b)(4). See also Exchange Rule 503(e)(3), which states that “valid width quotations” are quotations that are compliant with Rule 603(b)(4) which provides the following criteria: (i) To price option contracts fairly by, among other things, bidding and offering so as to create differences of no more than \$5 between the bid and offer (“bid/ask differentials”) following the opening rotation in an equity option contract; and (ii) Exchange may establish differences other than the bid/ask differentials described in (i) above for one or more option series or classes.

<sup>4</sup> See Exchange Rule 503(f)(5).

<sup>5</sup> See Exchange Rule 503(f)(5). Where there is an imbalance at the price at which the maximum number of contracts can trade that is also at or within the highest valid width quote bid and lowest valid width quote offer, the System will calculate an EQR. The EQR will be recalculated any time a Route Timer or Imbalance Timer expires if material conditions of the market (imbalance size, ABBO price or size, liquidity price or size, etc.) have changed during the timer. Once calculated, the EQR will represent the limits of the range in which transactions may occur during the opening process.

The EQR calculation itself varies depending upon the specific situation, as specified in current Rule 503(f)(5). The EQR calculation will differ depending upon whether one or more away markets have disseminated valid width quotes in the affected series (or) no away markets have disseminated valid width quotes in the affected series. See Exchange Rule 503(f).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.



the Exchange and published in a Regulatory Circular) in such option series. If the matched interest would trade at a price outside of the quality opening market range, the imbalance process will be used.

The Exchange notes that in most situations there is no impact in the outcome of the opening due to the proposed change in the rule text to use the EQR instead of the highest bid and the lowest offer among valid width quotations received that have a bid/ask differential that is compliant with Rule 603(b)(4). For example—assume a quote bid of \$1.00 for 5 contracts and a quote offer of \$0.90 for 5 contracts on MIAAX; away market 1 has a bid \$0.01; away market 2 has an offer of \$5.05. The Exchange should open because \$0.90–\$1.00 for 5 contracts on either side is within a \$5 bid/ask differential and leaves no imbalance. Instead, however, the System in this situation calculates a price range for the open based on an EQR to include the one or more away markets. After determining that the away markets do not have a valid width quote and that it is a crossed market (\$0.01 bid by \$5.05 offer is not a valid quote range), the System will calculate the EQR using the Exchange's highest valid width bid and lowest valid width offer (\$0.90 offer by \$1.00 bid is a valid quote range). In this example, the Exchange would open the same under the proposed changes to Rule 503 as it does in the current version of the rule.

If the current rule were applied in situations where quotes or orders lock or cross, and there are no valid-width away markets, the System would have nonetheless calculated the highest bid and the lowest offer among valid width quotations received on MIAAX that have a bid/ask differential that is compliant with Rule 603(b)(4). The following example illustrates this scenario.

#### Invalid Width ABBO

Assume a quote bid of \$1.00 for 5 contracts and quote offer of \$0.90 for 5 contracts on MIAAX; assume away market 1 has a bid \$0.10; away market 2 has an offer of \$5.20 (an invalid width ABBO). The System in this situation calculates a price range for the open based on an EQR that does not include the one or more away markets. In this example, the System sets the EQR to \$0.90–\$1.00, using the lowest quote offer and the highest quote bid.

#### Valid Width ABBO

Assume again a quote bid of \$1.00 for 5 contracts and a quote offer of \$0.90 for 5 contracts on MIAAX; assume away market 1 has a bid \$0.85; away market 2 has an offer of \$1.10 (a valid width

ABBO). The System in this situation calculates a price range for the open based on an EQR that includes the one or more away markets. After determining that the away markets have a valid width quote and that the MIAAX market is crossed, the System sets the EQR to \$0.85–\$1.10, using the valid-width ABBO.

If the current rule were applied, the System would have calculated the EQR if there had been an imbalance, using the Exchange's highest valid width bid and lowest valid width offer (\$0.90 offer by \$1.00 bid is a valid quote range), and would open only within the limited \$0.90–\$1.00 range. In each of the above examples, under the current rule and under the proposed change, the System would open with a trade of 5 contracts at \$0.95, the price at which the greatest number of contracts can trade.

The following examples illustrate that the EQR is calculated in all situations, *i.e.*, whether there is an imbalance or not. In the first example, assume quote bids of \$0.90 and \$0.80 for 5 contracts each, and quote offers of \$1.00 and \$1.10 of 5 contracts each on MIAAX; assume away market 1 has a bid \$0.10; away market 2 has an offer of \$5.20 (invalid width ABBO). No Imbalance exists. Under the proposed Rule, an EQR calculation occurs, setting the EQR Minimum at the lowest bid minus the allowance per EQR Table (\$0.75 in this case), and the EQR Maximum at the highest bid plus the allowance per EQR Table (\$1.15 in this case). With no Imbalance and no crossing liquidity, no trade takes place.

Assume again quote bids of \$0.90 and \$0.80 for 5 contracts each, and quote offers of \$1.00 and \$1.10 of 5 contracts each on MIAAX; assume away market 1 has a bid \$0.10; away market 2 has an offer of \$5.20 (invalid width ABBO). No Imbalance exists. If the current Rule were to be applied, since there is no Imbalance, an EQR calculation would not occur. With no Imbalance and no crossing quotes or orders, no trade would occur. In each of these examples, because there is no trade, the Exchange would open by disseminating a quote as described in current Rule 503(f)(1).<sup>6</sup>

In Examples 3 and 4, the only difference is whether an EQR is calculated or not. But no trade takes place in either case.

The Exchange believes that using the EQR instead of the current price range in Rule 503(f) is beneficial to market participants because the EQR provides a

more accurate measure as to whether there is sufficient available liquidity in the broader market system to provide a fair and orderly opening process and sufficient price discovery for the options to open for trading because it incorporates the prices on away markets into its evaluation.

The Exchange also proposes to amend current Rule 503(f)(3) to provide that the provision applies to situations when the lock or cross involves an order or a quote, not just an order. Specifically, the Exchange proposes to provide that if there are quotes or orders that lock or cross, the System will use the EQR to determine the highest and lowest price of the opening price range. Currently, to calculate the opening price, the System will take into consideration all valid Exchange quotes and all valid orders, together with other exchanges' markets for the series and identify the price at which the maximum number of contracts can trade. If that price is within the EQR and leaves no imbalance, the Exchange will open at that price, executing marketable trading interest, as long as the opening price includes only Exchange interest.

In addition, the Exchange proposes relocating the EQR subsection that is currently in Rule 503(f)(5) to proposed Rule 503(f)(2)(i). The Exchange believes that this change will reduce the potential for any confusion on the part of its members as to when the EQR is calculated and used during the Exchange's Opening Process. The Exchange also proposes deleting language regarding the imbalance from current Rule 503(f)(7) and relocating the subsection that is currently in Rule 503(f)(7) to proposed Rule 503(f)(2)(iii). In addition, the Exchange also proposes technical changes to the number formatting in current Rule 503(f) in order to reduce the potential for confusion as to which provisions in Rule 503(f) apply to situations where there are quotes and orders that lock and cross each other.

## 2. Statutory Basis

MIAAX believes that its proposed rule change is consistent with section 6(b) of the Act<sup>7</sup> in general, and furthers the objectives of section 6(b)(5) of the Act<sup>8</sup> in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the

<sup>6</sup> Current Rule 503(f)(1) states that if there are no quotes or orders that lock or cross each other, the System will open by disseminating the Exchange's best bid and offer among quotes and orders that exist in the System at that time.

<sup>7</sup> 15 U.S.C. 78f(b).

<sup>8</sup> 15 U.S.C. 78f(b)(5).



mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposed amendments remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, protect investors and the public interest by amending the rules regarding the Exchange's Opening Process. The inclusion of the functionality of the System in the rules promotes transparency and clarity in the Exchange's Opening Process. The transparency and accuracy resulting from the codification of this functionality is consistent with the Act because it removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest, by accurately describing the steps taken by the System in the limited scenario where the Exchange's opening quote is crossed by orders that have the same size. Participants in the Exchange's opening will have a better understanding of the Exchange's opening process when there are quotes and orders that lock and cross each other. In addition, the Exchange believes that the function of the EQR itself is designed to promote just and equitable principles of trade by providing a clear and objective method to enable a fair and orderly opening on the exchange to the benefits of investors and the public interest.

The Exchange believes that using the EQR instead of the current price range in Rule 503(f) is beneficial to market participants because the EQR represents a more accurate measure of the true market for an option on the opening (especially after providing participants with an opportunity to submit new quotes before the EQR is calculated). This step providing that opportunity, now codified in the Rule should reduce the probability of imbalances and will assure participants in the Exchange's opening process that they have the ability to submit new opening quotes in response to an imbalance message. This process is fair because it provides such an opportunity for all participants, and is orderly because that opportunity must take place before the EQR is calculated. Moreover, the imbalance message followed by the EQR calculation is more efficient because it functions to eliminate unnecessary delays in the opening process by allowing participants to submit new quotations against which opening orders and quotes may trade.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes the proposed changes will not impose any burden on intra-market competition because it applies to all MIAX participants equally. In addition, the Exchange does not believe the proposal will impose any burden on inter-market competition as the proposal is intended to protect investors by providing further transparency regarding the Exchange's Opening Process. The Exchange believes that using the EQR instead of the current price range in Rule 503(f) is beneficial to market participants because the EQR provides a more accurate measure as to whether there is sufficient available liquidity in the broader market system to provide a fair and orderly opening process and sufficient price discovery for the options to open for trading to the benefit of investors. As such, the Exchange believes that the EQR will not be a burden on competition, but rather promote more trading opportunities and competition during the opening since it is designed to promote just and equitable principles of trade by providing a clear and objective method to enable a fair and orderly opening on the exchange to the benefits of investors and the public interest.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act<sup>9</sup> and Rule 19b-4(f)(6)<sup>10</sup> thereunder.

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>10</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-MIAX-2015-57 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.
- All submissions should refer to File Number SR-MIAX-2015-57. 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

Commission. The Exchange has satisfied this requirement.

received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-MIAX-2015-57 and should be submitted on or before October 19, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>11</sup>

**Robert W. Errett,**  
*Deputy Secretary.*

[FR Doc. 2015-24516 Filed 9-25-15; 8:45 am]

**BILLING CODE 8011-01-P**

## SMALL BUSINESS ADMINISTRATION

### Notice of Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration ("SBA") under Section 309 of the Small Business Investment Act of 1958, as amended, and Section 107.1900 of the Small Business Administration Rules and Regulations, SBA by this notice declares null and void the license to function as a small business investment company under the Small Business Investment Company License No. 03/03-0240 issued to Innovation Ventures, L.P.

United States Small Business Administration.

Dated: September 22, 2015.

**John R. Williams,**

*Acting Associate Administrator, Office of Investment and Innovation.*

[FR Doc. 2015-24503 Filed 9-25-15; 8:45 am]

**BILLING CODE P**

## SUSQUEHANNA RIVER BASIN COMMISSION

### Actions Taken at September 10, 2015, Meeting

**AGENCY:** Susquehanna River Basin Commission.

**ACTION:** Notice.

**SUMMARY:** As part of its regular business meeting held on September 10, 2015, in Binghamton, New York, the Commission took the following actions: (1) Approved or tabled the applications of certain water resources projects; (2) approved a request from Panda Power Funds for transfer of ownership of Hummel Station LLC; (3) accepted a settlement in lieu of penalty from

Downs Racing L.P.; and (4) took additional actions, as set forth in the **SUPPLEMENTARY INFORMATION** below.

**DATES:** September 10, 2015.

**ADDRESSES:** Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.

**FOR FURTHER INFORMATION CONTACT:**

Jason E. Oyler, General Counsel, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; email: [joyler@srbc.net](mailto:joyler@srbc.net). Regular mail inquiries may be sent to the above address. See also Commission Web site at [www.srbc.net](http://www.srbc.net).

**SUPPLEMENTARY INFORMATION:** In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: (1) Adoption of revisions to Resolution No. 2013-11; (2) release of proposed rulemaking to address shortcomings in the rules for transfer of approvals, create a category for minor modifications, establish a procedure for issuing general permits, and address other minor enhancements; (3) adoption of amendment of the Comprehensive Plan for the Water Resources of the Susquehanna River Basin; (5) approval of grants; (6) a report on delegated settlements with the following project sponsors, pursuant to SRBC Resolution 2014-15: Aqua Pennsylvania, Inc., in the amount of \$6,000; Conyngham Borough Authority, in the amount of \$5,000; Keister Miller Investments, LLC, in the amount of \$2,000; Susquehanna Gas Field Services, LLC, in the amount of \$2,500; and Wynding Brook, Inc. d/b/a Wynding Brook Golf Club, in the amount of \$5,000; and (7) approval to extend the term of emergency certificates with Aqua Pennsylvania, Inc. to September 1, 2016, and with Furman Foods, Inc. to December 3, 2015.

### Compliance Matter

The Commission approved a settlement in lieu of civil penalty for the following project:

1. Downs Racing L.P., Plains Township, Luzerne County, Pa.—\$25,000.

### Project Applications Approved

The Commission approved the following project applications:

1. Project Sponsor and Facility: Caernarvon Township Authority, Caernarvon Township, Berks County, Pa. Groundwater withdrawal of up to 0.673 mgd (30-day average) from Well 7.  
2. Project Sponsor and Facility: Chetremon Golf Course, LLC, Burnside Township, Clearfield County, Pa.

Consumptive water use of up to 0.200 mgd (peak day).

3. Project Sponsor and Facility: Chetremon Golf Course, LLC (Irrigation Storage Pond), Burnside Township, Clearfield County, Pa. Surface water withdrawal of up to 0.200 mgd (peak day).

4. Project Sponsor and Facility: Chief Oil & Gas LLC (Loyalsock Creek), Forksville Borough, Sullivan County, Pa. Surface water withdrawal of up to 1.500 mgd (peak day).

5. Project Sponsor and Facility: JELD-WEN, inc. Fiber Division—PA, Wysox Township, Bradford County, Pa. Groundwater withdrawal of up to 0.252 mgd (30-day average) from Well 1.

6. Project Sponsor and Facility: JELD-WEN, inc. Fiber Division—PA, Wysox Township, Bradford County, Pa. Groundwater withdrawal of up to 0.252 mgd (30-day average) from Well 4.

7. Project Sponsor and Facility: JELD-WEN, inc. Fiber Division—PA, Wysox Township, Bradford County, Pa. Groundwater withdrawal of up to 0.323 mgd (30-day average) from Well 5.

8. Project Sponsor and Facility: JELD-WEN, inc. Fiber Division—PA, Wysox Township, Bradford County, Pa. Groundwater withdrawal of up to 0.323 mgd (30-day average) from Well 6.

9. Project Sponsor and Facility: JELD-WEN, inc. Fiber Division—PA, Wysox Township, Bradford County, Pa. Groundwater withdrawal of up to 0.345 mgd (30-day average) from Well 7.

10. Project Sponsor and Facility: JELD-WEN, inc. Fiber Division—PA, Wysox Township, Bradford County, Pa. Consumptive water use of up to 0.499 mgd (peak day).

11. Project Sponsor and Facility: Keister Miller Investments, LLC (West Branch Susquehanna River), Mahaffey Borough, Clearfield County, Pa. Surface water withdrawal of up to 1.000 mgd (peak day).

12. Project Sponsor and Facility: Lycoming County Water and Sewer Authority, Fairfield Township, Lycoming County, Pa. Groundwater withdrawal of up to 0.180 mgd (30-day average) from Production Well 3.

13. Project Sponsor and Facility: Moxie Freedom LLC, Salem Township, Luzerne County, Pa. Consumptive water use of up to 0.092 mgd (peak day).

14. Project Sponsor and Facility: Moxie Freedom LLC, Salem Township, Luzerne County, Pa. Groundwater withdrawal of up to 0.062 mgd (30-day average) from Production Well 1.

15. Project Sponsor and Facility: Seneca Resources Corporation (Marsh Creek), Delmar Township, Tioga County, Pa. Renewal of surface water

<sup>11</sup> 17 CFR 200.30-3(a)(12).

withdrawal of up to 0.499 mgd (peak day) (Docket No. 20110907).

16. Project Sponsor and Facility: Shrewsbury Borough, York County, Pa. Renewal and modification to increase groundwater withdrawal by an additional 0.024 mgd (30-day average), for a total of up to 0.089 mgd (30-day average) from the Blouse Well (Docket No. 19820103).

17. Project Sponsor and Facility: Shrewsbury Borough, York County, Pa. Renewal of groundwater withdrawal of up to 0.099 mgd (30-day average) from the Smith Well (Docket No. 19811203).

18. Project Sponsor and Facility: Talisman Energy USA Inc. (Wappasening Creek), Windham Township, Bradford County, Pa. Renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20110621).

19. Project Sponsor: UGI Development Company. Project Facility: Hunlock Creek Energy Center, Hunlock Township, Luzerne County, Pa. Modification to increase consumptive water use by an additional 1.526 mgd (peak day), for a total of up to 2.396 mgd (peak day) (Docket No. 20090916).

20. Project Sponsor and Facility: XTO Energy, Inc. (West Branch Susquehanna River), Chapman Township, Clinton County, Pa. Renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20110911).

#### Project Applications Tabled

The Commission tabled action on the following project applications:

1. Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, Pa. Application for renewal of groundwater withdrawal of up to 0.320 mgd (30-day average) from Well 1 (Docket No. 19850901).

2. Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, Pa. Application for renewal of groundwater withdrawal of up to 0.190 mgd (30-day average) from Well 4 (Docket No. 19850901).

3. Project Sponsor and Facility: Furman Foods, Inc., Point Township, Northumberland County, Pa. Application for renewal of groundwater withdrawal of up to 0.090 mgd (30-day average) from Well 7 (Docket No. 19850901).

4. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Cresson Borough, Cambria County, Pa. Application for groundwater withdrawal from Argyle Stone Bridge

Well for inclusion in treatment of up to 6.300 mgd (30-day average) from four sources.

5. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Cresson Township, Cambria County, Pa. Application for groundwater withdrawal from Cresson No. 9 Well for inclusion in treatment of up to 6.300 mgd (30-day average) from four sources.

6. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Gallitzin Township, Cambria County, Pa. Application for groundwater withdrawal from Gallitzin Shaft Well 2A (Gallitzin Shaft #2) for inclusion in treatment of up to 6.300 mgd (30-day average) from four sources.

7. Project Sponsor: Pennsylvania Department of Environmental Protection, Bureau of Conservation and Restoration. Project Facility: Cresson Mine Drainage Treatment Plant, Gallitzin Township, Cambria County, Pa. Application for groundwater withdrawal from Gallitzin Shaft Well 2B (Gallitzin Shaft #1) for inclusion in treatment of up to 6.300 mgd (30-day average) from four sources.

8. Project Sponsor and Facility: SWN Production Company, LLC (Tioga River), Hamilton Township, Tioga County, Pa. Application for surface water withdrawal of up to 2.000 mgd (peak day).

#### Request for Conditional Transfer Approved

The Commission approved the following request for conditional transfer:

1. Panda Power Funds request for transfer of ownership of Hummel Station LLC (Docket Nos. 20081222 and 20081222-2). Transferred dockets will include modification of conditions requiring mitigation of all consumptively used water.

**Authority:** Pub. L. 91-575, 84 Stat. 1509 *et seq.*, 18 CFR parts 806, 807, and 808.

Dated: September 22, 2015.

**Stephanie L. Richardson,**  
*Secretary to the Commission.*

[FR Doc. 2015-24513 Filed 9-25-15; 8:45 am]

**BILLING CODE 7040-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in California

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327.

**SUMMARY:** The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, the United States (US) 101 Express Lanes Project from Post Miles 16.00 to 52.55 on US 101, and Post Miles 23.0 to 24.1 on State Route 85 in the County of Santa Clara, State of California. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before February 25, 2016. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For Caltrans: Cristin Hallissy, Branch Chief, Environmental Analysis Branch, California Department of Transportation, District 4, 111 Grand Avenue, Oakland, CA 94612; telephone 510-622-8717; email [cristin.hallissy@dot.ca.gov](mailto:cristin.hallissy@dot.ca.gov). Normal business hours for the Environmental Analysis Branch are 8:30 a.m. to 5:00 p.m. (Pacific Time).

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The US 101 Express Lanes Project would convert the existing northbound and southbound High-Occupancy Vehicle (HOV) lanes on US 101 to express lanes and add a second express lane in both directions between Cochrane Road in Morgan Hill to State Route 85 in San Jose, and between

Blossom Hill Road in San Jose and North Fair Oaks Avenue in Sunnyvale. The conversion of the HOV lanes to express lanes would allow single-occupant vehicles (SOVs) to pay a toll to use the lanes, while HOVs would continue to use the lanes for free. The purpose of the project is to manage traffic in the congested HOV segments of the US 101 freeway between SR 85 and Oregon Expressway/Embarcadero Road, and maintain consistency with provisions defined in AB 2032 (2004) and AB 574 (2007) to implement express lanes in an HOV lane system in Santa Clara County.

The express lanes would extend 36.55 miles in length on US 101 from Cochrane Road in Morgan Hill to Oregon Expressway/Embarcadero Road in Palo Alto and 1.1 miles of SR-85 from the northern end of SR 85 to the US 101/SR-85 interchange in Mountain View. The project would also convert the SR 85/US 101 HOV direct connectors in Mountain View to express lane connectors and add auxiliary lanes in both directions on US 101 between Great America Parkway and Lawrence Expressway, and in the northbound direction between Old Bayshore Freeway and North First Street. The total project length is 37.65 miles.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (EA)/ Finding of No Significant Impact (FONSI) for the project, approved on July 21, 2015, and in other documents in the Caltrans project records. The EA/FONSI and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans EA/FONSI can be viewed and downloaded from the project Web site at <http://www.dot.ca.gov/dist4/envdocs.htm#santaclara>.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].
2. Air Quality: Clean Air Act [42 U.S.C. 7401–7671(q)].
3. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712].
4. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archaeological

Resources Protection Act of 1977 [16 U.S.C. 470(aa)–470(ll)].

5. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)].

6. Wetlands and Water Resources: Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251–1377].

7. Hazardous Waste: Comprehensive Environmental Response, Compensation and Liability Act of 1980 [42 U.S.C. 9601–9628]; Toxic Substances Control Act [15 U.S.C. 2601–2629]; Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 121–134]; Occupational Safety and Health Act [29 U.S.C. 651]; Resource Conservation and Recovery Act of 1976 [42 U.S.C. 6901].

9. Executive Orders: E.O. 11988, Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 13112, Invasive Species; E.O. 12088, Federal Compliance with Pollution Control Standards.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139(J)(1).

**Matthew Schmitz,**

*Director, Project Delivery, Federal Highway Administration, Sacramento, California.*

[FR Doc. 2015–24569 Filed 9–25–15; 8:45 am]

**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

[Docket No. DOT–OST–2011–0177]

RIN 2105–AD96

### 30-Day Notice of Application for New Information Collection Request OMB No. 2105–XXXX: Nondiscrimination on the Basis of Disability in Air Travel

**AGENCY:** Office of the Secretary (OST), Department of Transportation (Department) or (DOT).

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended), this notice announces that the Department of Transportation's (DOT) Office of the Secretary (OST) is submitting a request to the Office of Management Budget

(OMB) for approval of the new information collections described below. On November 12, 2013, the Department gave 60 day notice of its intent to obtain OMB control numbers authorizing the new information collections in its final rule amending the Air Carrier Access Act (ACAA) implementing regulation, 14 CFR part 382 (part 382), Nondiscrimination on the Basis of Disability in Air Travel. The purpose of this notice is to allow for an additional 30 days of public comment.

**DATES:** Comments on this notice must be received by October 28, 2015.

**ADDRESSES:** Your comments should be identified by Docket No. DOT–OST–2011–0177 and may be submitted through one of the following methods:

- *Office of Management and Budget, Attention: Desk Officer for U.S. Department of Transportation, Office of the Secretary of Transportation, 725 17th Street NW., Washington, DC 20503,*
- *email: oira\_submission@omb.eop.gov.*
- *Fax: (202) 395–5806.*

#### FOR FURTHER INFORMATION CONTACT:

Maegan L. Johnson or Blane A. Workie, Office of the General Counsel, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC, 20590, 202–366–9342 (Voice), 202–366–7152 (Fax), or [Maegan.johnson@dot.gov](mailto:Maegan.johnson@dot.gov) (Email). Arrangements to receive this document in an alternative format may be made by contacting the above-named individuals.

#### SUPPLEMENTARY INFORMATION:

**Background:** The ACAA, 49 U.S.C. 41705, prohibits discriminatory treatment of persons with disabilities in air transportation. On November 12, 2013, the Department published a final rule amending its ACAA regulation, 14 CFR part 382, to require airlines to ensure that the public facing Web pages on their primary Web sites are accessible to individuals with disabilities. 78 FR 67882 (November 12, 2013). Covered carriers are U.S. and foreign air carriers that operate at least one aircraft having a designed seating capacity of more than 60 passengers and own or control a primary Web site that markets passenger air transportation or a tour, or tour component that must be purchased with air transportation, to the general public in the United States.<sup>1</sup>

<sup>1</sup> While there are approximately 175 U.S. and foreign air carriers that conduct passenger-carrying service to, from, or in the United States with at least one aircraft having a designed seating capacity of more than 60 seats, not all of those carriers have a primary Web site that markets passenger air transportation to the general public in the U.S. After conducting a sample review of carrier Web sites, the

The final rule established two new information collection requirements that are the subject of this notice. First, by December 12, 2015, carriers must provide an online mechanism for passengers to request disability accommodation services (*e.g.*, enplaning/deplaning assistance, deaf/hard of hearing communication assistance, escort to service animal relief area, etc.) for a particular flight. Second, by December 12, 2016, carriers must ensure that when a user activates a link on a carrier's primary Web site to embedded third-party software or to an external Web site, a disclaimer is displayed notifying the user that the application or Web site may not be accessible. In the preamble of the final rule, the Department described and invited interested persons to submit comments on any aspect of these new information collections for 60 days. The Department received no comments on the information collections. This 30 notice is intended to give the public additional time to comment.

### 1. Online Request for Disability Accommodation

*Type of Request:* This is a new information collection.

*Form Number:* There are no OST forms associated with this collection.

*Description of the need for the information and proposed use:* Each carrier will provide a mechanism on its Web site for passengers to request a disability accommodation service for a future flight and provide advance notice of their request. Carriers may, but need not, require passengers to include contact information on the form in order to follow-up and request more specific information about the passengers' accommodation needs. Carriers may also use the aggregate data from the online service requests to understand and better plan for the volume and types of service requests they receive across time periods and routes, but also are not required to do so.

While the content and design of the online service request form is up to the carriers, the Department anticipates that each covered U.S. and foreign carrier that markets scheduled air transportation to the general public in the United States would incur initial costs associated with developing and reviewing a design and implementation plan for the request form, developing, coding, and integrating the form into the Web site, as well as testing, debugging, and connecting the form with a backend

database to store the information. The revised final regulatory analysis (FRA) estimated that it will take an average of 32 labor hours per carrier to develop, implement, integrate, connect, and test the online request form. Should carrier associations or some other entity develop a common request form that all carriers could adapt and incorporate to their Web sites, the initial costs per carrier would be reduced.

*Respondents:* Certificated U.S. and foreign air carriers operating to, from, and within the United States that operate at least one aircraft having a seating capacity of more than 60 passengers and own or control a primary Web site that markets air transportation to the general public in the U.S.

*Estimated Number of Respondents:* 135 U.S. and foreign carriers.

*Estimated Annual Burden on Respondents:* 32 hours.

*Estimated Total Annual Burden:* 4,320 hours.

*Frequency:* One-time requirement.

### 2. Web Site Accessibly Disclaimer Notice

*Type of Request:* This is a new information collection.

*Form Number:* There are no OST forms associated with this collection.

*Description of the need for the information and proposed use:*

In order to be in conformance with the accessibility standard required by the final DOT rule, carriers must provide a disclaimer notice for each link on their primary Web site that enables a user to access software or an external Web site that is not in the carrier's control. The disclaimer notice must be activated the first time a user clicks the link and must notify the user that the application/Web site is not within the carrier's control and may not follow the same accessibility policies as the primary Web site. The Department anticipates that each covered U.S. and foreign carrier that markets scheduled air transportation to the general public in the United States will incur costs associated with identifying all links on their Web sites that may require a disclaimer such as developing and reviewing the design and language for the disclaimer notice, as well as developing, testing, and deploying the code to the appropriate Web pages.

The incremental labor hours associated with providing the required disclaimer may vary depending on the number of links on the Web site to which this requirement applies. The FRA estimated that it will take an average of 6 labor hours per carrier to identify the links and then develop, test,

and deploy the disclaimer notice on the Web site.

*Estimated Number of Respondents:* 135 U.S. and foreign carriers.

*Estimated Annual Burden on Respondents:* 6 hours.

*Estimated Total Burden:* 810 hours.

*Frequency:* One-time requirement.

Issued in Washington, DC, on September 21, 2015.

**Claire W. Barrett,**

*Chief Privacy & Information Asset Officer.*

[FR Doc. 2015-24562 Filed 9-25-15; 8:45 am]

**BILLING CODE 4910-9X-P**

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## DEPARTMENT OF THE TREASURY

### Bureau of the Fiscal Service

#### Proposed Collection of Information: Certificate of Identity

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Certificate of Identity.

**DATES:** Written comments should be received on or before November 27, 2015 to be assured of consideration.

**ADDRESSES:** Direct all written comments and requests for further information to Bureau of the Fiscal Service, Bruce A. Sharp, 200 Third Street, A4-A, Parkersburg, WV 26106-1328, or [bruce.sharp@fiscal.treasury.gov](mailto:bruce.sharp@fiscal.treasury.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form(s) and instructions should be directed to Ron Lewis; 200 Third Street, Room 515, Parkersburg, WV 26106-1328, or [ron.lewis@fiscal.treasury.gov](mailto:ron.lewis@fiscal.treasury.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Certificate of Identity.

*OMB Number:* 1530-0026. (Previously approved as 1535-0048 as a collection conducted by Department of the Treasury/Bureau of the Public Debt.)

*Transfer of OMB Control Number:* The Bureau of Public Debt (BPD) and the Financial Management Service (FMS) have consolidated to become the Bureau of the Fiscal Service (Fiscal Service). Information collection requests

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Department estimates that approximately 135 of those 175 carriers are subject to the Department's Web-accessibility requirements.

previously held separately by BPD and FMS will now be identified by a 1530 prefix, designating Fiscal Service.

*Form Number:* FS Form 0385.

*Abstract:* The information on the completed form is used to establish an individual's identity in a claim for payment of United States savings and retirement securities.

*Current Actions:* Extension of a currently approved collection.

*Type of Review:* Regular.

*Affected Public:* Individuals or Households.

*Estimated Number of Respondents:* 5,000.

*Estimated Time per Respondent:* 10 minutes.

*Estimated Total Annual Burden Hours:* 835.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 21, 2015.

**Bruce A. Sharp,**

*Bureau Clearance Officer.*

[FR Doc. 2015-24493 Filed 9-25-15; 8:45 am]

**BILLING CODE 4810-AS-P**

## DEPARTMENT OF THE TREASURY

### Bureau of the Fiscal Service

#### **Proposed Collection of Information: Claim for Relief on Account of Loss, Theft, or Destruction of U.S. Registered Securities**

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed

and/or continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Claim for Relief on Account of Loss, Theft, or Destruction of U.S. Registered Securities.

**DATES:** Written comments should be received on or before November 27, 2015 to be assured of consideration.

**ADDRESSES:** Direct all written comments and requests for further information to Bureau of the Fiscal Service, Bruce A. Sharp, 200 Third Street, A4-A, Parkersburg, WV 26106-1328, or [bruce.sharp@fiscal.treasury.gov](mailto:bruce.sharp@fiscal.treasury.gov).

#### **FOR FURTHER INFORMATION CONTACT:**

Requests for additional information or copies of the form(s) and instructions should be directed to Ron Lewis; 200 Third Street, Room 515, Parkersburg, WV 26106-1328, or [ron.lewis@fiscal.treasury.gov](mailto:ron.lewis@fiscal.treasury.gov).

#### **SUPPLEMENTARY INFORMATION:**

*Title:* Claim for Relief on Account of Loss, Theft, or Destruction of U.S. Registered Securities.

*OMB Number:* 1530-0029. (Previously approved as 1535-0014 as a collection conducted by Department of the Treasury/Bureau of the Public Debt.)

*Transfer of OMB Control Number:* The Bureau of Public Debt (BPD) and the Financial Management Service (FMS) have consolidated to become the Bureau of the Fiscal Service (Fiscal Service). Information collection requests previously held separately by BPD and FMS will now be identified by a 1530 prefix, designating Fiscal Service.

*Form Number:* FS Form 1025.

*Abstract:* The information is requested to establish ownership and support a request for relief due to the loss, theft, or destruction of United States Registered Securities.

*Current Actions:* Revision of a currently approved collection.

*Type of Review:* Regular.

*Affected Public:* Individuals or Households.

*Estimated Number of Respondents:* 200.

*Estimated Time per Respondent:* 55 minutes.

*Estimated Total Annual Burden Hours:* 183.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper

performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 23, 2015.

**Bruce A. Sharp,**

*Bureau Clearance Officer.*

[FR Doc. 2015-24579 Filed 9-25-15; 8:45 am]

**BILLING CODE 4810-AS-P**

## DEPARTMENT OF THE TREASURY

### Bureau of the Fiscal Service

#### **Proposed Collection of Information: Report/Application for Relief on Account of Loss, Theft, or Destruction of U.S. Bearer Securities (Individuals)**

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Report/Application for Relief on Account of Loss, Theft, or Destruction of U.S. Bearer Securities (Individuals).

**DATES:** Written comments should be received on or before November 27, 2015 to be assured of consideration.

**ADDRESSES:** Direct all written comments and requests for further information to Bureau of the Fiscal Service, Bruce A. Sharp, 200 Third Street, A4-A, Parkersburg, WV 26106-1328, or [bruce.sharp@fiscal.treasury.gov](mailto:bruce.sharp@fiscal.treasury.gov).

#### **FOR FURTHER INFORMATION CONTACT:**

Requests for additional information or copies of the form(s) and instructions should be directed to Ron Lewis; 200 Third Street, Room 515, Parkersburg, WV 26106-1328, or [ron.lewis@fiscal.treasury.gov](mailto:ron.lewis@fiscal.treasury.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Report/Application for Relief on Account of Loss, Theft, or Destruction of U.S. Bearer Securities (Individuals).

*OMB Number:* 1530–0033. (Previously approved as 1535–0016 as a collection conducted by Department of the Treasury/Bureau of the Public Debt.)

*Transfer of OMB Control Number:* The Bureau of Public Debt (BPD) and the Financial Management Service (FMS) have consolidated to become the Bureau of the Fiscal Service (Fiscal Service). Information collection requests previously held separately by BPD and FMS will now be identified by a 1530 prefix, designating Fiscal Service.

*Form Number:* FS Form 1022–1.

*Abstract:* The information is requested to establish ownership and support a request for relief due to the loss, theft, or destruction of United States Bearer Securities owned by individuals. *Current Actions:* Extension of a currently approved collection.

*Type of Review:* Regular.

*Affected Public:* Individuals or Households.

*Estimated Number of Respondents:* 100.

*Estimated Time per Respondent:* 55 minutes.

*Estimated Total Annual Burden Hours:* 92.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 22, 2015.

**Bruce A. Sharp,**

*Bureau Clearance Officer.*

[FR Doc. 2015–24494 Filed 9–25–15; 08:45 am]

**BILLING CODE 4810–AS–P**

## DEPARTMENT OF THE TREASURY

### Bureau of the Fiscal Service

#### Proposed Collection of Information: Special Form of Request for Payment of US Savings and Retirement Securities Where Use of a Detached Request Is Authorized

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Special Form of Request for Payment of US Savings and Retirement Securities Where Use of a Detached Request is Authorized.

**DATES:** Written comments should be received on or before November 27, 2015 to be assured of consideration.

**ADDRESSES:** Direct all written comments and requests for further information to Bureau of the Fiscal Service, Bruce A. Sharp, 200 Third Street, A4–A, Parkersburg, WV 26106–1328, or [bruce.sharp@fiscal.treasury.gov](mailto:bruce.sharp@fiscal.treasury.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form(s) and instructions should be directed to Ron Lewis; 200 Third Street, Room 515, Parkersburg, WV 26106–1328, or [ron.lewis@fiscal.treasury.gov](mailto:ron.lewis@fiscal.treasury.gov).

#### SUPPLEMENTARY INFORMATION:

*Title:* Special Form of Request for Payment of US Savings and Retirement Securities Where Use of a Detached Request is Authorized.

*OMB Number:* 1530–0028. (Previously approved as 1535–0004 as a collection conducted by Department of the Treasury/Bureau of the Public Debt.)

*Transfer of OMB Control Number:* The Bureau of Public Debt (BPD) and the Financial Management Service (FMS) have consolidated to become the Bureau of the Fiscal Service (Fiscal Service). Information collection requests previously held separately by BPD and FMS will now be identified by a 1530 prefix, designating Fiscal Service.

*Form Number:* FS Form 1522.

*Abstract:* The information is requested to request payment of United States Savings Bonds, Savings Notes,

Retirement Plan Bonds, and Individual Retirement Bonds.

*Current Actions:* Revision of a currently approved collection.

*Type of Review:* Regular.

*Affected Public:* Individuals or Households.

*Estimated Number of Respondents:* 23,000.

*Estimated Time per Respondent:* 15 minutes.

*Estimated Total Annual Burden Hours:* 5,750.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 21, 2015.

**Bruce A. Sharp,**

*Bureau Clearance Officer.*

[FR Doc. 2015–24578 Filed 9–25–15; 8:45 am]

**BILLING CODE 4810–AS–P**

## DEPARTMENT OF THE TREASURY

### Bureau of the Fiscal Service

#### Proposed Collection of Information: Pools and Associations—Annual Letter

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning Pools and Associations—Annual Letter.



**DATES:** Written comments should be received on or before November 27, 2015 to be assured of consideration.

**ADDRESSES:** Direct all written comments and requests for further information to Bureau of the Fiscal Service, Bruce A. Sharp, 200 Third Street, A4-A, Parkersburg, WV 26106-1328, or [bruce.sharp@fiscal.treasury.gov](mailto:bruce.sharp@fiscal.treasury.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form(s) and instructions should be directed to Melvin Saunders, Program Manager, Surety Bonds, 3700 East West Highway, Room 632F, Hyattsville, MD 20782, (202) 874-5283.

**SUPPLEMENTARY INFORMATION:**

■ **Title:** Pools and Associations—Annual Letter.

*OMB Number:* 1530-0007. (Previously approved as 1510-0008 as a collection conducted by Department of the Treasury/Financial Management Service.)

*Transfer of OMB Control Number:* The Financial Management Service (FMS) and the Bureau of Public Debt (BPD) have consolidated to become the Bureau of the Fiscal Service (Fiscal Service). Information collection requests previously held separately by FMS and BPD will now be identified by a 1530 prefix, designating Fiscal Service.

*Abstract:* The information is collected for the determinations of an acceptable percentage for each pool and association to allow Treasury certified companies credit on their Schedule F for authorized ceded reinsurance in determining the companies' underwriting limitations.

*Current Actions:* Extension of a currently approved collection.

*Type of Review:* Regular.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 84.

*Estimated Time per Respondent:* 1 hour 30 minutes.

*Estimated Total Annual Burden Hours:* 126.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to

minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 22, 2015.

**Bruce A. Sharp,**

*Bureau Clearance Officer.*

[FR Doc. 2015-24492 Filed 9-25-15; 8:45 am]

**BILLING CODE 4810-AS-P**

## DEPARTMENT OF THE TREASURY

### Bureau of the Fiscal Service

#### Proposed Collection of Information: Affidavit of Forgery for United States Bonds/Notes

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Affidavit of Forgery for United States Bonds/Notes.

**DATES:** Written comments should be received on or before November 27, 2015 to be assured of consideration.

**ADDRESSES:** Direct all written comments and requests for further information to Bureau of the Fiscal Service, Bruce A. Sharp, 200 Third Street, A4-A, Parkersburg, WV 26106-1328, or [bruce.sharp@fiscal.treasury.gov](mailto:bruce.sharp@fiscal.treasury.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form(s) and instructions should be directed to Ron Lewis; 200 Third Street, Room 515, Parkersburg, WV 26106-1328, or [ron.lewis@fiscal.treasury.gov](mailto:ron.lewis@fiscal.treasury.gov).

**SUPPLEMENTARY INFORMATION:**

*Titles:* Affidavit of Forgery for United States Bonds/Notes.

*OMB Number:* 1530-0040. (Previously approved as 1535-0067 as a collection conducted by Department of the Treasury/Bureau of the Public Debt.)

*Transfer of OMB Control Number:* The Bureau of Public Debt (BPD) and the Financial Management Service (FMS) have consolidated to become the Bureau

of the Fiscal Service (Fiscal Service). Information collection requests previously held separately by BPD and FMS will now be identified by a 1530 prefix, designating Fiscal Service.

*Form Numbers:* FS Form 0974.

*Abstract:* The information is requested to certify that the signatures to the requests for payment, form, or application related to United States Savings Securities were forged.

*Current Actions:* Revision of a currently approved collection.

*Type of Review:* Regular.

*Affected Public:* Individuals or Households.

*Estimated Number of Respondents:* 1,000.

*Estimated Time per Respondent:* 15 minutes.

*Estimated Total Annual Burden Hours:* 250.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 23, 2015.

**Bruce A. Sharp,**

*Bureau Clearance Officer.*

[FR Doc. 2015-24581 Filed 9-25-15; 8:45 am]

**BILLING CODE 4810-AS-P**

## DEPARTMENT OF THE TREASURY

### Bureau of the Fiscal Service

#### Proposed Collection of Information: Description of United States Savings Bonds Series HH/H and Description of United States Bonds/Notes

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and

other Federal agencies to take this opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Description of United States Savings Bonds Series HH/H and Description of United States Bonds/Notes.

**DATES:** Written comments should be received on or before November 27, 2015 to be assured of consideration.

**ADDRESSES:** Direct all written comments and requests for further information to Bureau of the Fiscal Service, Bruce A. Sharp, 200 Third Street, A4-A, Parkersburg, WV 26106-1328, or [bruce.sharp@fiscal.treasury.gov](mailto:bruce.sharp@fiscal.treasury.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form(s) and instructions should be directed to Ron Lewis; 200 Third Street, Room 515, Parkersburg, WV 26106-1328, or [ron.lewis@fiscal.treasury.gov](mailto:ron.lewis@fiscal.treasury.gov).

**SUPPLEMENTARY INFORMATION:**

*Titles:* Change of Address and/or Identification of Account for U.S. Registered Securities; and Description of U.S. Savings Bonds/Notes Report/Application for Relief on Account of Loss, Theft, or Destruction of U.S. Bearer Securities (Organizations).

*OMB Number:* 1530-0037. (Previously approved as 1535-0064 as a collection conducted by Department of the Treasury/Bureau of the Public Debt.)

*Transfer of OMB Control Number:* The Bureau of Public Debt (BPD) and the Financial Management Service (FMS) have consolidated to become the Bureau of the Fiscal Service (Fiscal Service). Information collection requests previously held separately by BPD and FMS will now be identified by a 1530 prefix, designating Fiscal Service.

*Form Numbers:* FS Form 1980; and FS Form 2490.

*Abstract:* The information collected is necessary to obtain information describing an owner's holding of United States Securities.

*Current Actions:* Revision of a currently approved collection.

*Type of Review:* Regular.

*Affected Public:* Individuals or Households.

*Estimated Number of Respondents:* 3,100.

*Estimated Time per Respondent:* 6 minutes.

*Estimated Total Annual Burden Hours:* 310.

*Request for Comments:* Comments submitted in response to this notice will

be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 23, 2015.

**Bruce A. Sharp,**

*Bureau Clearance Officer.*

[FR Doc. 2015-24580 Filed 9-25-15; 8:45 am]

**BILLING CODE 4810-35-P**

**DEPARTMENT OF THE TREASURY**

**Bureau of the Fiscal Service**

**Proposed Collection of Information:  
Affidavit by Individual Surety**

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Affidavit by Individual Surety.

**DATES:** Written comments should be received on or before November 27, 2015 to be assured of consideration.

**ADDRESSES:** Direct all written comments and requests for further information to Bureau of the Fiscal Service, Bruce A. Sharp, 200 Third Street, A4-A, Parkersburg, WV 26106-1328, or [bruce.sharp@fiscal.treasury.gov](mailto:bruce.sharp@fiscal.treasury.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form(s) and instructions should be directed to Ron Lewis; 200 Third Street, Room 515, Parkersburg,

WV 26106-1328, or [ron.lewis@fiscal.treasury.gov](mailto:ron.lewis@fiscal.treasury.gov).

**SUPPLEMENTARY INFORMATION:**

*Titles:* Affidavit by Individual Surety.

*OMB Number:* 1530-0047. (Previously approved as 1535-0100 as a collection conducted by Department of the Treasury/Bureau of the Public Debt.)

*Transfer of OMB Control Number:* The Bureau of Public Debt (BPD) and the Financial Management Service (FMS) have consolidated to become the Bureau of the Fiscal Service (Fiscal Service). Information collection requests previously held separately by BPD and FMS will now be identified by a 1530 prefix, designating Fiscal Service.

*Form Numbers:* FS Form 4094.

*Abstract:* The information is requested to support a request to serve as surety for an indemnification agreement on a Bond of Indemnity.

*Current Actions:* Revision of a currently approved collection.

*Type of Review:* Regular.

*Affected Public:* Individuals or Households.

*Estimated Number of Respondents:* 200.

*Estimated Time per Respondent:* 55 minutes.

*Estimated Total Annual Burden Hours:* 183.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 23, 2015.

**Bruce A. Sharp,**

*Bureau Clearance Officer.*

[FR Doc. 2015-24582 Filed 9-25-15; 8:45 am]

**BILLING CODE 4810-AS-P**

**DEPARTMENT OF THE TREASURY****Bureau of the Fiscal Service****Proposed Collection of Information: Report/Application for Relief on Account of Loss, Theft, or Destruction of U.S. Bearer Securities (Organizations)**

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Report/Application for Relief on Account of Loss, Theft, or Destruction of U.S. Bearer Securities (Organizations).

**DATES:** Written comments should be received on or before November 27, 2015 to be assured of consideration.

**ADDRESSES:** Direct all written comments and requests for further information to Bureau of the Fiscal Service, Bruce A. Sharp, 200 Third Street, A4-A,

Parkersburg, WV 26106-1328, or [bruce.sharp@fiscal.treasury.gov](mailto:bruce.sharp@fiscal.treasury.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form(s) and instructions should be directed to Ron Lewis; 200 Third Street, Room 515, Parkersburg, WV 26106-1328, or [ron.lewis@fiscal.treasury.gov](mailto:ron.lewis@fiscal.treasury.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Report/Application for Relief on Account of Loss, Theft, or Destruction of U.S. Bearer Securities (Organizations).

*OMB Number:* 1530-0034. (Previously approved as 1535-0015 as a collection conducted by Department of the Treasury/Bureau of the Public Debt.)

*Transfer of OMB Control Number:* The Bureau of Public Debt (BPD) and the Financial Management Service (FMS) have consolidated to become the Bureau of the Fiscal Service (Fiscal Service). Information collection requests previously held separately by BPD and FMS will now be identified by a 1530 prefix, designating Fiscal Service.

*Form Number:* FS Form 1022.

*Abstract:* The information is requested to establish ownership and support a request for relief due to the loss, theft, or destruction of United States Bearer Securities owned by organizations.

*Current Actions:* Extension of a currently approved collection.

*Type of Review:* Regular.

*Affected Public:* Private Sector.

*Estimated Number of Respondents:* 100.

*Estimated Time per Respondent:* 55 minutes.

*Estimated Total Annual Burden Hours:* 92.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: September 22, 2015.

**Bruce A. Sharp,**

*Bureau Clearance Officer.*

[FR Doc. 2015-24495 Filed 9-25-15; 8:45 am]

**BILLING CODE 4810-35-P**

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