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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR part 25

[Docket No. FAA–2015–1496; Special Conditions No. 25–601–SC]

Special Conditions: Gulfstream Model GVII–G500 Airplanes, Side-Stick Controllers; Controllability and Maneuverability

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Gulfstream Model GVII–G500 airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is side-stick controllers, instead of conventional-control wheel-and-column design, for pitch and roll control. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Effective November 4, 2015.

FOR FURTHER INFORMATION CONTACT: Joe Jacobsen, FAA, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–2011; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

Background

On March 29, 2012, Gulfstream Aerospace Corporation applied for a type certificate for their new Model GVII–G500 airplane. The Model GVII–G500 will be a large-cabin business jet with seating for 19 passengers. It will incorporate a low, swept-wing design with winglets and a T-tail. The powerplant will consist of two aft-fuselage-mounted Pratt & Whitney turbofan engines. The flight-control system is a three-axis, fly-by-wire (FBW) system incorporating active control/coupled side sticks.

The Model GVII–G500 will have a wingspan of approximately 87 ft. and a length of just over 91 ft. Maximum takeoff weight will be approximately 76,850 lbs and maximum takeoff thrust will be approximately 15,135 lbs. Maximum range will be approximately 5,000 nm and maximum operating altitude will be 51,000 ft.

The Model GVII–G500 airplane will incorporate a FBW flight-control system, through side-stick controllers, for pitch and roll control. Regulatory requirements, such as the pilot-control forces prescribed in the referenced regulations, are not applicable for the side-stick controller design. In addition, pilot-control authority may be uncertain because the side-stick controllers are not mechanically interconnected to flight controls as are conventional wheel-and-column controls.

Type Certification Basis

Under Title 14, Code of Federal Regulations (14 CFR) 21.17, Gulfstream must show that the Model GVII–G500 airplane meets the applicable provisions of 14 CFR part 25, effective February 1, 1965, including Amendments 25–1 through 25–137; 14 CFR part 34, as amended by Amendments 34–1 through the most current amendment at time of design approval; and 14 CFR part 36, Amendment 36–29.

In addition, the certification basis includes other regulations, special conditions, and exemptions that are not relevant to these special conditions. Type Certificate no. TC–01–2010–0024 will be updated to include a complete description of the certification basis for this airplane model.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Gulfstream Model GVII–G500 airplane because of a novel or unusual design feature, special conditions are prescribed under § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, Gulfstream Model GVII–G500 airplanes must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, under § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

Gulfstream Model GVII–G500 airplanes will incorporate the following novel or unusual design feature:

Side-stick controllers incorporating fly-by-wire technology for pitch and roll control, in place of conventional wheel-and-column controls.

Discussion

These special conditions for the Gulfstream Model GVII–G500 airplane address the unique features of the side-stick controllers. The Model GVII–G500 airplane will incorporate side-stick controllers controlling a FBW flight-control system. The FBW control laws are designed to provide conventional flying qualities such as positive static longitudinal and lateral stability as prescribed in part 25, subpart B. However, the pilot-control forces prescribed in the referenced regulations are not applicable for the side-stick controller design.

Because current FAA regulations do not specifically address the use of side-stick controllers for pitch and roll control, the unique features of the side stick therefore must be demonstrated, through flight and simulator tests, to have suitable handling and control characteristics when considering the following:

- The handling-qualities tasks and requirements of the Gulfstream Model GVII–G500 Special Conditions and other 14 CFR part 25 requirements for stability, control, and maneuverability, including the effects of turbulence.

• General ergonomics: Armrest comfort and support, local freedom of movement, displacement-angle suitability, and axis harmony.
• Inadvertent pilot input in turbulence.
• Inadvertent pitch and roll crosstalk from pilot inputs on the side-stick controller.

Discussion of Comments

Notice of proposed special conditions no. 25–15–07–SC for the Gulfstream Model GVII–G500 airplane was published in the **Federal Register** on August 18, 2015 [80 FR 49934]. No comments were received, and the special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions apply to Gulfstream Model GVII–G500 airplanes. Should Gulfstream apply later for a change to the type certificate to include another model incorporating the same or similar novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on Gulfstream Model GVII–G500 airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

■ The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Gulfstream Model GVII–G500 airplane, in lieu of §§ 25.143(d), 25.143(i)(2), 25.145(b), 25.173(c), 25.175(b), and 25.175(d):

Pilot strength: In lieu of the control-force limits shown in § 25.143(d) for pitch and roll, and in lieu of specific pitch-force requirements of §§ 25.143(i)(2), 25.145(b), 25.173(c), 25.175(b), and 25.175(d), Gulfstream must show that the temporary and maximum prolonged-force levels for the side-stick controllers are suitable for all expected operating conditions and configurations, whether normal or non-normal.

Pilot-control authority: The electronic side-stick-controller coupling design must provide for corrective and overriding control inputs by either pilot with no unsafe characteristics. Annunciation of the controller status must be provided, and must not be confusing to the flightcrew.

Pilot control: Gulfstream must show by flight tests that the use of side-stick controllers does not produce unsuitable pilot-in-the-loop control characteristics when considering precision path control and tasks, and turbulence. In addition, pitch and roll control force and displacement sensitivity must be compatible, so that normal pilot inputs on one control axis will not cause significant unintentional inputs (crossover) on the other.

Issued in Renton, Washington, September 25, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–25276 Filed 10–2–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2015–1482; Special Conditions No. 25–600–SC]

Special Conditions: Gulfstream Model GVII–G500 Airplanes, Automatic Speed Protection for Design Dive Speed

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Gulfstream Model GVII–G500 airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes.

This design feature is associated with a reduced margin between design cruising speed, V_C/M_C, and design diving speed, V_D/M_D, based on the incorporation of a high-speed protection system that limits nose-down pilot authority at speeds above V_C/M_C. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Effective November 4, 2015.

FOR FURTHER INFORMATION CONTACT: Walt Sippel, FAA, Airframe and Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2774; facsimile 425–227–1232.

SUPPLEMENTARY INFORMATION:

Background

On March 29, 2012, Gulfstream Aerospace Corporation applied for a type certificate for their new Model GVII–G500 airplane. The Model GVII–G500 airplane will be a large-cabin business jet with seating for 19 passengers. It will incorporate a low, swept-wing design with winglets and a T-tail. The powerplant will consist of two aft-fuselage-mounted Pratt & Whitney turbofan engines.

The Model GVII–G500 will have a wingspan of approximately 87 feet and a length of just over 91 feet. Maximum takeoff weight will be approximately 76,850 pounds and maximum takeoff thrust will be approximately 15,135 pounds. Maximum range will be approximately 5,000 nautical miles, and maximum operating altitude will be 51,000 feet.

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.17, Gulfstream must show that the Model GVII–G500 airplane meets the applicable provisions of part 25 as amended by Amendments 25–1 through 25–137.

In addition, the certification basis includes other regulations, special conditions, and exemptions that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for Model GVII–G500 airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model GVII–G500 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36; and the FAA must issue a finding of regulatory adequacy under

§ 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Gulfstream Model GVII–G500 airplane will incorporate the following novel or unusual design feature:

For this airplane, Gulfstream will reduce the margin between V_C/M_C and V_D/M_D, required by 14 CFR 25.335(b), based on the incorporation of a high-speed protection system in the airplane's flight-control laws. The high-speed protection system limits nose-down pilot authority at speeds above V_C/M_C, and prevents the airplane from performing the maneuver required under § 25.335(b)(1).

Discussion

Title 14, Code of Federal Regulations (14 CFR) 25.335(b)(1) is an analytical envelope condition which was originally adopted in Part 4b of the Civil Air Regulations to provide an acceptable speed margin between design cruise speed and design dive speed. Flutter clearance design speeds and airframe design loads are impacted by the design dive speed. While the initial condition for the upset specified in the rule is 1g level flight, protection is afforded for other inadvertent overspeed conditions as well. Section 25.335(b)(1) is intended as a conservative enveloping condition for potential overspeed conditions, including non-symmetric ones. To establish that potential overspeed conditions are enveloped, Gulfstream must demonstrate that any reduced speed margin based on the high-speed protection system in the Model GVII–G500 airplane will not be exceeded in inadvertent or gust-induced upsets resulting in initiation of the dive from non-symmetric attitudes; or that the airplane is protected by the flight-control laws from getting into non-symmetric upset conditions. Gulfstream must conduct a demonstration that includes a comprehensive set of conditions as described below.

These special conditions are in lieu of § 25.335(b)(1). Section 25.335(b)(2), which also addresses the design dive speed, is applied separately (Advisory Circular (AC) 25.335–1A provides an acceptable means of compliance to § 25.335(b)(2)).

Special conditions are necessary to address the Model GVII–G500 airplane high-speed protection system. These special conditions identify various symmetric and non-symmetric maneuvers that will ensure that an appropriate design dive speed, V_D/M_D, is established.

Special Condition 2 of these special conditions references AC 25–7C, section 8, paragraph 32, ''Gust Upset,'' included here for reference:

In the following three upset tests, the values of displacement should be appropriate to the airplane type and should depend upon airplane stability and inertia characteristics. The lower and upper limits should be used for airplanes with low and high maneuverability, respectively.

(i) With the airplane trimmed in wings-level flight, simulate a transient gust by rapidly rolling to the maximum bank angle appropriate for the airplane, but not less than 45 degrees nor more than 60 degrees. The rudder and longitudinal control should be held fixed during the time that the required bank is being attained. The rolling velocity should be arrested at this bank angle. Following this, the controls should be abandoned for a minimum of 3 seconds after V_{MO}/M_{MO}, or after 10 seconds, whichever occurs first.

(ii) Perform a longitudinal upset from normal cruise. Airplane trim is determined at V_{MO}/M_{MO} using power and thrust required for level flight, but with not more than maximum continuous power and thrust. This is followed by a decrease in speed, after which an attitude of 6 to l2 degrees nose down, as appropriate for the airplane type, is attained with the power, thrust, and trim initially required for V_{MO}/M_{MO} in level flight. The airplane is permitted to accelerate until 3 seconds after V_{MO}/M_{MO}. The force limits of § 25.143(d) for short term application apply.

(iii) Perform a two-axis upset, consisting of combined longitudinal and lateral upsets. Perform the longitudinal upset, as in paragraph (ii) above, and when the pitch attitude is set, but before reaching V_{MO}/M_{MO}, roll the airplane to between 15 and 25 degrees. The established attitude should be maintained until 3 seconds after V_{MO}/M_{MO}.

Special Conditions 3 and 4 of these special conditions indicate that failures of the high-speed protection system must be improbable and must be annunciated to the pilots. If these two criteria are not met, then the probability that the established dive speed will be exceeded, and the resulting risk to the airplane, are too great. On the other hand, if the high-speed protection system is known to be inoperative, then dispatch of the airplane may be acceptable as allowed by Special Condition 5 of these special conditions. Dispatch would only be acceptable if appropriate reduced operating speeds, V_{MO}/M_{MO}, as well as the overspeed warning for exceeding those speeds, are provided in both the airplane flight manual and on the flightdeck display, and are equivalent to that of the normal airplane with the high-speed protection system operative.

We do not believe that application of the ''Interaction of Systems and Structures'' Special Conditions (reference GVI Issue Paper A–2), or EASA Certification Specification 25.302, are appropriate in this case, because design dive speed is, in and of itself, part of the design criteria. Stability and control, flight loads, and flutter evaluations all depend on the design dive speed. Therefore, a single design dive speed should be established that will not be exceeded, taking into account the performance of the high-speed protection system as well as its failure modes, failure indications, and accompanying flight-manual instructions.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of Comments

Notice of proposed special conditions no. 25–15–08–SC for the Gulfstream Model GVII–G500 airplane was published in the **Federal Register** on August 18, 2015 [80 FR 49936]. No comments were received, and the special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to the Gulfstream Model GVII–G500 airplane. Should Gulfstream apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

■ The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Gulfstream Model GVII–G500 airplanes.

1. In lieu of compliance with § 25.335(b)(1), if the flight-control system includes functions that act automatically to initiate recovery before the end of the 20-second period specified in § 25.335(b)(1), V_D/M_D must be determined from the greater of the speeds resulting from conditions (a) and (b) of these special conditions. The speed increase occurring in these maneuvers may be calculated if reliable or conservative aerodynamic data are used.

(a) From an initial condition of stabilized flight at V_C/M_C, the airplane is upset so as to take up a new flight path 7.5 degrees below the initial path. Control application, up to full authority, is made to try to maintain this new flight path. Twenty seconds after initiating the upset, manual recovery is made at a load factor of 1.5g (0.5 acceleration increment), or such greater load factor that is automatically applied by the system with the pilot's pitch control neutral. Power, as specified in § 25.175(b)(1)(iv), is assumed until recovery is initiated, at which time power reduction, and the use of pilot-controlled drag devices, may be used.

(b) From a speed below V_C/M_C, with power to maintain stabilized level flight at this speed, the airplane is upset so as to accelerate through V_C/M_C at a flight path 15 degrees below the initial path (or at the steepest nose-down attitude that the system will permit with full control authority if less than 15 degrees). The pilot's controls may be in the neutral position after reaching V_C/M_C and before recovery is initiated. Recovery may be initiated 3 seconds after operation of the high-speed warning system by application of a load of 1.5g (0.5 acceleration increment), or such greater load factor that is automatically applied by the system with the pilot's pitch control neutral. Power may be reduced simultaneously. All other means of decelerating the airplane, the use of which is authorized up to the highest speed reached in the maneuver, may be used. The interval between successive pilot actions must not be less than 1 second.

2. The applicant must also demonstrate that the speed margin, established as above, will not be exceeded in inadvertent or gust-induced upsets resulting in initiation of the dive from non-symmetric attitudes, unless the airplane is protected by the flight-control laws from getting into non-symmetric upset conditions. The upset maneuvers described in Advisory Circular 25–7C, ''Flight Test Guide for Certification of Transport Category Airplanes,'' section 8, paragraph 32, sub-paragraphs c(3)(a), (b), and (c), may be used to comply with this requirement.

3. The probability of any failure of the high-speed protection system, which would result in an airspeed exceeding those determined by Special Conditions 1 and 2, must be less than 10^{-5} per flight hour.

4. Failures of the system must be annunciated to the pilots. Flight manual instructions must be provided that reduce the maximum operating speeds, V_{MO}/M_{MO}. With the system failed, the operating speed must be reduced to a value that maintains a speed margin between V_{MO}/M_{MO} and V_D/M_D, and that is consistent with showing compliance with § 25.335(b) without the benefit of the high-speed protection system.

5. The applicant may request that the Master Minimum Equipment List relief for the high-speed protection system be considered by the FAA Flight Operations Evaluation Board, provided that the flight manual instructions indicate reduced maximum operating speeds as described in Special Condition 4. In addition, the flightdeck display of the reduced operating speeds, as well as the overspeed warning for exceeding those speeds, must be equivalent to that of the normal airplane with the high-speed protection system operative. Also, the applicant must show that no additional hazards are introduced with the high-speed protection system inoperative.

Issued in Renton, Washington, September 25, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–25275 Filed 10–2–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–3877; Directorate Identifier 2015–SW–039–AD; Amendment 39–18284; AD 2015–18–51]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

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

ACTION: Final rule; request for comments.

SUMMARY: We are publishing a new airworthiness directive (AD) for Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters, which was sent previously to all known U.S. owners and operators of these helicopters. This AD requires inspecting certain tail rotor (T/R) blades, replacing the set of T/R blades if there is damage, deactivating the rotor de-icing system, revising the rotorcraft flight manual (RFM), and installing a placard. This AD is prompted by a report of a T/R de-icing system power supply box stuck in a ''closed'' position providing an uncontrolled and un-annunciated power supply to the system. These actions are intended to detect and prevent structural damage to the T/R blades caused by overheating, and subsequent loss of control of the helicopter.

DATES: This AD becomes effective October 20, 2015 to all persons except those persons to whom it was made immediately effective by Emergency AD 2015–18–51, issued on September 11, 2015, which contains the requirements of this AD.

We must receive comments on this AD by December 4, 2015.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov*. Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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–2015–3877; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, the economic 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 service information identified in this AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub*. You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: George Schwab, Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–5110; email *george.schwab@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments prior to it becoming effective. However, we invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that resulted from adopting this AD. The most helpful comments reference a specific portion of the AD, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit them only one time. We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking during the comment period. We will consider all the comments we receive and may conduct additional rulemaking based on those comments.

Discussion

On September 11, 2015, we issued Emergency AD 2015–18–51 to correct an unsafe condition for Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters with T/R de-icing installation unit part number (P/N) 204ZP01Y01 and T/R blade P/N 332A12–0055–XX (where XX is any dash number) installed. Emergency AD 2015–18–51 requires inspecting each T/R blade, replacing the set of T/R blades if there is damage, deactivating the rotor de-icing system, revising the RFM, and installing a placard. Emergency AD 2015–18–51 was sent previously to all known U.S. owners and operators of these helicopters and was prompted by a report of a T/R de-icing system power supply box stuck in a ''closed'' position providing an uncontrolled and un-annunciated power supply to the system. The T/R de-icing system is part of the entire rotor de-icing system.

Emergency AD 2015–18–51 was prompted by AD No. 2015–0153–E, dated July 24, 2015, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Airbus Helicopters Model AS332 C, AS332C1, AS332L, and AS332L1 helicopters, equipped with T/R de-icing installation unit P/N 204ZP01Y01 and T/R blade P/N 332A12–0055–XX (where XX represents any dash number). EASA advises of a report of a T/R blade that was overheated and damaged after application of alternating current (AC) from a ground power unit (GPU) following a flight during which the de-icing system was used. Subsequent analysis determined failure of the power supply box stuck in the ''closed'' position caused the uncontrolled power supply to the rotor blade de-icing system and subsequent damage. EASA also states that its AD is considered an interim action and further AD action may follow.

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by the EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs.

Related Service Information

Airbus Helicopters issued Alert Service Bulletin No. AS332–05.01.02, Revision 0, dated July 22, 2015 (ASB), which specifies, before each flight and before starting at least one engine, if the applicable helicopter has been supplied external 115V/400Hz AC GPU with the rotor stationary or if the de-icing system has been used or tested using an AC GPU with the rotor stationary or spinning, visually inspecting the T/R blades for burn marks, detached leading edge protection, or cracks at the skin/leading edge protection junction. If at least one T/R blade is damaged, the ASB specifies replacing all of the T/R blades.

AD Requirements

This AD requires, before further flight, inspecting each T/R blade for a burn mark, any disbonding of the leading edge protection, and a crack at the junction of the skin and the leading edge protection. If there is a burn mark, any disbonding of the leading edge protection, or a crack at the junction of the skin and the leading edge protection on a T/R blade, this AD requires replacing all of the T/R blades with airworthy T/R blades. This AD also requires deactivating the rotor de-icing system, revising the RFM to state that the rotor de-icing system is deactivated and that flight into known icing is prohibited, and installing a placard stating that the rotor de-icing system is deactivated.

Differences Between This AD and the EASA AD

The EASA AD allows operation of the rotor de-icing system with a recurring inspection of the T/R blades. This AD requires an initial inspection and prohibits operation of the rotor de-icing system by deactivating the rotor de-icing system, revising the RFM to state the rotor de-icing system is deactivated and flight into known icing is prohibited, and installing a placard stating that the rotor de-icing system is deactivated.

Interim Action

We consider this AD to be an interim action. Once a modification to the rotor de-icing system design is evaluated, approved, and available, we might consider additional rulemaking.

Costs of Compliance

We estimate that this AD affects 19 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD at an average labor rate of $85 per work-hour. It takes about 1 work-hour to inspect the T/R blades for a cost of $85 per helicopter and $1,615 for the U.S.

fleet. It takes about 2 work-hours to deactivate the rotor de-icing system for a cost of $170 per helicopter and $3,230 for the U.S. fleet. It takes about 0.5 work-hour to revise the RFM for a cost of $43 per helicopter and $817 for the U.S. fleet. It takes about 0.5 work-hour and a negligible parts cost to install a placard for a cost of $43 per helicopter and $817 for the U.S. fleet. Replacing a set of T/R blades takes about 3 work-hours for a labor cost of $255 per helicopter. Parts for 4-blade T/R set cost $167,644 for a total replacement cost of $167,899 per helicopter. Parts for a 5-blade T/R set cost $209,555 for a total replacement cost of $209,810 per helicopter.

FAA's Justification and Determination of the Effective Date

Providing an opportunity for public comments prior to adopting these AD requirements would delay implementing the safety actions needed to correct this known unsafe condition. Therefore, we found and continue to find that the risk to the flying public justifies waiving notice and comment prior to the adoption of this rule because the previously described unsafe condition can adversely affect the controllability of the helicopter and the initial required action must be accomplished before further flight.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment before issuing this AD were impracticable and contrary to public interest and good cause existed to make the AD effective immediately by Emergency AD 2015–18–51, issued on September 11, 2015, to all known U.S. owners and operators of these helicopters. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2015–18–51 Airbus Helicopters: Amendment 39–18284; Docket No. FAA–2015–3877; Directorate Identifier 2015–SW–039–AD.

(a) Applicability

This AD applies to Airbus Helicopters Model AS332C, AS332C1, AS332L, and AS332L1 helicopters with tail rotor (T/R) de-icing installation unit part number (P/N) 204ZP01Y01 and T/R blade P/N 332A12–0055–XX (where XX is any dash number) installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as uncontrolled and un-annunciated power supply to the T/R de-icing system, which could overheat the T/R blades. This condition could result in structural damage to the T/R blades and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective October 20, 2015 to all persons except those persons to whom it was made immediately effective by Emergency AD 2015–18–51, issued on September 11, 2015, which contains the requirements of this AD.

(d) Compliance

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

(e) Required Actions

Before further flight:

(1) Inspect each T/R blade for a burn mark, any disbonding of the leading edge protection, and a crack at the junction of the skin and the leading edge protection. Examples of a burn mark, disbonding, and a crack are shown in the photos under paragraph 3.B.2., Accomplishment Instructions, of Airbus Helicopters Alert Service Bulletin No. AS332–05.01.02, Revision 0, dated July 22, 2015. If there is a burn mark, any disbonding of the leading edge protection, or a crack at the junction of the skin and the leading edge protection on a T/R blade, replace all of the T/R blades with airworthy T/R blades.

(2) Deactivate the rotor de-icing system.

(3) Revise Section 2, Limitations, of the Protective Equipment for Flight in Icing Conditions supplement to the rotorcraft flight manual by inserting the following: ROTOR DE–ICING SYSTEM IS DEACTIVATED. FLIGHT INTO KNOWN ICING IS PROHIBITED.

(4) Install a placard with 6 millimeter red letters on a white background next to the rotors de-icing control panel that states the following: ROTOR DE–ICING SYSTEM IS DEACTIVATED.

(f) Special Flight Permits

Special flight permits will be permitted for flights to a location where the required inspection can be performed provided the flight does not exceed 5 hours time-in-service.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: George Schwab, Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222–5110; email *9-ASW-FTW-AMOC-Requests@faa.gov*.

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that

you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

(1) Airbus Helicopters Alert Service Bulletin No. AS332–05.01.02, Revision 0, dated July 22, 2015, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2015–0153–E, dated July 24, 2015. You may view the EASA AD on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2015–3877.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 3060, Rotor De-Ice System.

Issued in Fort Worth, Texas, on September 28, 2015.

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2015–25217 Filed 10–2–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

Change in EST Usage in Notice to Airmen (NOTAM)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Policy change.

SUMMARY: This document provides clarity and guidance regarding the use of the contraction ''EST'', which stands for ''Estimated'', when appended to the end of validity time in a NOTAM. The FAA is taking this action to align NOTAM policy with International Civil Aviation Organization (ICAO) standards and recommended practices.

DATES: *Effective date:* December 15, 2015.

FOR FURTHER INFORMATION CONTACT: Gary Bobik (202–267–6524; *gary.ctr.bobik@faa.gov*) or Lynette Jamison (540–422–4761; *lynette.m.jamison@faa.gov*)

SUPPLEMENTARY INFORMATION:

Background

The Federal Aviation Administration (FAA) Flight Services is revising FAA Order JO 7930.2, *Notices to Airmen* (NOTAM), which is scheduled to become effective no later than December 15, 2015.

The following paragraphs will be incorporated into the next revision of FAA Order JO 7930.2.

Paragraph 4–2–1a–14, Start of Activity/End of Validity, is ''a 10-digit date-time group (YYMMDDHHMM) used to indicate the time at which the NOT AM comes into force (the date/time a condition will exist or begin) and the time at which the NOTAM ceases to be in force and becomes invalid (the expected return to service, return to normal status time, or the time the activity will end).''

Paragraph 4–2–1a–14(a) further specifies, that if the NOTAM duration is expected to return to service prior to the End of Validity time, express the time by using a date- time group followed immediately by EST. The NOTAM Originator must cancel or replace any NOTAM that includes an EST before the NOTAM reaches its End of Validity time, as the NOTAM will now auto expire at the end of validity time, regardless of EST.

Issued in Washington, DC, on September 23, 2015.

Ernie Bilotto,

Manager, U.S. NOTAMs.

[FR Doc. 2015–25192 Filed 10–2–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1926

[Docket Nos. S–016 (OSHA–S016–2006–0646), OSHA–S215–2006–0063]

RIN 1218–AA32, 1218–AB67

Electrical Safety-Related Work Practices; Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment; Corrections

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Correcting amendments.

SUMMARY: This document corrects the electrical safety-related work practices standard for general industry and the electric power generation, transmission, and distribution standards for general industry and construction to provide additional clarification regarding the applicability of the standards to certain operations, including some tree trimming work that is performed near (but that is not on or directly associated with) electric power generation, transmission, and distribution installations. This document also corrects minor errors in two minimum approach distance tables in the general industry and construction standards for electric power generation, transmission and distribution work.

DATES: These correcting amendments are effective on October 5, 2015.

FOR FURTHER INFORMATION CONTACT:
General information and press inquiries: Mr. Frank Meilinger, Office of Communications, Room N3647, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1999; email *meilingerfrancis2@dol.gov*.

Technical information: Mr. William Perry, Directorate of Standards and Guidance, Room N3718, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1950 or fax (202) 693–1678; email *perry.bill@dol.gov*.

SUPPLEMENTARY INFORMATION: This document revises certain language in OSHA's standards to reflect the Agency's intent about the scope of two general industry standards. First, this document revises language that mistakenly could be read as suggesting that the general industry electric power generation, transmission, and distribution standard covers certain tree-trimming work that is performed near, but that is not on or directly associated with, electric power generation, transmission, and distribution installations. This was never OSHA's intent; rather, OSHA intended that the general industry electrical safety-related work practices standard cover such work. Similarly, OSHA is correcting language in its general industry electrical safety-related work practices standard to make clear that the standard covers other work performed by qualified persons that is near, but not on or directly associated with, both electric power generation, transmission, and distribution installations and certain other types of installations.

This notice also corrects minor errors in two minimum approach distance tables in the general industry and construction standards for electric power generation, transmission and distribution work.

Background

On August 6, 1990, OSHA adopted a standard on electrical safety-related work practices for general industry (55 FR 31984).[1] That standard is contained in §§ 1910.331 through 1910.335 in subpart S of 29 CFR part 1910. According to § 1910.331(a), that standard contains electrical safety-related work practices for both qualified persons [2] (those who have training in avoiding the electrical hazards of working on or near exposed energized parts) and unqualified persons (those with little or no such training) working on, near, or with certain electrical installations (not including electric power generation, transmission, and distribution installations). Paragraph (c) of § 1910.331 excludes from the scope of the electrical safety-related work practices standard work by qualified persons ''on or directly associated with'' certain installations, including installations for the generation, transmission, and distribution of electric energy (§ 1910.331(c)(1)).[3]

When the Agency promulgated the electrical safety-related work practices standard in 1990, OSHA did not define ''work directly associated with'' generation, transmission, or distribution installations. However, Note 2 to § 1910.331(c)(1) gave two examples of such work: line-clearance tree trimming and replacing utility poles. OSHA defined ''line-clearance tree trimming,'' at 29 CFR 1910.399 in subpart S, as the pruning, trimming, repairing, maintaining, removing, or clearing of trees or cutting of brush that is within 305 cm (10 feet) of electric supply lines and equipment.

On January 31, 1994, OSHA issued a new standard, § 1910.269, addressing work practices to be used during the operation and maintenance of electric power generation, transmission, and distribution lines and equipment, including, specifically, line-clearance tree-trimming operations (59 FR 4320).[4] The 1994 final rule: adopted a definition of ''line-clearance tree trimming'' in § 1910.269(x) that mirrored the definition of that term in § 1910.399, redesignated Note 2 to § 1910.331(c)(1) (which provided examples of the types of work that are excluded from the electrical safety-related work practices standard because they are directly associated with electric power generation, transmission, or distribution installations) as Note 3, and added a sentence to that note stating that work within the scope of the note is covered by § 1910.269.[5]

On April 11, 2014, OSHA revised § 1910.269, as well as subpart V of part 1926, which contains corresponding requirements for the construction of electric power transmission and distribution lines and equipment (79 FR 20316). The 2014 final rule revised the definition of ''line-clearance tree trimming'' in § 1910.269(x) to include the pruning, trimming, repairing, maintaining, removing, or clearing of trees, or the cutting of brush, that is within the following distance of electric supply lines and equipment: (1) For voltages to ground of 50 kilovolts or less—3.05 meters (10 feet) and (2) for voltages to ground of more than 50 kilovolts—3.05 meters (10 feet) plus 0.10 meters (4 inches) for every 10 kilovolts over 50 kilovolts. The revision expanded the definition to include work on trees and brush that were farther away from electric power lines and equipment when the voltage was more than 50 kilovolts. The 2014 final rule also revised Note 3 to § 1910.331(c)(1) to reference the definition of ''line-clearance tree trimming'' in § 1910.269(x) and deleted the corresponding definition from § 1910.399.

Need for Correcting Amendment

After OSHA promulgated the 2014 revisions to § 1910.269, tree care industry representatives raised questions that led the Agency to believe that the industry was unclear about the application of § 1910.269 with respect to certain tree-trimming work. As a result, OSHA examined the relevant regulatory language in the general industry standards on electrical safety-related work practices (subpart S) and on electric power generation, transmission, and distribution work (§ 1910.269). The Agency's review led to two conclusions: (1) Revisions to § 1910.269 are necessary to clarify that certain types of tree trimming meeting the definition of ''line-clearance tree trimming'' are not covered by that standard; and (2) revisions to § 1910.331 (in subpart S) are necessary to clarify that the electrical safety-related work practices in §§ 1910.331 through 1910.335 apply to tree-trimming work that may meet the definition of ''line-clearance tree trimming'' when that work is not on or directly associated with electric power generation, transmission, and distribution or other installations listed in § 1910.331(c) and, more generally, to work performed by qualified employees when that work is near, but not on or directly associated with, installations listed in § 1910.331(c).

Tree trimming: As noted earlier in this document, when the Agency adopted the electrical safety-related work practices standard in 1990, OSHA listed line-clearance tree trimming and replacing utility poles as examples of types of work that are directly associated with electric power generation, transmission, and distribution installations and, therefore, excluded from subpart S when performed by a qualified person (as ''qualified person'' is defined in § 1910.399). However, OSHA was imprecise in its description of these examples. Although clearing trees and brush around power lines and replacing utility poles are usually tasks that are directly associated with a power line, that is not always the case. For example, an employee could be trimming trees away from telephone or cable television lines that happen to be near an electric power line. This type of tree trimming, which meets the definition of line-clearance tree trimming in § 1910.269(x), is work directly associated with communications lines, not electric power lines, and is covered by § 1910.268, not § 1910.269.[6] Similarly, a telecommunications firm replacing a utility pole supporting communications lines is performing work directly associated with the communications lines, not with any electric power lines that also happen to be supported by the pole but that are not

[1] The Docket number, as listed on the original final rule, was S–016. The corresponding Docket ID on Regulations.gov is OSHA–S016–2006–0646 (*http://www.regulations.gov/#!docketBrowser;rpp=50;so=ASC;sb=docId;po=50;D=OSHA-S016-2006-0646*).

[2] Subpart S, in § 1910.399, defines ''qualified person'' as someone who has received training in and has demonstrated skills and knowledge in the construction and operation of electric equipment and installations and the hazards involved. In addition, §§ 1910.332(b)(3) and 1910.333(c)(2) require qualified persons to have specialized skills and training before OSHA considers them to be qualified.

[3] Paragraph (b) of § 1910.331 provides that the electrical safety-related work practice requirements in §§ 1910.331 through 1910.335 apply to work performed by unqualified persons on, near, or with the installations listed in paragraph (c).

[4] Paragraph (a)(1)(i) of § 1910.269 states that the standard covers the operation and maintenance of electric power generation, control, transformation, transmission, and distribution lines and equipment. Paragraph (a)(1)(i)(E) lists line-clearance tree-trimming operations as work to which the standard applies.

[5] The Docket number, as listed on the original final rule, was S–015. The corresponding Docket ID on Regulations.gov is OSHA–S015–2006–0645 (*http://www.regulations.gov/#!docketBrowser;rpp=25;so=ASC;sb=docId;po=0;dct=N%252BFR%252BPR%252BO%252BSR%252BPS;D=OSHA-S015-2006-0645*).

[6] Under § 1910.331(c)(2), line-clearance tree trimming to clear space around communications lines is exempt from §§ 1910.331 through 1910.335 when performed by qualified persons.

transferred to the new pole by the firm. OSHA intended the examples in Note 3 to § 1910.331(c)(1) to illustrate types of work that generally (but not always) would be directly associated with electric power generation, transmission, and distribution lines. The Agency did not intend for those examples to be dispositive of the question of whether any particular activity is directly associated with those installations.

Furthermore, the current definition of ''line-clearance tree trimming'' in § 1910.269(x) makes the location of the tree or brush the key determining factor in deciding whether a trimming activity is line-clearance tree trimming. Consequently, any trimming or other maintenance of any tree or brush that is within the specified distances of an electric power line is line-clearance tree trimming, irrespective of the purpose of the activity or the occupation of the worker. Notwithstanding this definition, the only line-clearance tree trimming OSHA intended § 1910.269 to cover is line-clearance tree trimming performed: (1) For the purpose of clearing space around electric power generation, transmission, or distribution lines or equipment and (2) on behalf of an organization that operates, or that controls the operating procedures for, those lines or equipment. For example, a crew trimming trees at a residence or commercial facility for aesthetic purposes would be performing work meeting the current definition of ''line-clearance tree trimming'' while trimming any tree that is within the specified distance of a power line. Yet, in most cases, OSHA would consider this work to be incidental line-clearance tree trimming[7] that is not directly associated with an electric power generation, transmission, or distribution line. When initially promulgating the electrical safety-related work practices standard in 1990, the Agency did not intend such incidental line-clearance tree trimming to be included in the exemption in § 1910.331(c)(1). When OSHA adopted § 1910.269 in 1994, and revised that standard in 2014, the Agency proceeded on the understanding that such incidental line-clearance tree trimming was covered by subpart S; thus, OSHA did not intend to cover that work under § 1910.269, even though it is now apparent that the definition of ''line-clearance tree trimming'' in § 1910.269(x), which was adopted in 1994, and revised in 2014, did not make this intent clear.[8]

The Agency's economic analyses for the 1994 and 2014 rulemakings reflect that OSHA did not intend to cover incidental line-clearance tree trimming under § 1910.269. The regulatory impact assessment for the 1994 final rule indicated that § 1910.269 ''will cover . . . *contract* line-clearance tree trimmers'' (59 FR 4431, emphasis added), meaning ''contractors [that] perform tree trimming for electric utilities'' (OSHA–S015–2006–0645–0008[9]). And OSHA based the 2014 analysis on the continued assumption that the rule would cover contract line-clearance tree-trimming firms (in other words, contractors that perform tree trimming on behalf of a utility or other organization that operates, or controls the operating procedures for, covered electric power lines and equipment) only. In the 2014 analysis, OSHA relied on 2002 estimates from the National Arborist Association (now known as the Tree Care Industry Association) that 90 percent of large establishments, and 2 percent of small establishments, that perform ornamental shrub and tree services are involved in line-clearance tree trimming covered by § 1910.269 (79 FR 20564). Thus, the 2014 analysis did not account for a large percentage of establishments that perform ornamental shrub and tree care services, even though, in all likelihood, the majority, if not all, of these establishments perform at least some work meeting the definition of line-clearance tree trimming.

Thus, OSHA concludes that the language in the existing standards does not accurately convey the Agency's intent with respect to tree-trimming activities that meet the definition of ''line-clearance tree trimming,'' but that are not directly associated with electric power generation, transmission, or distribution lines or equipment.

Subpart S coverage of work by qualified employees that is near, but not on or directly associated with, electric power generation, transmission, or distribution installations. Paragraph (a) of § 1910.331 describes work by both qualified and unqualified persons that is covered by the electrical safety-related work practices at §§ 1910.331 through 1910.335. Paragraph (b) of § 1910.331 states that the electrical safety-related work practices at §§ 1910.331 through 1910.335 apply to work performed by unqualified persons on, near, or with certain installations (including electric power generation, transmission, and distribution installations) listed in § 1910.331(c)(1) through (c)(4). And the introductory text to § 1910.331(c) states that the electrical safety-related work practices at §§ 1910.331 through 1910.335 do not apply to work performed by qualified persons on or directly associated with the installations (including electric power generation, transmission, and distribution installations) listed in § 1910.331(c)(1) through (c)(4). Section 1910.331 does not state explicitly that the electrical safety-related work practices in subpart S do apply to work performed by qualified persons near, but not on or directly associated with, electric power generation, transmission, and distribution installations, although other parts of the standard make clear that OSHA intended to cover this type of work in subpart S. For example, § 1910.333(c)(3)(ii) contains requirements for qualified persons working in the vicinity of overhead lines. As virtually all overhead lines at the voltages addressed by this

[7] Throughout this preamble, OSHA refers to any tree trimming activities performed on a tree or brush that is closer to an electric power generation, transmission, or distribution line or equipment than the distances specified in the definition of ''line-clearance tree trimming'' in existing § 1910.269(x) as ''incidental line-clearance tree trimming'' when the tree trimming activities are not directly associated with the lines or equipment.

[8] During the rulemaking that led to the promulgation of the electrical safety-related work practices standard in Subpart S in 1990, the National Arborist Association expressed concern that the exemption in § 1910.331(c)(1) for work performed by qualified employees on or directly associated with electric power generation, transmission, and distribution installations was not specific enough. That organization recommended that line-clearance tree trimming be separated from the ''directly associated with'' electric power installations test and exempted through a specified exclusion for tree trimming performed by qualified employees near overhead power lines (Docket ID OSHA–S016–2006–0646–0084). OSHA rejected that recommendation and instead adopted the note stating that line-clearance tree trimming is an example of work directly associated with electric power generation, transmission, and distribution installations (55 FR 31997). In discussing the note in the preamble to the 1990 rule, OSHA rejected an assertion from the National Arborist Association that the exemption in § 1910.331(c)(1) would exempt only work performed on behalf of the owner or operator of the overhead lines (55 FR 31997). OSHA recognizes that this discussion in the 1990 preamble may have been misleading with respect to the Agency's intent, which was stated more clearly elsewhere in the same notice when OSHA noted that line-clearance tree trimming contractors (usually hired by electric utilities) would be covered under § 1910.269 and that residential contractors (usually hired by homeowners or businesses other than electric utilities) would be covered by the electrical safety-related work practice requirements in subpart S (55 FR 31997). This correcting amendment is designed to provide clarification that should resolve any confusion resulting from imprecision in the 1990 subpart S preamble.

[9] This number is the document ID for ''Preparation of an Economic Impact Study for the Proposed OSHA Regulation Covering Electric Power Generation, Transmission, and Distribution,'' a report prepared by Eastern Research Group, Inc. that formed the basis for OSHA's economic analysis for the 1994 final rule. This document is available at *http://www.regulations.gov*.

provision [10] are electric power generation, transmission, or distribution lines, it is evident that OSHA intended to cover work by qualified persons performed near, but not on or directly associated with, electric power generation, transmission, or distribution installations.

Therefore, OSHA concludes that the scope provisions in § 1910.331 do not accurately explain the applicability of the electrical safety-related work practices at §§ 1910.331 through 1910.335 to qualified persons performing work near, but not on or directly associated with, the installations listed in § 1910.331(c)(1) through (c)(4), including electric power generation, transmission, and distribution installations.

Description of Correcting Amendment

To clarify what work is covered by the general industry standards on electric power generation, transmission, and distribution work and on electrical safety-related work practices, OSHA is taking the following actions:

1. Expressly limiting the scope of § 1910.269 as it relates to line-clearance tree trimming by revising § 1910.269(a)(1)(i)(E) to state explicitly that the standard applies to line-clearance tree trimming only to the extent it is performed for the purpose of clearing space around electric power generation, transmission, or distribution lines or equipment and on behalf of an organization that operates, or that controls the operating procedures for, those lines or equipment.

2. Adding a note to the definition of ''line-clearance tree trimming'' in § 1910.269(x), with corresponding revisions to Note 2 to the definition of ''line-clearance tree trimmer,'' to explain that: (1) The scope of § 1910.269 limits the application of the standard to line-clearance tree trimming as noted in § 1910.269(a)(1)(i)(E); and (2) tree trimming that is performed on behalf of a homeowner or commercial entity other than an organization that operates, or that controls the operating procedures for, electric power generation, transmission, or distribution lines or equipment, or that is not for the purpose of clearing space around electric power generation, transmission, or distribution lines or equipment, is not directly associated with an electric power generation, transmission, or distribution installation and is not covered by § 1910.269.

3. Revising Appendix A–3 to § 1910.269 to reflect the clarifications in this correcting amendment.[11]

4. Replacing terms such as ''line-clearance tree-trimming operations'' and ''line-clearance tree-trimming work'' wherever they appear in § 1910.269 and subpart V of part 1926 with ''line-clearance tree trimming'' and revising § 1926.950(a)(3) to correspond to the changes to § 1910.269(a)(1)(i)(E), noted earlier.[12]

5. Referencing the scope of § 1910.269 in Note 3 to § 1910.331(c)(1).

6. In § 1910.331(b), adding language clarifying that the electrical safety-related work practices in subpart S cover qualified persons performing work near, but not on or directly associated with, installations listed in § 1910.331(c)(1) through (c)(4).

OSHA is also correcting minor errors in Table R–6 of § 1910.269 and in Table V–5 of subpart V of part 1926. Table R–3 of § 1910.269 and Table V–2 of subpart V, which contain equations for employers to use to establish minimum approach distances from energized parts of electric circuits, set the minimum approach distance for 50 to 300 volts as ''avoid contact.'' Using the equations in Table R–3 and Table V–2, Table R–6 and Table V–5 provide default minimum approach distances for voltage ranges up to 72.5 kilovolts. The latter two tables erroneously list the first voltage range as 0.50 to 0.300 kilovolts. The correct voltage range is 0.050 to 0.300 kilovolts. In addition, the word ''to'' is missing between the voltages in the first voltage range in Table V–5. Accordingly, OSHA is correcting Table R–6 and Table V–5 in this document.

Exemption From Notice-and-Comment Procedures

OSHA determined that this correcting amendment is not subject to the requirements and procedures for public notice and comment specified in the Administrative Procedure Act (5 U.S.C. 553(b)) and the Occupational Safety and Health Act of 1970 (29 U.S.C. 655). See 29 CFR 1911.5 (*Minor changes in standards*). This action does not affect or change any existing rights or obligations, and no interested party is likely to object to the minor amendments being made to 29 CFR 1910.269, 29 CFR 1910.331, or 29 CFR part 1926, subpart V. Therefore, the Agency finds good cause for foregoing public notice and comment.

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC 20210, authorized the preparation of this document.

This action is taken pursuant to sections 3704 *et seq.,* Public Law 107–217, 116 STAT. 1062, (40 U.S.C. 3704 *et seq.*); sections 4, 6, and 8, Public Law 91–596, 84 STAT. 1590 (29 U.S.C. 653, 655, 657), Secretary of Labor's Order No. 1–2012 (77 FR 3912 (Jan. 25, 2012)), and 29 CFR part 1911.

Signed at Washington, DC, on September 28, 2015.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

The Occupational Safety and Health Administration amends parts 1910 and 1926 of title 29 of the Code of Federal Regulations as follows:

PART 1910—[AMENDED]

Subpart R—Special Industries

■ 1. The authority citation for subpart R of part 1910 continues to read as follows:

Authority: 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 5–2007 (72 FR 31159), 4–2010 (75 FR 55355), or 1–2012 (77 FR 3912), as applicable; and 29 CFR part 1911.

* * * * *

■ 2. Amend § 1910.269 by:

■ a. Removing the terms ''line-clearance tree-trimming operations,'' ''line-clearance tree trimming operations,'' ''line-clearance tree-trimming work,'' and ''line-clearance tree trimming work'' in paragraphs (a)(1)(i)(E) introductory text, (a)(1)(i)(E)*(1)* and *(2),* (a)(1)(ii)(A), (b)(1)(i), (r) subject heading and introductory text, (r)(1)(vi), and in the Note to paragraph (r)(1)(vi), and adding, in their place the term ''line-clearance tree trimming'';

■ b. Revising paragraph (a)(1)(i)(E);

■ c. In Table R–6, first entry, removing ''0.50'' and adding in its place ''0.050'';

[10] Paragraph (c)(3)(ii) of § 1910.333 generally requires qualified persons to maintain the minimum approach distances shown in Table S–5 from overhead lines. Table S–5 lists approach distances for various voltages up to 140 kilovolts. The highest voltage on electric utilization systems (which are covered by subpart S as indicated in Notes 1 and 2 to § 1910.331(c)(1)) is generally about 4 kilovolts.

[11] In addition, OSHA is moving the note referring to requirements for manholes and underground vaults at the bottom of Appendix A–3 to Appendix A–5 (relating to enclosed spaces), which is the appendix to which that note applies.

[12] Specifically, OSHA is revising relevant language in § 1926.950(a)(3) to reflect that § 1910.269 applies to line-clearance tree trimming only to the extent it is performed for the purpose of clearing space around electric power generation, transmission, or distribution lines or equipment and on behalf of an organization that operates, or that controls the operating procedures for, those lines or equipment.

■ d. Revising paragraph (r) introductory text;
■ e. In paragraph (x), revising Note 2 to the definition of ''line-clearance tree trimmer'' and adding a note to the definition of ''line-clearance tree trimming''; and
■ f. Revising appendices A–3 and A–5.

The revisions and addition read as follows:

§ 1910.269 Electric power generation, transmission, and distribution.

(a) * * *
(1) * * *
(i) * * *

(E) Line-clearance tree trimming performed for the purpose of clearing space around electric power generation, transmission, or distribution lines or equipment and on behalf of an organization that operates, or that controls the operating procedures for, those lines or equipment, as follows:

(*1*) Entire § 1910.269, except paragraph (r)(1) of this section, applies to line-clearance tree trimming covered by the introductory text to paragraph (a)(1)(i)(E) of the section when performed by qualified employees (those who are knowledgeable in the construction and operation of the electric power generation, transmission, or distribution equipment involved, along with the associated hazards).

(*2*) Paragraphs (a)(2), (a)(3), (b), (c), (g), (k), (p), and (r) of this section apply to line-clearance tree trimming covered by the introductory text to paragraph (a)(1)(i)(E) of this section when performed by line-clearance tree trimmers who are not qualified employees.

* * * * *

(r) *Line-clearance tree trimming.* This paragraph provides additional requirements for line-clearance tree trimming and for equipment used in this type of work.

* * * * *

(x) * * *

Line-clearance tree trimmer. * * *

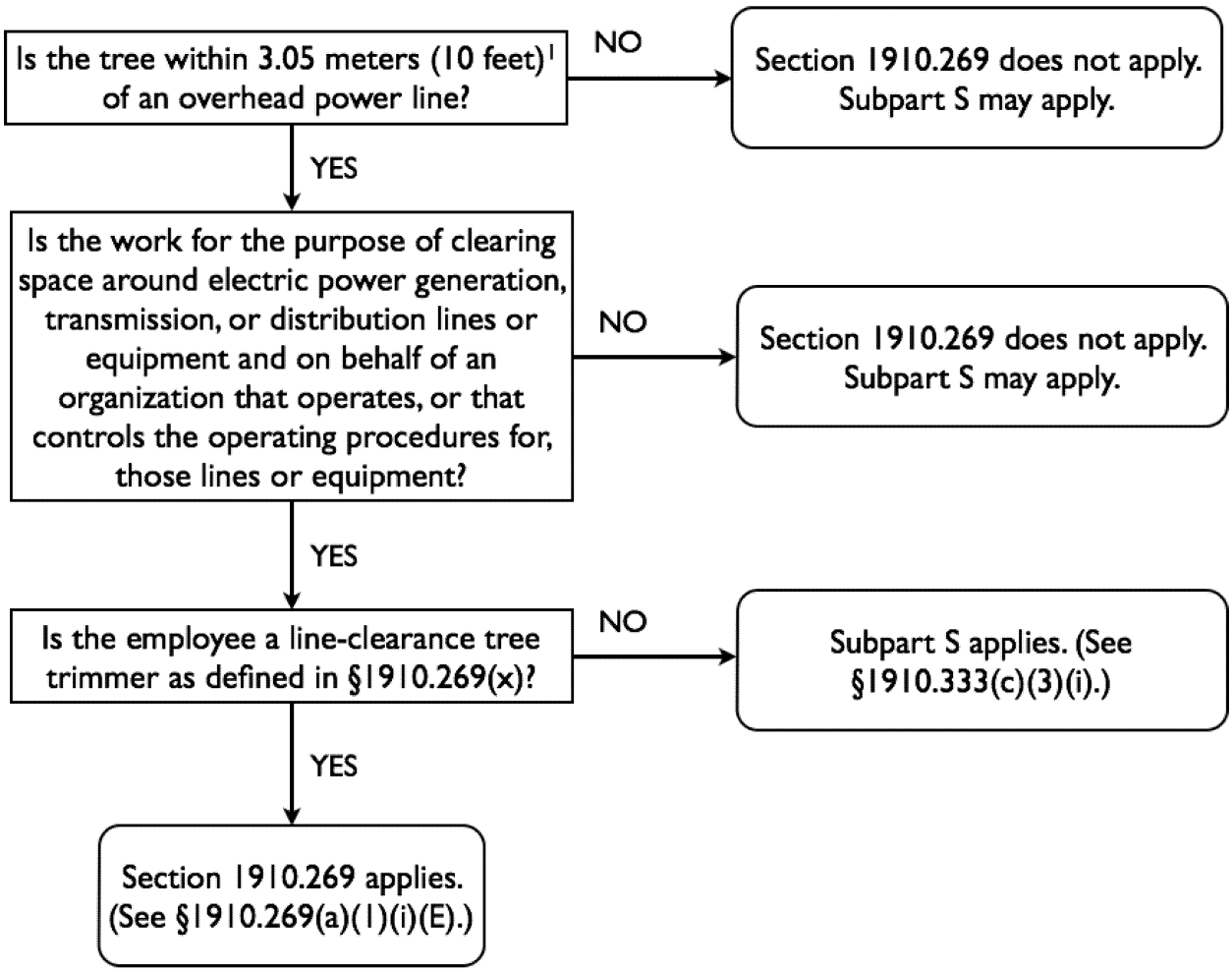
Note 2 to the definition of ''line-clearance tree trimmer'': A line-clearance tree trimmer is not considered to be a ''qualified employee'' under this section unless he or she has the training required for a qualified employee under paragraph (a)(2)(ii) of this section. However, under the electrical safety-related work practices standard in Subpart S of this part, a line-clearance tree trimmer is considered to be a ''qualified employee.'' Tree trimming performed by such ''qualified employees'' is not subject to the electrical safety-related work practice requirements contained in §§ 1910.331 through 1910.335 when it is directly associated with electric power generation, transmission, or distribution lines or equipment. (See § 1910.331 for requirements on the applicability of the electrical safety-related work practice requirements contained in §§ 1910.331 through 1910.335 to line-clearance tree trimming performed by such ''qualified employees,'' and see the note following § 1910.332(b)(3) for information regarding the training an employee must have to be considered a qualified employee under §§ 1910.331 through 1910.335.)

Line-clearance tree trimming. * * *

Note to the definition of ''line-clearance tree trimming'': This section applies only to line-clearance tree trimming performed for the purpose of clearing space around electric power generation, transmission, or distribution lines or equipment and on behalf of an organization that operates, or that controls the operating procedures for, those lines or equipment. See paragraph (a)(1) of this section. Tree trimming performed on behalf of a homeowner or commercial entity other than an organization that operates, or that controls the operating procedures for, electric power generation, transmission, or distribution lines or equipment is not directly associated with an electric power generation, transmission, or distribution installation and is outside the scope of this section. In addition, tree trimming that is not for the purpose of clearing space around electric power generation, transmission, or distribution lines or equipment is not directly associated with an electric power generation, transmission, or distribution installation and is outside the scope of this section. Such tree trimming may be covered by other applicable standards. See, for example, §§ 1910.268 and 1910.331 through 1910.335.

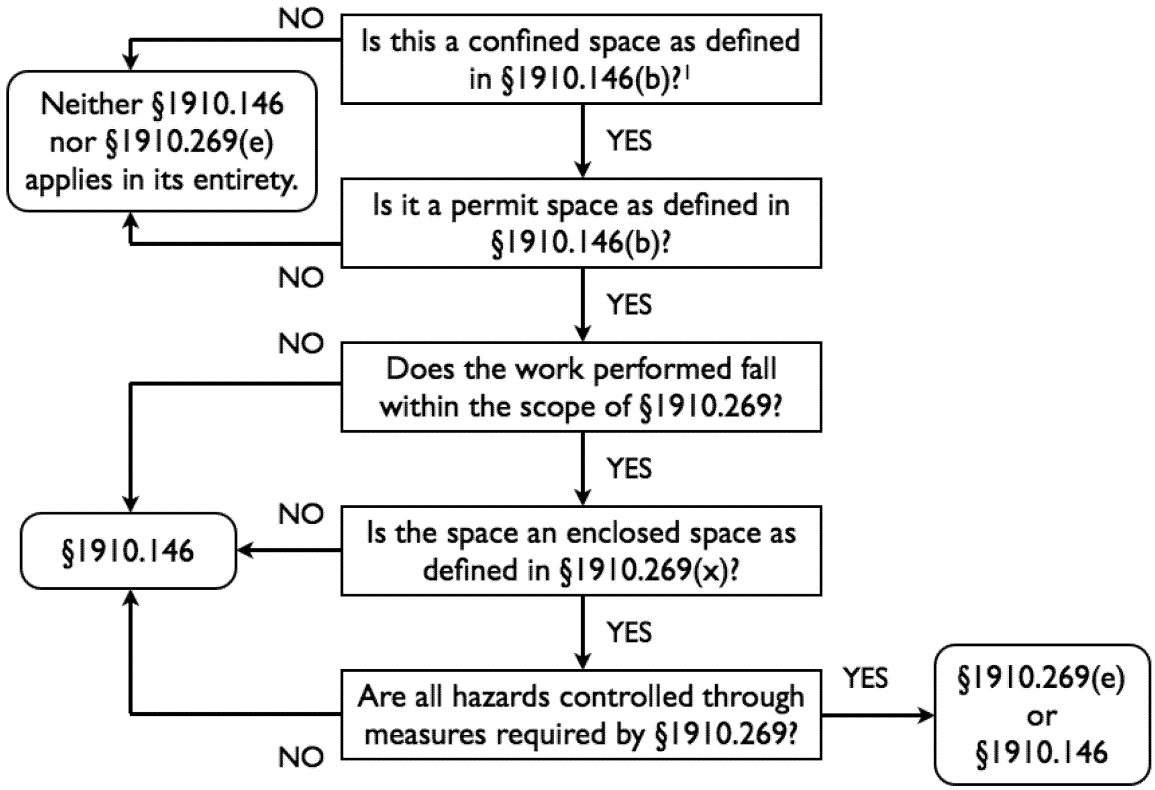
* * * * *

Appendix A-3—Application of §1910.269 and Subpart S of this Part to Tree Trimming



[1] 3.05 meters (10 feet) plus 0.1 meters (4 inches) for every 10 kilovolts over 50 kilovolts.

Appendix A-5 to §1910.269—Application of §§1910.146 and 1910.269 to Permit-Required Confined Spaces



[1]See §1910.146(c) for general nonentry requirements that apply to all confined spaces.

Note: Paragraph (t) of §1910.269 contains additional requirements for work in manholes and underground vaults.

Subpart S—Electrical

■ 3. The authority citation for subpart S of part 1910 continues to read as follows:

Authority: 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 8–76 (41 FR 25059), 1–90 (55 FR 9033), 5–2002 (67 FR 65008), 5–2007 (72 FR 31160), or 1–2012 (77 FR 3912), as applicable; and 29 CFR part 1911.

* * * * *

■ 4. Amend § 1910.331 by revising paragraph (b) and Note 3 to paragraph (c)(1) to read as follows:

§ 1910.331 Scope.

* * * * *

(b) *Other covered work.* The provisions of §§ 1910.331 through 1910.335 also cover:

(1) Work performed by unqualified persons on, near, or with the installations listed in paragraphs (c)(1) through (4) of this section; and

(2) Work performed by qualified persons near the installations listed in paragraphs (c)(1) through (c)(4) of this section when that work is not on or directly associated with those installations.

(c) * * *

(1) * * *

Note 3 to paragraph (c)(1): Work on or directly associated with generation, transmission, or distribution installations includes:

(1) Work performed directly on such installations, such as repairing overhead or underground distribution lines or repairing a feed-water pump for the boiler in a generating plant.

(2) Work directly associated with such installations, such as line-clearance tree trimming and replacing utility poles, when that work is covered by § 1910.269 (see § 1910.269(a)(1)(i)(D) and (E) and the definition of ''line-clearance tree trimming'' in § 1910.269(x)).

(3) Work on electric utilization circuits in a generating plant provided that:

(A) Such circuits are commingled with installations of power generation equipment or circuits, and

(B) The generation equipment or circuits present greater electrical hazards than those posed by the utilization equipment or circuits (such as exposure to higher voltages or lack of overcurrent protection).

This work is covered by § 1910.269.

* * * * *

PART 1926—[AMENDED]

Subpart V—Electric power transmission and distribution

■ 5. The authority citation for subpart V of part 1926 continues to read as follows:

Authority: 40 U.S.C. 3701 *et seq.;* 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 1–2012 (77 FR 3912); and 29 CFR part 1911.

■ 6. In § 1926.950, revise paragraph (a)(3) to read as follows:

§ 1926.950 General.

(a) * * *

(3) *Applicable part 1910 requirements.* (i) Line-clearance tree trimming performed for the purpose of clearing space around electric power generation, transmission, or distribution lines or equipment and on behalf of an organization that operates, or that controls the operating procedures for, those lines or equipment shall comply with § 1910.269 of this chapter.

(ii) Work involving electric power generation installations shall comply with § 1910.269 of this chapter.

* * * * *

§ 1926.960 [Amended]

■ 7. In § 1926.960, in Table V–5, first entry, remove ''0.50'' and add in its place ''0.050 to''.

[FR Doc. 2015–25062 Filed 10–2–15; 8:45 am]

BILLING CODE 4510–26–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0510; FRL–9934–04–Region 9]

Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the Antelope Valley Air Quality Management District (AVAQMD) portion of the California State Implementation Plan (SIP). These revisions largely concern volatile organic compound (VOC) emissions from graphic arts facilities and aerospace assembly and coating operations. We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act). These revisions also address rescission of two rules no longer required, and administrative revisions to the emergency episode plan requirements.

DATES: This rule is effective on December 4, 2015 without further notice, unless the EPA receives adverse comments by November 4, 2015. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit comments, identified by docket number [EPA–R09–OAR–2015–0510, by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.

2. *Email: steckel.andrew@epa.gov.*

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to the EPA, your email address will be automatically captured and included as part of the public comment. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Vanessa Graham, EPA Region IX, (415) 947–4120 *graham.vanessa@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' refer to the EPA.

Table of Contents

I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules addressed by this action with the dates that they were amended or rescinded by AVAQMD and submitted by the California Air Resources Board (CARB). Table 2 provides **Federal Register** dates and citations for when the EPA approved into the SIP the two rules that are now being rescinded.

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Rescinded	Amended	Submitted
AVAQMD	701	Air Pollution Emergency Contingency Actions		04/15/14	11/06/14
AVAQMD	1110	Emissions from Stationary Internal Combustion Engines (Demonstration).	01/15/13		05/13/14
AVAQMD	1124	Aerospace Assembly and Component Manufacturing Operations		08/20/13	05/13/14
AVAQMD	1128	Paper, Fabric and Film Coating Operations	11/19/13		05/13/14
AVAQMD	1130	Graphic Arts		11/19/13	05/13/14

TABLE 2—RULES TO BE RESCINDED

Local agency	Rule No.	Rule title	SIP Approval date	FR Citation
SCAQMD	1110	Emissions from Stationary Internal Combustion Engines (Demonstration)	05/03/1984	49 FR 18822
SCAQMD	1128	Paper, Fabric and Film Coating Operations	12/20/1993	58 FR 66286

On June 18, 2014, the EPA determined that the submittal for AVAQMD Rules 1110, 1124, 1128 and 1130 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review. On December 18, 2014, the EPA determined that the submittal for AVAQMD Rule 701 met the completeness criteria as well.

B. Are there other versions of these rules?

We approved earlier versions of Rules 701, 1124, 1130, 1110 and 1128 into the SIP on March 7, 2003 (68 FR 10966), May 6, 1996 (61 FR 20136), October 31, 1995 (60 FR 55312), May 3, 1984 (49 FR 18822) and December 20, 1993 (58 FR 66286) respectively.

C. What is the purpose of the submitted rules and rule revisions?

VOCs help produce ground-level ozone and smog that can harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC emissions.

Rule 701 is intended to fulfill requirements for emergency episode plans described in CAA sections 110(a)(1) and (a)(2). The proposed amendments to Rule 701 are mainly administrative in nature. In addition, the episode criteria for PM was adjusted.

AVAQMD rescinded Rule 1110 because the demonstration program adopted from the South Coast Air Quality Management District (SCAQMD) prior to the formation of the AVAQMD is no longer in use. The EPA previously approved SCAQMD's rescission of Rule 1110 from the SCAQMD portion of the SIP on July 14, 2014 (79 FR 40675). We are now similarly rescinding the rule from the AVAQMD portion of the SIP. We are also amending the language at 40 CFR part 52 Subpart F to clarify that our earlier approval applied only to the SCAQMD portion of the SIP.

Rule 1124 limits VOC emissions from aerospace primers, coatings, adhesives, maskants and lubricants and from cleaning, stripping, storage and disposal of organic solvents and waste materials associated with the use of the above mentioned aerospace material categories.

AVAQMD rescinded Rule 1128 and incorporated all substantive requirements of this Rule into the amended version of AVAQMD Rule 1130, which we are approving in this action. The rescission of the AVAQMD portion of SCAQMD Rule 1128 shall have no effect on SCAQMD Rule 1128 currently approved in the South Coast portion of the SIP.[1]

Rule 1130 limits VOC emissions from graphic arts processes, largely by establishing work practice requirements and limiting the amount of VOC in graphic arts coatings, inks and solvents. The amendments to Rule 1130 were submitted to satisfy Reasonably Available Control Technology (RACT) requirements under CAA sections 172(c)(1) and 182(b).

The EPA's technical support documents (TSD) have more information about these rules.

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the rules?

SIP rules must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

AVAQMD regulates an ozone nonattainment area classified as severe under both the 1997 and 2008 eight-hour ozone NAAQS. 40 CFR 81.305. CAA section 172(c)(1) requires nonattainment areas to implement all reasonably available control measures (RACM), including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of RACT, as expeditiously as practicable. Additional control measures for graphic arts processes may be required pursuant to CAA section 172(c)(1) if both: (1) Additional measures are reasonably available; and (2) these additional reasonably available measures will advance attainment of one or more ozone standards in the area or contribute to reasonable further progress (RFP) when considered collectively (see 80 FR 12264, 12282). In addition, SIP rules must require RACT for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each VOC major source in ozone nonattainment areas classified as moderate or above (see CAA section 182(b)(2)). Since Rules 1124 and 1130 regulate sources subject to a CTG in a severe nonattainment area, they must implement RACT. RACT is not required of Rules 701, 1110 and 1128 as discussed in the TSDs.

Guidance and policy documents that we use to evaluate enforceability, revision/relaxation and rule stringency requirements for the applicable criteria pollutants include the following:

1. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations'' (''the Bluebook,'' U.S. EPA, May 25, 1988; revised January 11, 1990).

2. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies'' (''the Little Bluebook'', EPA Region 9, August 21, 2001).

3. ''Control Techniques Guidelines (CTG) for Offset Lithographic Printing and Letterpress Printing'', September 2006 (EPA 453/R–06–002).

4. ''Control Techniques Guidelines (CTG) for Flexible Package Printing'', September 2006 (EPA 453/R–06–003).

5. ''Control Techniques Guidelines (CTG) for Paper, Film, and Foil Coatings'', September 2007 (EPA 453/R–07–003).

6. ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2); USEPA Memorandum dated September 13, 2013.

7. 40 CFR part 51, subpart H—Prevention of Air Pollution Emergency Episodes.

[1] SCAQMD Rule 1128 was originally developed as part of the SCAQMD's program to control volatile organic compounds (VOC). At the time the rule was adopted, the area controlled by the SCAQMD included the portion of Los Angeles County located in the Mojave Desert Air Basin, known as the Antelope Valley. In 1997, the Antelope Valley Air Pollution Control District (AVAPCD) was formed pursuant to statute, and assumed the duties and powers of the SCAQMD in the Antelope Valley. AVAQMD was created to replace AVAPCD in 2002.

B. Do the rules meet the evaluation criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. The TSDs have more information on our evaluation.

C. EPA Recommendations To Further Improve These Rules

The TSDs describe additional rule revisions that we recommend for the next time the local agency modifies Rules 701, 1124 and 1130, but are not currently the basis for rule disapproval.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, the EPA is fully approving the submitted Rules 701, 1124 and 1130 because we believe they fulfill all relevant requirements. We are also approving rescission of Rules 1110 and 1128. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted action. If we receive adverse comments by November 4, 2015, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on December 4, 2015. This will incorporate AVAQMD Rules 701, 1124 and 1130 into the federally enforceable SIP and remove the Antelope Valley portion of the SCAQMD Rules 1110 and 1128 from the federally enforceable SIP.

Please note that if the EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, the EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the AVAQMD rules described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents available electronically through *www.regulations.gov* and in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; 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, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 4, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that the EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 1, 2015.

Jared Blumenfeld,

Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by:
■ a. Revising paragraph (c)(121)(i)(E); and
■ b. Adding paragraphs (c)(121)(i)(F), (c)(189)(i)(A)(*9*), (c)(441)(i)(E), and (c)(457)(i)(F).

The revision and additions read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(121) * * *

(i) * * *

(E) Previously approved on May 3, 1984 in paragraph (c)(121)(i)(C) of this section and now deleted without replacement for implementation in the South Coast Air Quality Management District, Rule 1110.

(F) Previously approved on May 3, 1984 in paragraph (c)(121)(i)(C) of this section and now deleted without replacement for implementation in the Antelope Valley Air Quality Management District, Rule 1110.

* * * * *

(189) * * *

(i) * * *

(A) * * *

(*9*) Previously approved on December 20, 1993 in paragraph (c)(189)(i)(A)(*3*) of this section and now deleted without replacement for implementation in the Antelope Valley Air Quality Management District, Rule 1128.

* * * * *

(441) * * *

(i) * * *

(E) Antelope Valley Air Quality Management District.

(*1*) Rule 1124, ''Aerospace Assembly and Component Manufacturing Operations,'' amended on August 20, 2013.

(*2*) Rule 1130, ''Graphic Arts,'' amended on November 19, 2013.

* * * * *

(457) * * *

(i) * * *

(F) Antelope Valley Air Quality Management District.

(*1*) Rule 701, ''Air Pollution Emergency Contingency Actions,'' amended on April 15, 2014.

* * * * *

[FR Doc. 2015–25161 Filed 10–2–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2015–0008; FRL–9934–11–Region 5]

Air Plan Approval; Illinois; Volatile Organic Compounds Definition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Under the Clean Air Act (CAA), the Environmental Protection Agency (EPA) is approving a state submission as a revision to the Illinois State Implementation Plan (SIP). The revision amends the Illinois Administrative Code (IAC) by updating the definition of volatile organic material (VOM), otherwise known as volatile organic compounds (VOC), to exclude 2,3,3,3-tetrafluoropropene. This revision is in response to an EPA rulemaking in 2013 which exempted this compound from the Federal definition of VOC on the basis that the compound makes a negligible contribution to tropospheric ozone formation.

DATES: This direct final rule will be effective December 4, 2015, unless EPA receives adverse comments by November 4, 2015. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2015–0008, by one of the following methods:

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

2. *Email: blakley.pamela@epa.gov.*

3. *Fax:* (312) 692–2450.

4. *Mail:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R05–OAR–2015–0008. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Anthony Maietta, Environmental Protection

Specialist, at (312) 353–8777 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Anthony Maietta, Environmental Protection Specialist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777, *maietta.anthony@epa.gov.*

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

I. What is the background for this action?

A. When did Illinois submit the SIP revision to EPA?

The Illinois EPA (IEPA) submitted a revision to the Illinois SIP to EPA for approval on December 18, 2014. The SIP revision updates the definition of VOM or VOC at 35 IAC Part 211, Subpart B, Section 211.7150(a).

B. Did Illinois hold public hearings on the SIP revision?

The Illinois Pollution Control Board (IPCB) held a public hearing on the proposed SIP revision on May 7, 2014. IPCB did not receive any public comments. IPCB adopted the amendment to 35 IAC 211.7150(a) on June 5, 2014. IPCB also adopted minor administrative changes such as alphabetization of compound names, addition of the refrigerant industry designation ''HFO–1234yf'' in parenthesis after the chemical name, and replacing the word ''above'' with ''of this Section'' in 35 IAC 211.7150(d) for ease of cross-referencing within a section of the regulations.

II. What is EPA's analysis of the SIP revision?

In 2009, EPA received a petition requesting that 2,3,3,3-tetrafluoropropene be exempted from VOC control based on its low reactivity to ethane. Based on the mass maximum incremental reactivity value for the compound being equal to or less than that of ethane, EPA concluded that this compound makes negligible contributions to tropospheric ozone formation (76 FR 64059, October 17, 2011).

Therefore on October 22, 2013 (78 FR 62451), EPA amended 40 CFR 51.100(s)(1) to exclude this chemical compound from the definition of VOC for purposes of preparing SIPs to attain the national ambient air quality standard for ozone under title I of the CAA (78 FR 9823). EPA's action became effective on November 1, 2013. IEPA's SIP revision is consistent with EPA's action amending the definition of VOC at 40 CFR 51.100(s).

III. What action is EPA taking?

EPA is approving into the Illinois SIP revisions to 35 IAC 211 contained in the December 18, 2014, submittal. We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective December 4, 2015 without further notice unless we receive relevant adverse written comments by November 4, 2015. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. If we do not receive any comments, this action will be effective December 4, 2015.

IV. Incorporation by Reference

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

V. Statutory and Executive Order Reviews

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

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose

substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 4, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 4, 2015.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. Section 52.720 is amended by adding paragraph (c)(206) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(206) On December 18, 2014, the state submitted a proposed revision to the Illinois SIP updating the definition of Volatile Organic Material (VOM) or Volatile Organic Compound (VOC) to exclude the chemical compound 2,3,3,3-tetrafluoropropene (HFO–1234yf), along with minor administrative revisions.

(i) *Incorporation by reference.* Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 211: Definitions and General Provisions, Subpart B: Definitions, Section 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compounds (VOC), effective June 9, 2014.

[FR Doc. 2015–25158 Filed 10–2–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2014–0442; FRL–9934–84–Region 4]

Approval and Promulgation of Implementation Plans; Georgia Infrastructure Requirements for the 2008 Lead NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve portions of the March 6, 2012, State Implementation Plan (SIP) submission, provided by the State of Georgia, through the Georgia Department of Natural Resources' Environmental Protection Division (EPD) for inclusion into the Georgia SIP. This final submission pertains to the Clean Air Act (CAA or the Act) infrastructure requirements for the 2008 Lead national ambient air quality standards (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA, which is commonly referred to as an ''infrastructure'' SIP. EPD certified that the Georgia SIP contains provisions that ensure the 2008 Lead NAAQS is implemented, enforced, and maintained in Georgia. With the exception of provisions pertaining to prevention of significant deterioration (PSD) permitting which EPA has already approved, EPA is taking final action to approve Georgia's infrastructure submission, provided to EPA on March 6, 2012, as satisfying the required infrastructure elements for the 2008 Lead NAAQS.

DATES: This rule will be effective November 4, 2015.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2014–0442. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Zuri Farngalo, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Farngalo can be reached by phone at (404) 562–9152 or via electronic mail at *farngalo.zuri@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Upon promulgation of a new or revised NAAQS, sections 110(a)(1) and

(2) of the CAA require states to address basic SIP requirements, including emissions inventories, monitoring, and modeling to assure attainment and maintenance for that new NAAQS. Section 110(a) of the CAA generally requires states to make a SIP submission to meet applicable requirements in order to provide for the implementation, maintenance, and enforcement of a new or revised NAAQS within three years following the promulgation of such NAAQS, or within such shorter period as EPA may prescribe. For additional information on the infrastructure SIP requirements, see the proposed rulemaking published on July 24, 2015 (80 FR 44005).

On July 24, 2015, EPA proposed to approve portions of Georgia's March 6, 2012, 2008 Lead NAAQS infrastructure SIP submission with the exception of provisions pertaining to PSD permitting in sections 110(a)(2)(C), prong 3 of D(i) and (J). EPA did not receive any comments, adverse or otherwise, on the July 24, 2015, proposed rule. EPA took final action to approve the PSD permitting requirements in sections 110(a)(2)(C), prong 3 of D(i) and (J) on March 18, 2015 (80 FR 14019).

II. Final Action

With the exception of provisions pertaining to PSD permitting requirements described above, EPA is taking final action to approve Georgia's March 6, 2012, infrastructure submission because it addresses the CAA 110(a)(1) and (2) infrastructure SIP requirements to ensure that the 2008 Lead NAAQS is implemented, enforced, and maintained in Georgia.

III. Statutory and Executive Order Reviews

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

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 4, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 16, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart L—Georgia

■ 2. Section 52.570(e) is amended by adding a new entry ''110(a)(1) and (2) Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards'' at the end of the table to read as follows:

§ 52.570 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED GEORGIA NON-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submitted date/effective date	EPA approval date	Explanation
* *	*	*	*	* *
110(a)(1) and (2) Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards.	Georgia	3/6/2012	10/5/15	With the exception of provisions pertaining to PSD permitting requirements in sections 110(a)(2)(C), 110(a)(2)(D)(i)(II) (prong 3) and 110(a)(2)(J) only.

[FR Doc. 2015–24860 Filed 10–2–15; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0542; FRL–9933–52–Region 9]

Revision of Air Quality Implementation Plan; California; Feather River Air Quality Management District; Stationary Source Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve a revision to the Feather River Air Quality Management District (FRAQMD) portion of the California State Implementation Plan (SIP). This revision concerns a permitting rule that regulates construction and modification of stationary sources of air pollution. These revisions correct deficiencies in FRAQMD Rule 10.1, New Source Review, previously identified by EPA in a final rule dated September 24, 2013. We are approving revisions that correct the identified deficiencies.

DATES: This rule is effective on December 4, 2015 without further notice, unless EPA receives adverse comments by November 4, 2015. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2015–0542, by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions.

2. *Email: R9airpermits@epa.gov.*

3. *Mail or deliver:* Gerardo Rios (Air-3), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *http://www.regulations.gov* or email. *http://www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: EPA has established a docket for this action under EPA–R09–OAR–2015–0542. Generally, documents in the docket for this action are available electronically at *http://www.regulations.gov* or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents are listed at *http://www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps, multi-volume reports), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Lornette Harvey, EPA Region IX, (415) 972–3498, *harvey.lornette@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

Table of Contents

I. The State's Submittal

A. What rule did the State submit?

Table 1 lists the rule we are approving with the date it was adopted by the local air agency and submitted to EPA by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULE

Local agency	Rule No.	Rule title	Amended	Submitted
FRAQMD	10.1	New Source Review	10/06/14	11/06/14

On December 18, 2014, EPA determined that the submittal for FRAQMD Rule 10.1 met the completeness criteria in 40 CFR part 51, appendix V, including evidence of public adoption of this regulation, which must be met before formal EPA review.

B. Are there other versions of this rule?

EPA approved a previous version of Rule 10.1, into the SIP on September 24, 2013 (78 FR 58460).

C. What is the purpose of the submitted rule revision?

Section 110(a)(2) of the CAA requires that each SIP include, among other things, a preconstruction permit program to provide for regulation of the construction and modification of stationary sources within the areas covered by the plan as necessary to assure that the National Ambient Air Quality Standards (NAAQS) are achieved, including a permit program as required in parts C and D of title I of the CAA. For areas designated as nonattainment for one or more NAAQS, the SIP must include preconstruction permit requirements for new or modified major stationary sources of such nonattainment pollutant(s), commonly referred to as ''Nonattainment New Source Review'' or ''NNSR.'' CAA 172(c)(5).

The jurisdiction of the FRAQMD consists of two counties, Yuba and Sutter, and contains two nonattainment areas. See 40 CFR 81.305. The first nonattainment area is the ''Sutter Buttes'' area, which consists of the area located in the District which is above 2000 feet of elevation. This area is designated nonattainment for the 2008 ozone NAAQS.

The second nonattainment area is the south ''Sutter'' area, which is part of the Sacramento Metro Nonattainment Area. This area is also designated nonattainment for the 2008 ozone NAAQS.

Since the District adopted the latest revisions to Rule 10.1, the ''Yuba City-Marysville'' area, which consists of all of Sutter County and a portion of Yuba County, has been redesignated as attainment for the 2006 $PM_{2.5}$ NAAQS. See 79 FR 72981 (December 9, 2014).

Because of the nonattainment areas located in the FRAQMD, the District is required under part D of title I of the Act to adopt and implement a SIP-approved NNSR program for the nonattainment portions of Yuba and Sutter Counties that applies, at a minimum, to new or modified major stationary sources of the following pollutants: Volatile organic compounds (VOCs), and nitrogen oxides (NO_X).[1]

Rule 10.1, New Source Review, implements the NNSR requirements under part D of title I of the CAA for new or modified major stationary sources of nonattainment pollutants. FRAQMD amended and submitted Rule 10.1 to correct minor program deficiencies identified by EPA on September 24, 2013 (78 FR 58460).

II. EPA's Evaluation and Action

A. How is EPA evaluating the rule?

EPA has reviewed the submitted permitting rule for compliance with the CAA's general requirements for SIPs in CAA section 110(a)(2), EPA's regulations for nonattainment stationary source permit programs in 40 CFR 51.165, and the CAA requirements for SIP revisions in CAA section 110(l).

B. Does the rule meet the evaluation criteria?

Our September 24, 2013 action identified two deficiencies in Rule 10.1. First, Sections B.4 and B.5 contained language that was too broad because it exempted certain pollutants from all the requirements in Section E, if EPA redesignated the area from nonattainment to attainment, instead of only exempting those pollutants from the requirements for major sources. Second, the definition of ''NSR Regulated Pollutant'' did not specify that the term included gaseous emissions which condense to form either PM_{10} or $PM_{2.5}$, respectively.

The first deficiency was corrected by narrowing the language contained in Sections B.4 and B.5 to only exempt a source from the requirements of Sections E.1.b, E.2.a.2, E.5, E.7 and E.8, which apply to major sources emitting nonattainment pollutants, if EPA re-designates any of the nonattainment portions of the District to attainment for $PM_{2.5}$ or ozone.

The second deficiency was corrected by adding a second sentence to both Sections D.34 and D.35, which reads as follows: ''Gaseous emissions which condense to form particulate matter at ambient temperatures shall be included.'' Adding this sentence to each section clarifies that condensable gases emissions, which condense to form either PM_{10} or $PM_{2.5}$, must be counted as PM_{10} or $PM_{2.5}$, respectively.

With respect to procedures, CAA sections 110(a) and 110(l) require that revisions to a SIP be adopted by the State after reasonable notice and public hearing. EPA has promulgated specific procedural requirements for SIP revisions in 40 CFR part 51, subpart F. These requirements include publication of notices, by prominent advertisement in the relevant geographic area, a public comment period of at least 30 days, and an opportunity for a public hearing.

Based on our review of the public process documentation included in CARB's November 6, 2014 submittal, we find that the State has provided sufficient evidence of public notice and opportunity for comment and public hearing prior to adoption and submittal of this rule to EPA.

With respect to substantive requirements, EPA has reviewed the submitted rule in accordance with the CAA and regulatory requirements that apply to NNSR permit programs under part D of title I of the Act. Based on our evaluation of this rule, as summarized in the Public Comment and Final Action section of this notice, we find that the rule meets the CAA and regulatory requirements for NNSR permit programs in part D of title I of the Act and EPA's NNSR implementing regulations in 40 CFR 51.165 for new or modified major stationary sources proposing to locate within the District. Final approval of Rule 10.1 would correct all deficiencies in FRAQMD's permit program identified in our September 24, 2013 final rule. 78 FR 58460.

C. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rule because we believe it fulfills all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rule. If we receive adverse comments by November 4, 2015, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on December 4, 2015. This will incorporate the rule into the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is incorporating by reference the FRAQMD Rule 10.1, as discussed in section I.A of this preamble. The EPA has made, and will

[1] VOCs and NOX are subject to NNSR as ozone precursors. *See* 40 CFR 51.165(a)(1)(xxxvii)(C).

continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

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

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 4, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

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

Dated: August 21, 2015.

Jared Blumenfeld,

Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(457)(i)(A)(*4*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(457) * * *

(i) * * *

(A) * * *

(*4*) Rule 10.1, ''New Source Review,'' amended on October 6, 2014.

* * * * *

[FR Doc. 2015–25141 Filed 10–2–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R09–OAR–2015–0279; FRL–9935–05–Region 9]

Air Plan Approval; California; Mammoth Lakes; Redesignation; PM_{10} Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve, as a revision to the California State Implementation Plan (SIP), California's request to redesignate the Mammoth Lakes nonattainment area to attainment for the 1987 National Ambient Air Quality Standard (NAAQS) for particulate matter of ten microns or less (PM_{10}). Also, EPA is taking final action to approve the PM_{10} maintenance plan for the Mammoth Lakes area and the associated motor vehicle emissions budgets for use in transportation conformity determinations. Lastly, EPA is finalizing our approval of the 2012 attainment year emissions inventory. We are taking these final actions because the SIP revision meets the requirements of the Clean Air Act and EPA guidance for maintenance plans and motor vehicle emissions budgets.

DATES: This rule will be effective on November 4, 2015.

ADDRESSES: EPA has established docket number EPA–R09–OAR–2015–0279 for this action. Generally, documents in the

docket for this action are available electronically at *http://www.regulations.gov* and in hard copy format at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at *http://www.regulations.gov*, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps, multi-volume reports) and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Jerry Wamsley, EPA Region IX, (415) 947–4111, *wamsley.jerry@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

Table of Contents

I. Summary of EPA's Proposed Action

On July 30, 2015, EPA proposed to approve the Mammoth Lakes PM_{10} redesignation request and maintenance plan. We proposed this action because California's SIP revision meets the Clean Air Act (CAA) requirements and EPA guidance concerning redesignations to attainment of a National Ambient Air Quality Standard (NAAQS or standard) and maintenance plans (80 FR 45477). For our detailed procedural and substantive review of the State's SIP submittal and our discussion of our findings and rationale for our proposal and this final action, please see our proposal and the docket for this action.

First, under CAA section 107(d)(3)(D), EPA proposed to approve the State's request to redesignate the Mammoth Lakes PM_{10} nonattainment area to attainment for the PM_{10} NAAQS. In our July 30, 2015 proposal, we concluded that the area has met the five criteria for redesignation under CAA section 107(d)(3)(E): (1) The area has attained the PM_{10} NAAQS over the period 2009–2014; (2) the required portions of the SIP are fully approved for the area; (3) the improvement in ambient air quality in the area is due to permanent and enforceable reductions in PM_{10} emissions; (4) California has met all requirements applicable to the Mammoth Lakes PM_{10} nonattainment area with respect to section 110 and part D of the CAA; and, (5) the Mammoth Lakes PM_{10} Maintenance Plan, as described below, meets the requirements of CAA section 175A.

Second, under section 110(k)(3) of the CAA, EPA proposed to approve as a revision to the SIP, the maintenance plan developed by the Great Basin Unified Air Pollution Control District (GBUAPCD) entitled ''2014 Update Air Quality Maintenance Plan and Redesignation Request for the Town of Mammoth Lakes'' (herein and in our proposal referred to as the Mammoth Lakes PM_{10} Maintenance Plan), dated May 5, 2014, submitted by California, through the California Air Resources Board (CARB), to EPA on October 21, 2014.[1] EPA proposed to find that the Mammoth Lakes PM_{10} Maintenance Plan meets the requirements in section 175A of the CAA. The plan's maintenance demonstration shows that the Mammoth Lakes area will continue to attain the PM_{10} NAAQS for at least 10 years beyond redesignation (*i.e.* through 2030) by continued implementation of the local control measures approved into the SIP. The plan's contingency provisions incorporate a process for identifying new or more stringent control measures in the event of a future monitored violation. Finally, EPA proposed to approve the plan's 2012 emission inventory as meeting the requirements of CAA section 172 and 175A.

Third, EPA proposed to approve the motor vehicle emission budgets (budgets) in the Mammoth Lakes PM_{10} Maintenance Plan because we find they meet the applicable transportation conformity requirements under 40 CFR 93.118(e). With our proposal published July 30, 2015, EPA informed the public that we are reviewing the plan's budgets for adequacy and that we started the public comment period on adequacy of the proposed budgets. This comment period closed on August 31, 2015. We received no public comments concerning the adequacy of the proposed PM_{10} motor vehicle emissions budgets.

II. Public Comments and EPA Responses

EPA's proposed rule provided a 30-day comment period. During this comment period we received no comments on our proposal.

III. EPA's Final Action

To conclude, based on our review of the Mammoth Lakes PM_{10} Maintenance Plan and redesignation request submitted by California, air quality monitoring data, and other relevant materials contained within our docket, EPA finds that the State has addressed all the necessary requirements for redesignation of the Mammoth Lakes nonattainment area to attainment of the PM_{10} NAAQS, pursuant to CAA sections 107(d)(3)(E) and 175A.

First, under CAA section 107(d)(3)(D), we are approving the State's request, which accompanied the submittal of the Mammoth Lakes PM_{10} Maintenance Plan, to redesignate the Mammoth Lakes PM_{10} nonattainment area to attainment for the 24-hour PM_{10} NAAQS. Our redesignation of the Mammoth Lakes area is based on our determination that the area has met the five criteria for redesignation under CAA section 107(d)(3)(E): (1) The area has attained the 24-hour PM_{10} NAAQS as demonstrated by 2009–2014 data;[2] (2) the relevant portions of the SIP are fully approved; (3) the improvement in air quality in the Mammoth Lakes area is due to permanent and enforceable reductions in PM_{10} emissions; (4) California has met all requirements applicable to the Mammoth Lakes PM_{10} nonattainment area with respect to section 110 and part D of the CAA; and, (5) our approval of the Mammoth Lakes PM_{10} Maintenance Plan, as part of this action.

Second, under section 110(k)(3) of the CAA, EPA is approving the Mammoth Lakes PM_{10} Maintenance Plan and finds that it meets the requirements of Section 175A. We find that the maintenance demonstration shows that the area will continue to attain the 24-hour PM_{10} NAAQS for at least 10 years beyond redesignation (*i.e.,* through 2030). We find that the Maintenance Plan provides a contingency process for identifying and adopting new or more stringent control measures if a monitored violation of the PM_{10} NAAQS occurs. Finally, we are approving the 2012 emissions inventory as meeting applicable requirements for emissions inventories in Sections 172 and 175A of the CAA.

Last, we find that the Mammoth Lakes PM_{10} Maintenance Plan's motor vehicle emissions budgets meet applicable CAA requirements for maintenance plans and transportation conformity requirements under 40 CFR 93.118(e). With the effective date of this action, these approved budgets must be used in any future regional PM_{10} regional emissions

[1] See the docket for this action for copies of the California's submittal documents including the October 21, 2014 submittal letter from the State.

[2] We reviewed 2015 preliminary data received from the State and found that the Mammoth Lakes area did not show exceedances of the 24-hour PM_{10} NAAQS in the first quarter of 2015. Second quarter data was not submitted by the State in time for consideration within this notice.

analysis conducted by the State and the Federal Highway Administration.

IV. Statutory and Executive Order Reviews

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

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

In addition, the State plan that EPA is approving today does not apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, this rule, as it relates to the maintenance plan, does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 4, 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

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

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

Dated: September 18, 2015.

Jared Blumenfeld,

Regional Administrator, Region IX.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart F—[Amended]

■ 2. Section 52.220 is amended by adding and reserving paragraph (c)(461) and adding paragraph (c)(462) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(461) [Reserved]

(462) The following plan was submitted on October 21, 2014, by the Governor's designee.

(i) [Reserved]

(ii) Additional Materials.

(A) Great Basin Unified Air Pollution Control District (GBUAPCD).

(*1*) ''2014 Air Quality Maintenance Plan and Redesignation Request for the Town of Mammoth Lakes'' (Mammoth Lakes PM_{10} Maintenance Plan), adopted on May 5, 2014.

(*2*) GBUAPCD Board Order #140505–03 adopting the Mammoth Lakes PM_{10} Maintenance Plan, dated May 5, 2014.

(B) State of California Air Resources Board (CARB).

(*1*) CARB Resolution 14–27 adopting the redesignation request and Mammoth Lakes PM_{10} Maintenance Plan, dated September 18, 2014.

PART 81—[AMENDED]

■ 3. The authority citation for part 81 continues to read as follows:

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

Subpart C—[Amended]

■ 4. Section 81.305 is amended in the table entitled ''California–PM–10'' by revising the entry under Mono County for the ''Mammoth Lake planning area'' to read as follows:

§ 81.305 California.

* * * * *

CALIFORNIA—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
* * *	*	*	*	*
Mono County				
Mammoth Lakes planning area ..... Includes the following sections: a. Sections 1–12, 17, and 18 of Township T4S, R28E; b. Sections 25–36 of Township T3S, R28E; c. Sections 25–36 of Township T3S, R27E; d. Sections 1–18 of Township T4S, R27E; and, e. Sections 25 and 36 of Township T3S, R26E.	November 4, 2015	Attainment	.....	
* * *	*	*	*	*

* * * * *

[FR Doc. 2015–25165 Filed 10–2–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[EPA–R07–RCRA–2014–0452; FRL–9934–78–Region 7]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Direct Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to revise delisting levels for the hazardous waste exclusion granted to John Deere Des Moines Works (John Deere) of Deere & Company, in Ankeny, Iowa to exclude or ''delist'' up to 600 tons per calendar year of F006/F019 wastewater treatment sludge. The wastewater treatment sludge is a filter cake generated by John Deere's Ankeny, Iowa, facility wastewater treatment system was conditionally excluded from the list of hazardous wastes on November 25, 2014. This direct final rule responds to a request submitted by John Deere to increase certain delisting levels and eliminate certain delisting levels for the excluded waste. After careful analysis and use of the Delisting Risk Assessment Software (DRAS), EPA has concluded the request may be granted.

DATES: This direct final rule is effective on December 4, 2015, without further notice, unless EPA receives adverse comment by November 4, 2015. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–RCRA–2014–0452. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in by contacting the further information contact below. The public may copy material from any regulatory docket at no cost for the first 100 pages and at a cost of $0.15 per page for additional copies.

FOR FURTHER INFORMATION CONTACT: Kenneth Herstowski, Waste Remediation and Permits Branch, Air and Waste Management Division, EPA Region 7, 11201 Renner Boulevard, Lenexa, KS 66219; telephone number (913) 551–7631; email address: *herstowski.ken@epa.gov*.

SUPPLEMENTARY INFORMATION: The information in this section is organized as follows:

I. Why is EPA using a direct final rule?

The EPA is publishing this rule without a prior proposed rule because we view this as a non-controversial amendment and anticipate no adverse comment. This action narrowly changes the delisting levels for the F006/F019 wastewater treatment sludge generated at the John Deere Des Moines facility in Ankeny, Iowa. If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. In that case, we may issue a proposed rule to propose the changes and would address public comments in any subsequent final rule based on the proposed rule.

II. Does this action apply to me?

This action only applies to the F006/F019 wastewater treatment sludge generated at the John Deere Des Moines facility in Ankeny, Iowa.

III. Background

A. What is a delisting petition?

A delisting petition is a request from a generator to EPA or to an authorized state to exclude or delist, from the RCRA list of hazardous wastes, waste the generator believes should not be considered hazardous under RCRA.

B. How did EPA act on John Deere's delisting petition?

After evaluating the delisting petition submitted by John Deere, EPA proposed, on August 20, 2014 (79 FR 49252), to exclude the waste from the lists of hazardous waste under § 261.31. EPA issued a final rule on November 25, 2014 (79 FR 70108) granting John Deere's delisting petition to have up to 600 tons per year of the F006/F019 wastewater treatment sludge generated

at the John Deere Des Moines, Ankney, Iowa, facility excluded, or delisted, from the definition of a hazardous waste, once it is disposed in a Subtitle D landfill.

C. What are the changes John Deere is requesting?

John Deere requests removal of Table 1 item 1(C)—the requirement to conduct analysis of verification samples using EPA SW–846 Method 1313 Extraction at pH 2.88, 7 and 13 and the requirement not to exceed hexavalent chromium level in the resulting [Method 1313] extracts.

John Deere requests increases in delisting levels in Table 1 item 1(D) as follows: Cadmium to 25.5 milligrams per kilogram (mg/kg), chromium (total) to 51,000 mg/kg, chromium (hexavalent) to 41 mg/kg, copper to 2877 mg/kg, nickel to 3030 mg/kg, zinc to 10,170, cyanide (total) to 9 mg/kg, and oil and grease to 64,500 mg/kg.

John Deere requests the removal of delisting levels in Table 1 item 1(D) for antimony, arsenic, barium, beryllium, cobalt, lead, mercury, selenium, silver, thallium, tin, vanadium, acetone, and methyl ethyl ketone.

To support the request, John Deere submitted analytical data from verification testing events conducted since the exclusion was finalized. John Deere generated the sampling data under a Sampling Plan and Quality Assurance Project Plan (June 2012 Revision).

D. How did EPA evaluate John Deere's request?

EPA evaluated the proposed increases in the delisting levels against the listing criteria and factors cited in § 261.11(a)(2) and (a)(3). EPA evaluated the proposed increases in the delisting levels with respect to other factors or criteria to assess whether there is a reasonable basis to believe that such additional factors could cause the wastes to be hazardous. EPA considered whether the waste is acutely toxic, the concentrations of the constituents in the waste, their tendency to migrate and to bioaccumulate, their persistence in the environment once released from the waste, plausible and specific types of management of the petitioned waste, the quantities of waste generated, and waste variability.

For this delisting determination, we assumed that the waste would be disposed in a Subtitle D landfill and we considered transport of waste constituents through groundwater, surface water and air. We evaluated John Deere's petitioned waste using the Agency's Delisting Risk Assessment Software (DRAS) described in 65 FR 58015 (September 27, 2000), 65 FR 75637 (December 4, 2000), and 73 FR 28768 (May 19, 2008) to predict the maximum allowable concentrations of hazardous constituents that may be released from the petitioned waste after disposal and determined the potential impact of the disposal of John Deere's petitioned waste on human health and the environment. To predict the potential for release to groundwater from landfilled wastes and subsequent routes of exposure to a receptor, the DRAS uses dilution attenuation factors derived from EPA's Composite Model for Leachate Migration and Transformation Products (EPACMTP). From a release to groundwater, the DRAS considers routes of exposure to a human receptor of ingestion of contaminated groundwater, inhalation from groundwater while showering and dermal contact from groundwater while bathing.

From a release to surface water by erosion of waste from an open landfill into storm water run-off, DRAS evaluates the exposure to a human receptor by fish ingestion and ingestion of drinking water. From a release of waste particles and volatile emissions to air from the surface of an open landfill, DRAS considers routes of exposure of inhalation of volatile constituents, inhalation of particles, and air deposition of particles on residential soil and subsequent ingestion of the contaminated soil by a child. The technical support document and the user's guide to DRAS are included in the docket.

At a benchmark cancer risk of one in one hundred thousand (1×10^{-5}) and a benchmark hazard quotient of 1.0, the DRAS program determined maximum allowable concentrations for each constituent in both the waste and the leachate at an annual waste volume of 1000 cubic yards disposed in a landfill for 20 years after which time the landfill is closed. We used the maximum reported total and TCLP leachate concentrations as inputs to estimate the constituent concentrations in the groundwater, soil, surface water and air.

The maximum allowable total COC concentrations in the Filter Cake as determined by the DRAS are as follows: milligrams per kilogram (mg/kg) Barium—2.85×10^{7}; Copper—5.34×10^{6}; Chromium (III)—4.56×10^{10}; Hexavalent Chromium—1.36×10^{4}; Cyanide—2.99×10^{6}; Lead—1.09×10^{7}; Mercury—1.86×10^{1}; Nickel—4.76×10^{6}; Vanadium—1.52×10^{8}; Zinc—1.38×10^{7}; Acetone—3.63×10^{8}; and Methyl Ethyl Ketone—1.45×10^{9}. The maximum allowable leachate COC concentrations in the Filter Cake as determined by the DRAS are as follows: Milligrams per liter (mg/l) Copper—1.78×10^{2}; Hexavalent Chromium—1.38×10^{1}; Cyanide—2.27×10^{1}; Lead—4.18×10^{0}; Nickel—9.78×10^{1}; Vanadium—2.47×10^{1}; Zinc—1.48×10^{3}; and Acetone—3.84×10^{3}. The maximum allowable leachate COC concentrations in the Filter Cake as determined by TCLP are as follows: Milligrams per liter (mg/l) Barium—100; Chromium (total)—5; Mercury—0.2; and Methyl Ethyl Ketone—200.

The concentrations of all constituents in both the waste and the leachate are below the allowable concentrations. The requested changes in delisting levels are below the allowable concentrations. EPA's decision to grant the requested changes by John Deere is based on the information submitted in support of this direct final rule, and other information in the docket.

E. How does this final rule affect states?

EPA is issuing this exclusion under the Federal RCRA delisting program. Thus, upon the exclusion being finalized, the wastes covered will be removed from Subtitle C control under the Federal RCRA program. This will mean, first, that the wastes will be delisted in any State or territory where the EPA is directly administering the RCRA program (*e.g.,* Iowa, Indian Country). However, whether the wastes will be delisted in states which have been authorized to administer the RCRA program will vary depending upon the authorization status of the States and the particular requirements regarding delisted wastes in the various states.

Some other generally authorized states have not received authorization for delisting. Thus, the EPA makes delisting determinations for such states. However, RCRA allows states to impose their own regulatory requirements that are more stringent than EPA's, under Section 3009 of RCRA. These more stringent requirements may include a provision that prohibits a Federally issued exclusion from taking effect in the state, or that requires a state concurrence before the Federal exclusion takes effect, or that allows the state to add conditions to any Federal exclusion. We urge the petitioner to contact the state regulatory authority in each state to or through which it may wish to ship its wastes to establish the status of its wastes under the state's laws.

EPA has also authorized some states to administer a delisting program in place of the Federal program, that is, to make state delisting decisions. In such states, the state delisting requirements

operate in lieu of the Federal delisting requirements. Therefore, this exclusion does not apply in those authorized states unless the state makes the rule part of its authorized program. If John Deere transports the federally excluded waste to or manages the waste in any state with delisting authorization, John Deere must obtain a delisting authorization from that state before it can manage the waste as non-hazardous in that state.

IV. Statutory and Executive Order Reviews

Under Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011), this rule is not of general applicability and therefore is not a regulatory action subject to review by the Office of Management and Budget (OMB). This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) because it applies to a particular facility only. Because this rule is of particular applicability relating to a particular facility, 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, 204, and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Because this rule will affect only a particular facility, it will not significantly or uniquely affect small governments, as specified in Section 203 of UMRA. Because this rule will affect only a particular facility, this final rule does not have Federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, ''Federalism,'' (64 FR 43255, August 10, 1999). Thus, Executive Order 13132 does not apply to this rule. Similarly, because this rule will affect only a particular facility, this final rule does not have tribal implications, as specified in Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000). Thus, Executive Order 13175 does not apply to this rule. This rule also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant as defined in Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. The basis for this belief is that the Agency used the DRAS program, which considers health and safety risks to children, to calculate the maximum allowable concentrations for this rule. 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. 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. As required by Section 3 of Executive Order 12988, ''Civil Justice Reform,'' (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct.

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 804 exempts from Section 801 the following types of rules (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties (5 U.S.C. 804(3)). EPA is not required to submit a rule report regarding today's action under Section 801 because this is a rule of particular applicability. Executive Order (EO) 12898 (59 FR 7629 (February 16, 1994)) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. The Agency's risk assessment did not identify risks from management of this material in a Subtitle D landfill. Therefore, EPA believes that any populations in proximity of the landfills used by this facility should not be adversely affected by common waste management practices for this delisted waste.

List of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Authority: Sec. 3001(f) RCRA, 42 U.S.C. 6921(f).

Dated: September 14, 2015.

Mark Hague,

Acting Regional Administrator, Region 7.

For the reasons set out in the preamble, EPA amends 40 CFR part 261 as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

■ 1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y) and 6938.

■ 2. In the second Table 1 of Appendix IX to part 261, ''Wastes Excluded From Non-Specific Sources'', in the entry for ''John Deere Des Moines Works of Deere & Company, Ankeny, IA'', revise entry ''1. Delisting Levels'' to read as follows:

Appendix IX to Part 261—Wastes Excluded Under §§ 260.20 and 260.22

* * * * *

TABLE 1—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
*	*	* * * * * * *
John Deere Des Moines Works of Deere Company.	Ankeny, IA.	
*	*	* * * * * * *
		1. Delisting Levels: (A) The WWTS Filter Cake shall not exhibit any of the ''Characteristics of Hazardous Waste'' in 40 CFR part 261, subpart C. (B) All TCLP leachable concentrations (40 CFR 261.24(a)) for the following constituents must not exceed the following levels (mg/L for TCLP): Nickel—32.4. (C) Reserved. (D) All total concentrations for the following constituents must not exceed the following levels (mg/kg): Cadmium—25.5; Chromium (total)—51,000; Chromium (hexavalent)—41; Copper—2877; Nickel—3030; Zinc—10,170; Cyanide—9, Oil and Grease—64,500.
*	*	* * * * * * *

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[FR Doc. 2015–24459 Filed 10–2–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 412

[CMS–1632–CN]

RIN 0938–AS41

Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System Policy Changes and Fiscal Year 2016 Rates; Revisions of Quality Reporting Requirements for Specific Providers, including Changes Related to the Electronic Health Record Incentive Program; Extensions of the Medicare-Dependent, Small Rural Hospital Program and the Low-Volume Payment Adjustment for Hospitals; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule and interim final rule with comment period; correction.

SUMMARY: This document corrects technical and typographical errors in the final rule and interim final rule with comment period that appeared in the **Federal Register** on August 17, 2015 titled ''Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System Policy Changes and Fiscal Year 2016 Rates; Revisions of Quality Reporting Requirements for Specific Providers, including Changes Related to the Electronic Health Record Incentive Program; Extensions of the Medicare-Dependent, Small Rural Hospital Program and the Low-Volume Payment Adjustment for Hospitals.''

DATES: This document is effective October 1, 2015.

FOR FURTHER INFORMATION CONTACT: Donald Thompson, (410) 786–4487.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2015–19049 which appeared in the August 17, 2015 **Federal Register**, titled ''Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System Policy Changes and Fiscal Year 2016 Rates; Revisions of Quality Reporting Requirements for Specific Providers, including Changes Related to the Electronic Health Record Incentive Program; Extensions of the Medicare-Dependent, Small Rural Hospital Program and the Low-Volume Payment Adjustment for Hospitals'' (hereinafter referred to as the FY 2016 IPPS/LTCH PPS final rule), there were a number of technical and typographical errors that are identified and corrected in section IV. of this correcting document. The provisions in this correction document are effective as if they had been included in the document that appeared in the August 17, 2015 **Federal Register**. Accordingly, the corrections are effective October 1, 2015.

II. Summary of Errors

A. Summary of Errors in the Preamble

On page 49412, we made a typographical error with regards to an MS–DRG code. We made inadvertent and technical errors related to the employment cost index (ECI) used in the wage index, the MS–DRG reclassification and recalibration budget neutrality adjustment factor (as discussed in section II.B. of this correcting document), and the MGCRB reclassification status of certain providers (as discussed in section II.B. of this correcting document), each of which resulted in additional conforming corrections. Specifically, on page 49492, we inadvertently miscalculated the estimated percentage change in the ECI for compensation for the 30-day increment after March 14, 2013 and before April 15, 2013 for private industry hospital workers from the Bureau of Labor Statistics' (BLS') ''Compensation and Working Conditions.'' The ECI is used to adjust a hospital's wage data to calculate the wage index, and is based on the midpoint of a cost reporting period.

On page 49498, we are making conforming changes to the number of hospitals in New Jersey that will be receiving the imputed rural floor and to the FY 2016 rural floor value for Nevada as a result of correcting the ECI error, the technical error in the calculation of the MS–DRG reclassification and recalibration budget neutrality adjustment factor (discussed in section II.B. of this correcting document), and the error in the reclassification status of 50 providers (discussed in section II.B. of this correcting document).

On page 49619, consistent with the conforming corrections to the IPPS outlier fixed-loss cost threshold for FY 2016 discussed in section II.B. of this correcting document, we are making further conforming corrections to the FY 2016 outlier fixed-loss amount for site neutral cases in the context of our discussion regarding LTCH PPS high-cost outliers.

B. Summary of Errors in the Addendum

On page 49776, we are correcting the MS–DRG reclassification and

recalibration budget neutrality adjustment factor as a result of a technical error made in the calculation of this factor. We are also making conforming changes to the affected rates and factors on pages 49787, 49788 and 49790 as a result of this error.

In addition, as discussed in section II.A. of this correcting document, we inadvertently miscalculated the percentage change in the ECI. The correction to the ECI necessitated recalculation of the pre-reclassified unadjusted and occupational-mix adjusted wage indexes and Geographic Adjustment Factors (GAFs) of certain core-based statistical areas (CBSAs). As a result of the corrections to the ECI and the MS–DRG reclassification and recalibration budget neutrality adjustment factor, on page 49776, we recalculated the wage index budget neutrality adjustment and are making conforming changes to the tables on pages 49787 and 49788.

On pages 49776, we recalculated the reclassification hospital budget neutrality adjustment because the reclassification status in the FY 2016 IPPS/LTCH PPS final rule did not properly reflect one of the following for 50 providers:

- Withdrawal or termination of a Medicare Geographic Classification Review Board (MGCRB) reclassification for FY 2016.
- Assignment to the reclassified CBSA approved by the MGCRB or CMS Administrator.

As a result of the MS–DRG reclassification and recalibration budget neutrality adjustment factor error, the ECI error, and reclassification error, we are making conforming technical changes to tables on pages 49787 and 49788. The technical errors discussed previously (the percentage change in the ECI error, MS–DRG reclassification and recalibration budget neutrality adjustment factor error, and reclassification error) directly affected and required the recalculation of the wage index, the recalculation of certain budget neutrality adjustments, and also indirectly resulted in errors to other factors and rates. Specifically, on pages 49777, 49778, 49787, and 49788, we are making conforming corrections to the following:

- The rural floor budget neutrality adjustment.
- The wage index transition budget neutrality adjustment.
- The Rural Community Hospital Demonstration program budget neutrality adjustment.

In addition, as discussed in section II.D. of this correcting document, we are making corrections to the uncompensated care payments. As a result of these errors (the percentage change in the ECI error, MS–DRG reclassification and recalibration budget neutrality adjustment factor error, reclassification error, and uncompensated care error) and conforming corrections, on page 49785, we are making conforming corrections to the calculation of the outlier fixed-loss cost threshold and the national and Puerto Rico-specific outlier budget neutrality factors. We are making further conforming corrections to the tables on pages 49787 and 49788 as a result of these changes, including conforming corrections in the calculation of the national and Puerto Rico specific operating standardized amounts, as a result of the conforming corrections to the operating IPPS budget neutrality factors and outlier threshold described previously.

On pages 49791, 49793, 49794, and 49795, in our discussion of the determination of the Federal hospital inpatient capital related prospective payment rate update, we are making conforming corrections to the national GAF/MS–DRG budget neutrality adjustment factor (due to the errors in our calculation of the GAFs, which are computed from the wage index) and to the outlier threshold, and outlier budget neutrality adjustment factors (as discussed previously).

Also, as a result of these errors, on page 49794, we are making conforming corrections in the table showing the comparison of factors and adjustments for the FY2015 capital Federal rate and FY 2016 capital Federal rate and in the table showing the comparison of factors and adjustments for the proposed FY 2016 capital Federal rate and final FY 2016 capital Federal rate.

On page 49804, in our discussion regarding LTCH PPS high-cost outlier payments for site neutral payment rate cases, we are making conforming corrections in the FY 2016 fixed-loss amount for site neutral cases, due to the conforming correction to the IPPS outlier fixed-loss cost threshold for FY 2016 (as discussed previously).

On page 49808, we are correcting the information on how to access the LTCH PPS tables for the FY 2016 final rule on the CMS Web Site.

On page 49809, we are making conforming corrections to the national and Puerto Rico specific operating standardized amounts and capital standard Federal payment rates in Tables 1A, 1B, 1C, and 1D as a result of the corrections to certain budget neutrality factors and the outlier threshold (as described previously).

C. Summary of Errors in the Appendices

On page 49809, we are correcting our estimate of the increase in FY 2016 operating payments and capital payments as a result of the technical errors that led to corrections to certain budget neutrality factors and the outlier threshold (as described previously). On pages 49813 through 49821, 49823, 49828 through 49830, and 49840, in our regulatory impact analyses, we are making conforming corrections in the discussion of the analysis of the changes in operating and capital IPPS payments for FY 2016 and the effects of certain budget neutrality factors as a result of the technical errors (as discussed previously) that lead to conforming corrections to the calculation of the operating and capital IPPS budget neutrality factors, outlier threshold, operating standardized amounts, and capital Federal rates.

On page 49823, in the table titled ''Modeled Disproportionate Share Hospital Payments for Estimated FY 2016 DSH Hospitals by Hospital Type: Model DSH $ (In Millions) From FY 2015 To FY 2016'' and the accompanying discussion, we made technical and formatting errors in the estimated impacts resulting from inadvertent errors in the calculation of Factor 3 for certain hospitals.

On pages 49829 through 49830, we are making conforming corrections to Table III—Comparison of Total Payments Per Case (FY 2015 Payments Compared to FY 2016 Payments).

On page 49841, we are making conforming corrections to the accounting statements and tables for acute care hospitals that arose from the corrections of errors as described in section II.B. of this correcting document.

D. Summary of Errors in and Corrections to Files and Tables Posted on the CMS Web site

1. Errors and Corrections to IPPS and LTCH PPS Tables

We are correcting the errors in the following IPPS tables that are listed on page 49808 of the FY 2016 IPPS/LTCH PPS final rule and are available on the Internet on the CMS Web Site at *https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AcuteInpatientPPS/FY2016-IPPS-Final-Rule-Home-Page.html*:

Table 2—Final Case-Mix Index and Wage Index Table by CCN, because of the ECI error discussed in section II.A. of this correction document, we are correcting the values in the columns titled FY 2016 Wage Index, Average Hourly Wage FY 2016, and 3-Year Average Hourly Wage (2014, 2015,

2016) for 4 providers located in CBSAs 04, 20, and 12620. Because the average hourly wage changed for these four providers which affects the area wage index, we are also correcting the FY 2016 wage indexes for other providers geographically located in, or reclassified into, CBSAs 04, 20, and 12620.

As discussed in section II.B. of this correcting document, we are also correcting the reclassification status of 50 providers. Thus, we are correcting the FY 2016 wage index values for these providers to reflect assignment to their geographic CBSAs or reclassified CBSAs, as applicable.

Furthermore, because we are revising the national rural floor budget neutrality adjustment as discussed in section II.B. of this correcting document, the wage index values for numerous providers in Table 2 are corrected as well.

Table 3—Final Wage Index Table by CBSA, by correcting the ECI error, we are making corresponding changes to the wage indexes and GAFs of CBSAs 04, 20, and 12620 listed in Table 3. Specifically, we are correcting the values in the columns titled FY 2016 Average Hourly Wage, 3-Year Average Hourly Wage (2014, 2015, 2016), Wage Index, Reclassified Wage Index, GAF, and Reclassified GAF, for CBSAs 04, 20, and 12620.

Also, by correcting Table 2 to properly indicate the withdrawal, termination, or reclassification status of the 50 providers, we are making corresponding changes to the wage indexes and GAFs listed in Table 3. Specifically, we are correcting the values in the columns titled Wage Index, Reclassified Wage Index, GAF, and Reclassified GAF. Furthermore, because we are revising the national rural floor budget neutrality adjustment as discussed in section II.B. of this correcting document, we are making corrections to the wage index values for numerous CBSAs in Table 3 as well.

Table 5—List of Medicare Severity Diagnosis-Related Groups (MS–DRGs), Relative Weighting Factors, and Geometric and Arithmetic Mean Length of Stay—FY 2016, in the column labeled 'TYPE', to be consistent with previous fiscal years, we are revising the entries labeled 'P' to SURG and the entries labeled 'M' to MED.

Table 10—New Technology Add-On Payment Thresholds for Applications for FY 2017. We are correcting the thresholds in this table as a result of the corrections to the operating standardized amounts discussed in section II.B. of this correcting document.

Table 11—MS–LTC–DRGs, Relative Weights, Geometric Average Length of Stay, Short Stay Outlier (SSO) Threshold, and ''IPPS Comparable Threshold'' for LTCH PPS Discharges Occurring from October 1, 2015 through September 30, 2016. We are correcting this table by correcting typographical errors for certain MS–LTC–DRGs in the columns titled ''Relative Weight,'' ''Geometric Average Length of Stay,'' ''Short-Stay Outlier (SSO) Threshold,'' and ''IPPS Comparable Threshold.''

Table 12A—LTCH PPS Wage Index for Urban Areas for Discharges Occurring From October 1, 2015 through September 30, 2016. We are correcting this table by correcting the values in the column titled ''LTCH PPS Wage Index'' as result of the error in the miscalculation percentage change in the ECI, which affected the wage data for CBSA 12620, as discussed in section II.A. of this correcting document.

Table 12B—LTCH PPS Wage Index for Rural Areas for Discharges Occurring From October 1, 2015 through September 30, 2016. We are correcting this table by correcting the values in the column titled ''LTCH PPS Wage Index'' as result of the technical error in the percentage change in the ECI, which affected the wage data for CBSAs 04 and 20, as discussed in section II.A. of this correcting document.

Table 14—List of Hospitals with Fewer Than 1,600 Medicare Discharges Based on the March 2015 Update of the FY 2014 MedPAR File and Potentially Eligible Hospitals for the FY 2016 Low-Volume Hospital Payment Adjustment (Eligibility for the low-volume hospital payment adjustment is also dependent upon meeting the mileage criteria specified at § 412.101(b)(2)(ii)). We are correcting this table by correcting typographical and technical errors for certain hospitals in the column titled ''FY 2016 Low-Volume Payment Adjustment (Percentage Add-on).

Table 18—FY 2016 Medicare DSH Uncompensated Care Payment Factor 3 and Projected DSH Eligibility. For the FY 2016 IPPS/LTCH PPS final rule, we published a list of hospitals that we identified to be subsection (d) hospitals and subsection (d) Puerto Rico hospitals eligible to receive empirically justified Medicare DSH payment adjustments and uncompensated care payments for FY 2016. We also published, in the Supplemental Medicare DSH File located in the FY 2016 IPPS/LTCH PPS final rule data files page at *https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AcuteInpatientPPS/FY2016-IPPS-Final-Rule-Home-Page-Items/FY2016-IPPS-Final-Rule-Data-Files.html*, the data used to calculate each hospital's Factor 3, total uncompensated care payment, and uncompensated care payment per discharge. Shortly after the publication of the FY2016 IPPS/LTCH PPS final rule, we discovered that in calculating Factor 3 of the uncompensated care payment methodology, we inadvertently excluded the Medicaid days from the most recently available 2012 or 2011 cost report for certain providers that were projected to receive Medicare DSH in FY 2016. As a result, these providers had no Medicaid days included in the calculation of Factor 3. In order to correct these errors, we have Factor 3 for all hospitals to incorporate the changes to the data for these providers whose Medicare hospital cost report data were inadvertently excluded. These corrections to the uncompensated care payments impacted the calculation of the outlier fixed-loss cost threshold for outlier payments.

In addition, we discovered that we had—

- Inadvertently calculated Factor 3 for several providers using Medicaid days from a cost report that was less than a full year when a cost report that was a full year or closer to being a full year was available;
- Erroneously provided Factor 3 values for certain new providers; and
- Calculated a Factor 3 for a hospital that has ceased operations.

We are revising Factor 3 for all hospitals to correct these errors; however, unlike the error in which Medicaid days for certain providers were excluded, the impacts of these three errors (specified in the bulleted list) are too small to change other aspects of the IPPS ratesetting, such as the calculation of the fixed-loss threshold for outlier payments.

III. Waiver of Proposed Rulemaking and Delay in Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

Section 553(d) of the APA ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the **Federal Register**. This 30-day delay in effective date can be waived, however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary

to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued.

We believe that this correcting document does not constitute a rule that would be subject to the APA notice and comment or delayed effective date requirements. This correcting document corrects technical and typographic errors in the preamble, addendum, payment rates, tables, and appendices included or referenced in the FY 2016 IPPS/LTCH PPS final rule but does not make substantive changes to the policies or payment methodologies that were adopted in the final rule. As a result, this correcting document is intended to ensure that the information in the FY 2016 IPPS/LTCH PPS final rule accurately reflects the policies adopted in that final rule.

In addition, even if this were a rule to which the notice and comment procedures and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the final rule or delaying the effective date would be contrary to the public interest because it is in the public's interest for providers to receive appropriate payments in as timely a manner as possible, and to ensure that the FY 2016 IPPS/LTCH PPS final rule accurately reflects our policies. Furthermore, such procedures would be unnecessary, as we are not altering our payment methodologies or policies, but rather, we are simply implementing correctly the policies that we previously proposed, received comment on, and subsequently finalized. This correcting document is intended solely to ensure that the FY 2016 IPPS/LTCH PPS final rule accurately reflects these payment methodologies and policies. Therefore, we believe we have good cause to waive the notice and comment and effective date requirements.

IV. Correction of Errors

In FR Doc. 2015–19049 of August 17, 2015 (80 FR 49325), we are making the following corrections:

A. Corrections of Errors in the Preamble

1. On page 49412, first column, third bulleted paragraph, the phrase ''MS–DRG 007'' is corrected to read ''MS–DRG 207''.

2. On page 49492, first column, after the first partial paragraph, in the table titled ''Midpoint of Cost Reporting Period'', last entry (After 03/14/2013) is corrected to read as follows:

MIDPOINT OF COST REPORTING PERIOD

After	Before	Adjustment factor
03/14/2013	04/15/2013	0.99851

3. On page 49498, first column, second full paragraph, line 9, the figure ''21'' is corrected to read ''19''.

3. On page 49498, second column, first partial paragraph, line 13, the figure ''1.0194'' is corrected to read ''1.0190''.

4. On page 49619, third column, third full paragraph, line 4, the figure ''22,544'' is corrected to read ''22,539''.

B. Correction of Errors in the Addendum

1. On page 49776:

a. First column:

(1) Fourth full paragraph, line 3, the figure ''0.998399'' is corrected to read ''0.998405''.

(2) Fourth full paragraph, line 8, the figure ''0.998399'' is corrected to read ''0.998405''.

(3) Fifth full paragraph, line 16, the figure ''0.998399'' is corrected to read ''0.998405''.

b. Second column, third full paragraph:

(1) Line 9, the figure ''0.998749'' is corrected to read ''0.998738''.

(2) Line 13, the figure ''0.998399'' is corrected to read ''0.998405''.

(3) Line 15, the figure ''0.998749'' is corrected to read ''0.998738''.

(4) Line 21, the figure ''0.997150'' is corrected to read ''0.997145''.

c. Third column, third full paragraph, line 12, the figure ''0.987905'' is corrected to read ''0.988168''.

2. On page 49777, second column, last paragraph, line 3, the figure ''0.990298'' is corrected to read ''0.989859''.

3. On page 49778:

a. First column, second full paragraph:

(1) Line 3, the figure ''0.999996'' is corrected to read ''0.999997''.

(2) Line 6, the figure ''0.999996'' is corrected to read ''0.999997''.

b. Third column, last paragraph, line 36, the figure ''0.999861'' is corrected to read ''0.999837''.

4. On page 49785:

a. Top third of the page, second column, first full paragraph, last line, the figure ''22,544'' is corrected to read ''22,539''.

b. Middle of the page, the untitled table, is corrected to read as follows:

	Operating standardized amounts	Capital Federal rate
National	0.948999	0.936503
Puerto Rico	0.935570	0.919204

5. On pages 49787 and 49788, the table titled ''Comparison of FY 2015 Standardized Amounts to the FY 2016 Standardized Amounts'', is corrected to read as follows:

COMPARISON OF FY 2015 STANDARDIZED AMOUNTS TO THE FY 2016 STANDARDIZED AMOUNTS

	Hospital submitted quality data and is a meaningful EHR user	Hospital submitted quality data and is NOT a meaningful EHR user	Hospital did NOT submit quality data and is a meaningful EHR user	Hospital did NOT submit quality data and is NOT a meaningful EHR user
FY 2015 Base Rate after removing:				
1. FY 2015 Geographic Reclassification Budget Neutrality (0.990429)	If Wage Index is Greater Than 1.0000: Labor (69.6%): $4,324.23 Nonlabor (30.4%): $1,888.74.	If Wage Index is Greater Than 1.0000: Labor (69.6%): $4,324.23 Nonlabor (30.4%): $1,888.74.	If Wage Index is Greater Than 1.0000: Labor (69.6%): $4,324.23 Nonlabor (30.4%): $1,888.74.	If Wage Index is Greater Than 1.0000: Labor (69.6%): $4,324.23 Nonlabor (30.4%): $1,888.74.

COMPARISON OF FY 2015 STANDARDIZED AMOUNTS TO THE FY 2016 STANDARDIZED AMOUNTS—Continued

	Hospital submitted quality data and is a meaningful EHR user	Hospital submitted quality data and is NOT a meaningful EHR user	Hospital did NOT submit quality data and is a meaningful EHR user	Hospital did NOT submit quality data and is NOT a meaningful EHR user
2. FY 2015 Rural Community Hospital Demonstration Program Budget Neutrality (0.999313)				
3. Cumulative FY 2008, FY 2009, FY 2012, FY 2013 and FY 2014, FY 2015 Documentation and Coding Adjustment as Required under Sections 7(b)(1)(A) and 7(b)(1)(B) of Pub. L. 110–90 and Documentation and Coding Recoupment Adjustment as required under Section 631 of the American Taxpayer Relief Act of 2012 (0.9329)	If Wage Index is less Than or Equal to 1.0000: Labor (62%): $3,852.04 Nonlabor (38%): $2,360.93.	If Wage Index is less Than or Equal to 1.0000: Labor (62%): $3,852.04 Nonlabor (38%): $2,360.93.	If Wage Index is less Than or Equal to 1.0000: Labor (62%): $3,852.04 Nonlabor (38%): $2,360.93.	If Wage Index is less Than or Equal to 1.0000: Labor (62%): $3,852.04 Nonlabor (38%): $2,360.93.
4. FY 2015 Operating Outlier Offset (0.948999)				
5. FY 2015 New Labor Market Delineation Wage Index Transition Budget Neutrality Factor (0.998854)				
FY 2016 Update Factor	1.017	1.005	1.011	0.999.
FY 2016 MS–DRG Recalibration and Wage Index Budget Neutrality Factor.	0.997145	0.997145	0.997145	0.997145.
FY 2016 Reclassification Budget Neutrality Factor.	0.988168	0.988168	0.988168	0.988168.
FY 2016 Rural Community Demonstration Program Budget Neutrality Factor.	0.999837	0.999837	0.999837	0.999837.
FY 2016 Operating Outlier Factor	0.948999	0.948999	0.948999	0.948999.
Cumulative Factor: FY 2008, FY 2009, FY 2012, FY 2013, FY 2014, FY 2015 and FY 2016 Documentation and Coding Adjustment as Required under Sections 7(b)(1)(A) and 7(b)(1)(B) of Pub. L. 110–90 and Documentation and Coding Recoupment Adjustment as required under Section 631 of the American Taxpayer Relief Act of 2012.	0.9255	0.9255	0.9255	0.9255.
FY 2016 New Labor Market Delineation Wage Index 3-Year Hold Harmless Transition Budget Neutrality Factor.	0.999997	0.999997	0.999997	0.999997.
National Standardized Amount for FY 2016 if Wage Index is Greater Than 1.0000; Labor/Non-Labor Share Percentage (69.6/30.4).	Labor: $3,805.30 Nonlabor: $1,662.09	Labor: $3,760.40 Nonlabor: $1,642.48	Labor: $3,782.85 Nonlabor: $1,652.28	Labor: $3,737.95. Nonlabor: $1,632.67.
National Standardized Amount for FY 2016 if Wage Index is less Than or Equal to 1.0000; Labor/Non-Labor Share Percentage (62/38).	Labor: $3,389.78 Nonlabor: $2,077.61	Labor: $3,349.79 Nonlabor: $2,053.09	Labor: $3,369.78 Nonlabor: $2,065.35	Labor: $3,329.78. Nonlabor: $2,040.84.

6. On page 49788, in the center of the page, the table titled ''Comparison of FY 2015 Puerto Rico-Specific Payment Rate to the FY 2016 Puerto Rico-Specific Payment Rate'' is corrected to read as follows:

COMPARISON OF FY 2015 PUERTO RICO-SPECIFIC PAYMENT RATE TO THE FY 2016 PUERTO RICO-SPECIFIC PAYMENT RATE

	Update (1.7 percent); Wage index is greater than 1.0000; Labor/Non-Labor Share Percentage (63.2/36.8)	Update (1.7 percent); Wage index is less than or equal to 1.0000; Labor/Non-Labor Share Percentage (62/38)
FY 2015 Puerto Rico Base Rate, after removing:	Labor: $1,758.02 Nonlabor: $1,023.66.	Labor: $1,724.64 Nonlabor: $1,057.04.
1. FY 2015 Geographic Reclassification Budget Neutrality (0.990429).		
2. FY 2015 Rural Community Hospital Demonstration Program Budget Neutrality (0.999313)		
3. FY 2015 Puerto Rico Operating Outlier Offset (0.926334)		
4. FY 2015 New Labor Market Delineation Wage Index Transition Budget Neutrality Factor (0.998854)		
FY 2016 Update Factor	1.017	1.017.

COMPARISON OF FY 2015 PUERTO RICO-SPECIFIC PAYMENT RATE TO THE FY 2016 PUERTO RICO-SPECIFIC PAYMENT RATE—Continued

	Update (1.7 percent); Wage index is greater than 1.0000; Labor/Non-Labor Share Percentage (63.2/36.8)	Update (1.7 percent); Wage index is less than or equal to 1.0000; Labor/Non-Labor Share Percentage (62/38)
FY 2016 MS-DRG Recalibration Budget Neutrality Factor	0.998405	0.998405.
FY 2016 Reclassification Budget Neutrality Factor	0.988168	0.988168.
FY 2016 Rural Community Hospital Demonstration Program Budget Neutrality Factor.	0.999837	0.999837.
FY 2016 New Labor Market Delineation Wage Index 3-Year Hold Harmless Transition Budget Neutrality Factor.	0.999997	0.999997.
FY 2016 Puerto Rico Operating Outlier Factor	0.935570	0.935570.
Puerto Rico-Specific Payment Rate for FY 2016	Labor: $1,650.00 Nonlabor: $960.77.	Labor: $1,618.68 Nonlabor: $992.09.

7. On page 49790, first column, last paragraph, line 15, the figure ''0.998399'' is corrected to read ''0.998405''.

8. On page 49791, third column, first full paragraph, line 6, the figure ''0.85'' is corrected to read ''0.87''.

9. On page 49793:

a. Second column:

(1) First full paragraph:

(a) Line 16, the figure ''0.9979'' is corrected to read ''0.9982''.

(b) Line 19, the figure ''0.9864'' is corrected to read ''0.9866''.

(2) Second full paragraph, line 17, the figure ''0.9858'' is corrected to read ''0.9860''.

b. In third column:

(1) Second full paragraph:

(a) Line 2, the figure ''0.9973'' is corrected to read ''0.9976''.

(b) Line 4, the figure ''0.9979'' is corrected to read ''0.9982''.

(2) Third full paragraph:

(a) Line 9, the figure ''438.65'' is corrected to read ''438.75''.

(b) Line 19, the figure ''0.9973'' is corrected to read ''0.9976''.

10. On page 49794:

a. Third column, first partial paragraph:

(1) Line 3, the figure ''0.27'' is corrected to read ''0.24''.

(2) Line 10, the figure ''0.85'' is corrected to read ''0.87''.

b. The table titled entitled ''Comparison of Factors and Adjustments: FY 2015 Capital Federal Rate and FY 2016 Capital Federal Rate'' is corrected to read as follows:

COMPARISON OF FACTORS AND ADJUSTMENTS: FY 2015 CAPITAL FEDERAL RATE AND FY 2016 CAPITAL FEDERAL RATE

	FY 2015	FY 2016	Change	Percent change
Update Factor [1]	1.0150	1.0130	1.0130	1.3
GAF/DRG Adjustment Factor [1]	0.9993	0.9976	0.9976	−0.24
Outlier Adjustment Factor [2]	0.9382	0.9365	0.9982	−0.18
Capital Federal Rate	$434.97	$438.75	1.0087	0.87

[1] The update factor and the GAF/DRG budget neutrality adjustment factors are built permanently into the capital Federal rates. Thus, for example, the incremental change from FY 2015 to FY 2016 resulting from the application of the 0.9976 GAF/DRG budget neutrality adjustment factor for FY 2016 is a net change of 0.9976 (or −0.24 percent).

[2] The outlier reduction factor is not built permanently into the capital Federal rate; that is, the factor is not applied cumulatively in determining the capital Federal rate. Thus, for example, the net change resulting from the application of the FY 2016 outlier adjustment factor is 0.9365/0.9382, or 0.9982 (or −0.18 percent).

c. The table titled entitled ''Comparison of Factors and Adjustments: Proposed FY 2016 Capital Federal Rate and Final FY 2016 Capital Federal Rate'' is corrected to read as follows:

COMPARISON OF FACTORS AND ADJUSTMENTS: PROPOSED FY 2016 CAPITAL FEDERAL RATE AND FINAL FY 2016 CAPITAL FEDERAL RATE

	Proposed FY 2016	Final FY 2016	Change	Percent change
Update Factor	1.0130	1.0130	1.0000	0.00
GAF/DRG Adjustment Factor	0.9976	0.9976	1.0000	0.00
Outlier Adjustment Factor	0.9357	0.9365	1.0008	0.08
Capital Federal Rate	$438.40	$438.75	1.0008	0.08

11. On page 49795, first column:

a. First paragraph, line 7, the figure ''212.56'' is corrected to read ''212.55''.

b. Third paragraph, line 21, the figure ''22,544'' is corrected to read ''22,539''.

12. On page 49804, second column, first full paragraph:

a. Line 16, the figure ''22,544'' is corrected to read ''22,539''.

b. Line 27, the figure ''22,544'' is corrected to read ''22,539''.

13. On page 49808, third column, first full paragraph, lines 6 and 7, the phrase ''index.html under the list item for Regulation Number'' is corrected to read ''index.html. Click on the link on the left side of the screen titled, ''LTCHPPS Regulations and Notices'' and select the list item for Regulation Number CMS–1632–F. ''.

13. On page 49809:

a. Table 1A titled ''National Adjusted Operating Standardized Amounts,

Labor/Nonlabor (69.6 Percent Labor Share/30.4 Percent Nonlabor Share if Wage Index is Greater than 1)—FY 2016'' is corrected to read as follows:

TABLE 1A—NATIONAL ADJUSTED OPERATING STANDARDIZED AMOUNTS, LABOR/NONLABOR (69.6 PERCENT LABOR SHARE/30.4 PERCENT NONLABOR SHARE IF WAGE INDEX IS GREATER THAN 1)—FY 2016

Hospital submitted quality data and is a meaningful EHR user (update = 1.7 percent)		Hospital did NOT submit quality data and is a meaningful EHR user (update = 1.1 percent)		Hospital submitted quality data and is NOT a meaningful EHR user (update = 0.5 percent)		Hospital did NOT submit quality data and is NOT a meaningful EHR user (update = −0.1 percent)	
Labor	Nonlabor	Labor	Nonlabor	Labor	Nonlabor	Labor	Nonlabor
$3,805.30	$1,662.09	$3,782.85	$1,652.28	$3,760.40	$1,642.48	$3,737.95	$1,632.67

b. Table 1B titled ''National Adjusted Operating Standardized Amounts, Labor/Nonlabor (62 Percent Labor Share/38 Percent Nonlabor Share if Wage Index is Less than or Equal TO 1)—FY 2016'' is corrected to read as follows:

TABLE 1B—NATIONAL ADJUSTED OPERATING STANDARDIZED AMOUNTS, LABOR/NONLABOR (62 PERCENT LABOR SHARE/38 PERCENT NONLABOR SHARE IF WAGE INDEX IS LESS THAN OR EQUAL TO 1)—FY 2016

Hospital submitted quality data and is a meaningful EHR user (update = 1.7 percent)		Hospital did NOT submit quality data and is a meaningful EHR user (update = 1.1 percent)		Hospital submitted quality data and is NOT a meaningful EHR user (update = 0.5 percent)		Hospital did NOT submit quality data and is NOT a meaningful EHR user (update = −0.1 percent)	
Labor	Nonlabor	Labor	Nonlabor	Labor	Nonlabor	Labor	Nonlabor
$3,389.78	$2,077.61	$3,369.78	$2,065.35	$3,349.79	$2,053.09	$3,329.78	$2,040.84

c. Table 1C titled ''Adjusted Operating Standardized Amounts for Puerto Rico, Labor/Nonlabor (National: 62 Percent Labor Share/38 Percent Nonlabor Share Because Wage Index is Less than or Equal to 1; Puerto Rico: 63.2 Percent Labor Share/36.8 Percent Nonlabor Share if Wage Index is Greater Than 1 or 62 Percent Labor Share/38 Percent Nonlabor Share if Wage Index is Less than or Equal to 1—FY 2016'' is corrected to read as follows:

TABLE 1C—ADJUSTED OPERATING STANDARDIZED AMOUNTS FOR PUERTO RICO, LABOR/NONLABOR (NATIONAL: 62 PERCENT LABOR SHARE/38 PERCENT NONLABOR SHARE BECAUSE WAGE INDEX IS LESS THAN OR EQUAL TO 1; PUERTO RICO: 63.2 PERCENT LABOR SHARE/36.8 PERCENT NONLABOR SHARE IF WAGE INDEX IS GREATER THAN 1 OR 62 PERCENT LABOR SHARE/38 PERCENT NONLABOR SHARE IF WAGE INDEX IS LESS THAN OR EQUAL TO 1—FY 2016

Standardized amount	Rates if wage index is greater than 1		Rates if wage index is less than or equal to 1	
	Labor	Nonlabor	Labor	Nonlabor
National [1]	Not Applicable	Not Applicable	$3,389.78	$2,077.61
Puerto Rico	$1,650.00	$960.77	1,618.68	992.09

[1] For FY 2016, there are no CBSAs in Puerto Rico with a national wage index greater than 1.

d. Table 1D titled ''Capital Standard Federal Payment Rates—FY 2016'' is corrected as follows:

TABLE 1D—CAPITAL STANDARD FEDERAL PAYMENT RATES—FY 2016

	Rate
National	$438.75
Puerto Rico	212.55

C. Corrections of Errors in the Appendices

1. On page 49809, third column, first full paragraph:

a. Line 10, the figure ''$378'' is corrected to read ''$391''.

b. Line 12, the figure ''$187'' is corrected to read ''$188''.

2. On pages 49813 through 49815, the table titled ''Impact Analysis of Changes to the IPPS for Operating Costs for FY 2016'' is corrected to read as follows:

TABLE I—IMPACT ANALYSIS OF CHANGES TO THE IPPS FOR OPERATING COSTS FOR FY 2016

	Number of hospitals [1]	Hospital rate update and documentation and coding adjustment (1) [2]	FY 2016 Weights and DRG changes with application of recalibration budget neutrality (2) [3]	FY 2016 Wage data under new CBSA designations with application of wage budget neutrality (3) [4]	FY 2016 DRG, Rel. wts., wage index changes with wage and recalibration budget neutrality (4) [5]	FY 2016 MGCRB Reclassifications (5) [6]	Rural and imputed floor with application of national rural and imputed floor budget neutrality (6) [7]	Application of the frontier wage index and out-migration adjustment (7) [8]	All FY 2016 changes (8) [9]
All Hospitals	3,369	0.9	0	0	0	0	0	0.1	0.4
By Geographic Location:									
Urban hospitals	2,533	0.9	0	0	0.1	−0.1	0	0.1	0.4
Large urban areas	1,393	0.9	0.1	0.1	0.2	−0.3	0	0.1	0.4
Other urban areas	1,140	0.9	0	−0.1	−0.2	0.1	0.1	0.2	0.4
Rural hospitals	836	1.3	−0.2	−0.3	−0.5	1.4	−0.3	0.1	0.2
Bed Size (Urban):									
0–99 beds	668	0.9	−0.3	−0.2	−0.4	−0.6	0.1	0.3	0.2
100–199 beds	778	0.9	−0.1	0.1	0.1	0	0.3	0.2	0.4
200–299 beds	445	0.9	0	0	0	0.1	0.1	0.1	0.4
300–499 beds	428	0.9	0	0	0	−0.2	0.1	0.2	0.4
500 or more beds	214	0.9	0.1	0.1	0.2	−0.2	−0.2	0.1	0.4
Bed Size (Rural):									
0–49 beds	329	1.3	−0.2	−0.3	−0.5	0.3	−0.2	0.3	−0.1
50–99 beds	297	1.4	−0.3	−0.2	−0.5	0.8	−0.2	0.1	0.2
100–149 beds	121	1.4	−0.2	−0.2	−0.4	1.7	−0.3	0.2	0.4
150–199 beds	48	1.2	−0.2	−0.4	−0.5	1.9	−0.3	0.1	0.3
200 or more beds	41	1.1	−0.1	−0.5	−0.5	2.5	−0.2	0	0.1
Urban by Region:									
New England	120	0.9	0	0.7	0.8	0.9	2	0.1	0
Middle Atlantic	318	0.9	0.1	0.2	0.3	0.8	−0.4	0.2	1
South Atlantic	407	0.9	0	0.1	0.1	−0.5	−0.4	0.1	0.2
East North Central	396	0.9	0	0	0.1	−0.3	−0.6	0	0.5
East South Central	150	0.9	0	−0.4	−0.4	−0.6	−0.4	0.1	−0.4
West North Central	166	0.9	0	−0.6	−0.5	−0.8	−0.5	0.8	0.3
West South Central	384	0.9	0	−0.5	−0.4	−0.6	−0.5	0	−0.4
Mountain	161	1	−0.1	−0.3	−0.3	0	−0.1	0.2	0.2
Pacific	380	0.9	0	0.4	0.3	−0.2	1.7	0.1	1
Puerto Rico	51	1	0.1	−0.9	−0.7	−1	0.1	0.1	−1.9
Rural by Region:									
New England	22	1.2	−0.1	−0.6	−0.7	1.7	−0.4	0	−0.1
Middle Atlantic	55	1.4	−0.1	0.2	0	0.8	−0.2	0.2	0.2
South Atlantic	128	1.2	−0.2	−0.1	−0.3	2.4	−0.2	0.1	0.6
East North Central	116	1.4	−0.2	−0.1	−0.4	1	−0.2	0.1	0.9
East South Central	164	0.9	0	−0.7	−0.7	2.5	−0.5	0.1	−1
West North Central	101	1.7	−0.4	−0.2	−0.5	0.2	0	0.3	0.8
West South Central	165	1.2	−0.1	−0.9	−0.9	1.5	−0.3	0.1	−0.8
Mountain	61	1.4	−0.3	−0.1	−0.4	0.2	−0.1	0.2	0.7
Pacific	24	1.4	−0.4	0.1	−0.3	0.7	−0.2	0	1.5
By Payment Classification:									
Urban hospitals	2,476	0.9	0	0	0.1	−0.1	0	0.1	0.4
Large urban areas	1,386	0.9	0.1	0.1	0.2	−0.3	0	0.1	0.4
Other urban areas	1,090	0.9	0	−0.1	−0.1	0.1	0.1	0.2	0.4
Rural areas	893	1.3	−0.2	−0.3	−0.4	1.2	−0.2	0.3	0.3
Teaching Status:									
Nonteaching	2,326	1	−0.1	−0.1	−0.1	0.1	0.2	0.1	0.3
Fewer than 100 residents	794	0.9	0	−0.1	−0.1	−0.1	0	0.2	0.4
100 or more residents	249	0.9	0.2	0.1	0.3	0	−0.2	0.1	0.4
Urban DSH:									
Non-DSH	653	0.9	−0.2	0.1	−0.1	−0.1	0.1	0.2	1.1
100 or more beds	1,593	0.9	0.1	0	0.1	−0.1	0	0.1	0.3
Less than 100 beds	328	0.9	−0.1	0	−0.1	−0.7	0	0.3	0.3
Rural DSH:									
SCH	260	1.6	−0.3	0	−0.4	0	0	0	0.7
RRC	347	1.3	−0.2	−0.3	−0.4	1.6	−0.2	0.4	0.4
100 or more beds	31	0.7	0.1	−0.6	−0.5	2.4	−0.6	0.1	−0.9
Less than 100 beds	157	0.8	0	−0.7	−0.6	1.7	−0.6	0.6	−1.2
Urban teaching and DSH:									
Both teaching and DSH	855	0.9	0.1	0	0.1	−0.1	−0.2	0.1	0.4
Teaching and no DSH	122	0.9	−0.1	0	−0.1	0.5	0.4	0.1	1.3
No teaching and DSH	1,066	0.9	0	0	−0.1	−0.1	0.4	0.1	0.2
No teaching and no DSH	433	0.9	−0.2	0.1	−0.1	−0.4	−0.1	0.2	1.1

Special Hospital Types:									
RRC	189	0.9	−0.1	−0.6	−0.6	2.2	−0.4	0.6	−0.4
SCH	327	1.6	−0.3	−0.1	−0.3	−0.1	−0.1	0	0.8
MDH	150	1.3	−0.3	−0.2	−0.4	0.3	−0.2	0.2	0.6
SCH and RRC	126	1.6	−0.3	−0.1	−0.4	0.4	0	0	0.9
MDH and RRC	13	1.5	−0.3	0	−0.4	0.2	−0.2	0	0.6
Type of Ownership:									
Voluntary	1,934	0.9	0	0	0	0.1	0	0.2	0.5
Proprietary	879	0.9	0	−0.1	−0.1	−0.1	0.1	0.1	−0.1
Government	529	0.9	0.1	−0.1	0	−0.2	0.1	0.1	0
Medicare Utilization as a Percent of Inpatient Days:									
0–25	533	0.9	0.1	−0.1	0	−0.3	0.2	0	−0.6
25–50	2,134	0.9	0	0	0	0	0	0.2	0.5
50–65	571	1	−0.1	0.1	0	0.6	0	0.2	0.8
Over 65	97	1.1	−0.1	−0.2	−0.4	−0.3	0.3	0.1	0.4
FY 2016 Reclassifications by the Medicare Geographic Classification Review Board:									
All Reclassified Hospitals	789	1	0	−0.1	−0.1	2.4	−0.1	0	0.8
Non-Reclassified Hospitals	2,580	0.9	0	0	0.1	−0.9	0	0.2	0.2
Urban Hospitals Reclassified	509	0.9	0	−0.1	−0.1	2.4	−0.1	0.1	0.9
Urban Nonreclassified Hospitals	1,967	0.9	0	0.1	0.1	−0.9	0.1	0.1	0.2
Rural Hospitals Reclassified Full Year	280	1.2	−0.2	−0.3	−0.5	2.3	−0.3	0	0.4
Rural Nonreclassified Hospitals Full Year	503	1.4	−0.3	−0.3	−0.5	−0.3	−0.2	0.3	0
All Section 401 Reclassified Hospitals:	64	1.4	−0.3	0	−0.2	−0.4	−0.1	1.4	0.6
Other Reclassified Hospitals (Section 1886(d)(8)(B) of the Act)	53	1	−0.1	−0.5	−0.6	3.4	−0.5	0	−0.4
Specialty Hospitals									
Cardiac Specialty Hospitals	14	0.9	0.2	−0.9	−0.6	−1.1	0	0.9	0.7

[1] Because data necessary to classify some hospitals by category were missing, the total number of hospitals in each category may not equal the national total. Discharge data are from FY 2014, and hospital cost report data are from reporting periods beginning in FY 2013 and FY 2012.

[2] This column displays the payment impact of the hospital rate update and the documentation and coding adjustment including the 1.7 percent adjustment to the national standardized amount and hospital-specific rate (the estimated 2.4 percent market basket update reduced by the 0.5 percentage point for the multifactor productivity adjustment and the 0.2 percentage point reduction under the Affordable Care Act) and the −0.8 percent documentation and coding adjustment to the national standardized amount.

[3] This column displays the payment impact of the changes to the Version 33 GROUPER, the changes to the relative weights and the recalibration of the MS–DRG weights based on FY 2014 MedPAR data in accordance with section 1886(d)(4)(C)(iii) of the Act. This column displays the application of the recalibration budget neutrality factor of 0.998405 in accordance with section 1886(d)(4)(C)(iii) of the Act.

[4] This column displays the payment impact of the update to wage index data using FY 2012 cost report data and the OMB labor market area delineations based on 2010 Decennial Census data. This column displays the payment impact of the application of the wage budget neutrality factor, which is calculated separately from the recalibration budget neutrality factor, and is calculated in accordance with section 1886(d)(3)(E)(i) of the Act. The wage budget neutrality factor is 0.998738.

[5] This column displays the combined payment impact of the changes in Columns 2 through 3 and the cumulative budget neutrality factor for MS–DRG and wage changes in accordance with section 1886(d)(4)(C)(iii) of the Act and section 1886(d)(3)(E) of the Act. The cumulative wage and recalibration budget neutrality factor of 0.997145 is the product of the wage budget neutrality factor and the recalibration budget neutrality factor.

[6] Shown here are the effects of geographic reclassifications by the Medicare Geographic Classification Review Board (MGCRB) along with the effects of the continued implementation of the new OMB labor market area delineations on these reclassifications. The effects demonstrate the FY 2016 payment impact of going from no reclassifications to the reclassifications scheduled to be in effect for FY 2016. Reclassification for prior years has no bearing on the payment impacts shown here. This column reflects the geographic budget neutrality factor of 0.988168.

[7] This column displays the effects of the rural floor and imputed floor based on the continued implementation of the new OMB labor market area delineations. The Affordable Care Act requires the rural floor budget neutrality adjustment to be 100 percent national level adjustment. The rural floor budget neutrality factor (which includes the imputed floor) applied to the wage index is 0.989859. This column also shows the effect of the 3-year transition for hospitals that were located in urban counties that became rural under the new OMB delineations or hospitals deemed urban where the urban area became rural under the new OMB delineations, with a budget neutrality factor of 0.999997.

[8] This column shows the combined impact of the policy required under section 10324 of the Affordable Care Act that hospitals located in frontier States have a wage index no less than 1.0 and of section 1886(d)(13) of the Act, as added by section 505 of Pub. L. 108–173, which provides for an increase in a hospital's wage index if a threshold percentage of residents of the county where the hospital is located commute to work at hospitals in counties with higher wage indexes. These are nonbudget neutral policies.

[9] This column shows the changes in payments from FY 2015 to FY 2016. It reflects the impact of the FY 2016 hospital update and the adjustment for documentation and coding. It also reflects changes in hospitals' reclassification status in FY 2016 compared to FY 2015. It incorporates all of the changes displayed in Columns 1, 4, 5, 6, and 7, (the changes displayed in Columns 2 and 3 are included in Column 4). The sum of these impacts may be different from the percentage changes shown here due to rounding and interactive effects.

3. On page 49816:

a. First column, last paragraph, line 6, the figure ''0.998399'' is corrected to read ''0.998405''.

b. Third column, first partial paragraph, line 16, the figure ''0.998749'' is corrected to read ''0.998738''.

4. On page 49817:

a. First column, first full paragraph:

(1) Line 9, the figure ''0.998749'' is corrected to read ''0.998738''.

(2) Line 11, the figure ''0.998399'' is corrected to read ''0.998405''.

(3) Line 18, the figure ''0.997150'' is corrected to read ''0.997145''.

b. Second column, first full paragraph, line 6, the figure ''0.987905'' is corrected to read ''0.988168''.

c. Third column:

(1) First partial paragraph, line 7, the figure ''21'' is corrected to read ''19''.

(2) First full paragraph, line 8, the figure ''0.990298'' is corrected to read ''0.989859''.

(3) Last paragraph:

(a) Line 1, the figure ''371'' is corrected to read ''375''.

(b) Line 3, the figure ''2,998'' is corrected to read ''2,994''.

(c) Line 6, the figure ''0.990298'' is corrected to read ''0.989859''.

(d) Line 8, the figure ''0.2'' is corrected to read ''0.3''.

5. On page 49818:

a. First column, first partial paragraph:

(1) Line 10, the figure ''1.6'' is corrected to read ''2.0''.

(2) Line 16, the figure ''0.990298'' is corrected to read ''0.989859''.

(3) Line 17, the figure ''$98'' is corrected to read ''$115''.

(4) Line 19, the figure ''3.1'' is corrected to read ''3.6''.

b. Second column, first full paragraph:

(1) Line 1, the figure ''21'' is corrected to read ''19''.

(2) Line 7, the figure ''0.990298'' is corrected to read ''0.989859''.

(3) Line 9, the figure ''$27'' is corrected to read ''$29''.

(4) Line 10, the figure ''$9'' is corrected to read ''$10''.

(5) Line 18, the figure ''$4.5'' is corrected to read ''$4.3''.

(6) Line 19, the figure ''$2.6'' is corrected to read ''$2.3''.

c. Third column, first partial paragraph, line 15, the figure ''0.999996'' is corrected to read ''0.999997''.

6. On pages 49818 and 49819, the table titled ''FY 2016 IPPS Estimated Payments Due to Rural Floor and Imputed Floor with National Budget Neutrality'' is corrected to read as follows:

FY 2016 IPPS Estimated Payments Due to Rural Floor and Imputed Floor With National Budget Neutrality

State	Number of hospitals	Number of hospitals that will receive the rural floor or imputed floor	Percent change in payments due to application of rural floor and imputed floor with budget neutrality	Difference (in millions)
	(1)	(2)	(3)	(4)
Alabama	86	3	−0.4	$−7.08
Alaska	6	1	−0.3	−0.53
Arizona	55	5	−0.3	−6
Arkansas	46	0	−0.5	−4.66
California	303	203	2.2	218.44
Colorado	47	5	0.4	4.25
Connecticut	31	7	−0.5	−8.49
Delaware	6	0	−0.6	−2.54
Washington, D.C.	7	0	−0.5	−2.48
Florida	170	14	−0.3	−19.9
Georgia	105	0	−0.5	−12.47
Hawaii	12	1	−0.4	−1.16
Idaho	14	0	−0.4	−1.21
Illinois	127	2	−0.6	−25.22
Indiana	91	0	−0.5	−12.1
Iowa	35	0	−0.5	−4.33
Kansas	53	0	−0.4	−3.67
Kentucky	65	1	−0.4	−7.05
Louisiana	99	3	−0.5	−6.67
Maine	20	0	−0.5	−2.36
Massachusetts	61	39	3.6	114.58
Michigan	96	0	−0.5	−22.38
Minnesota	50	0	−0.3	−6.33
Mississippi	64	0	−0.5	−4.94
Missouri	78	0	−0.4	−9.98
Montana	12	2	0.1	0.15
Nebraska	26	0	−0.4	−2.53
Nevada	24	3	0.2	1.63
New Hampshire	13	9	1.2	5.91
New Jersey	64	19	0.3	10.01
New Mexico	25	0	−0.3	−1.41
New York	156	2	−0.6	−45.17
North Carolina	84	0	−0.4	−14.6
North Dakota	6	0	−0.3	−0.83
Ohio	132	6	−0.5	−17.56
Oklahoma	86	4	−0.4	−4.47

FY 2016 IPPS ESTIMATED PAYMENTS DUE TO RURAL FLOOR AND IMPUTED FLOOR WITH NATIONAL BUDGET NEUTRALITY—Continued

State	Number of hospitals (1)	Number of hospitals that will receive the rural floor or imputed floor (2)	Percent change in payments due to application of rural floor and imputed floor with budget neutrality (3)	Difference (in millions) (4)
Oregon	34	0	−0.5	−4.85
Pennsylvania	153	3	−0.5	−22.99
Puerto Rico	51	10	0.1	0.14
Rhode Island	11	4	0.6	2.29
South Carolina	56	5	−0.2	−3.02
South Dakota	19	0	−0.3	−1.02
Tennessee	99	10	−0.5	−10.2
Texas	318	3	−0.5	−30.68
Utah	34	2	−0.4	−2.02
Vermont	6	0	−0.3	−0.6
Virginia	78	1	−0.4	−11.68
Washington	49	6	0	0.93
West Virginia	29	2	0.1	0.89
Wisconsin	66	0	−0.5	−8.19
Wyoming	11	0	−0.2	−0.23

7. On page 49819:

a. Second column, last paragraph, line 18, the figure ''336'' is corrected to read ''367''.

b. Third column, first partial paragraph, line 8, the figure ''$45'' is corrected to read ''$55''.

8. On pages 49820 and 49821, the table titled ''Table II—Impact Analysis of Changes for FY 2016 Acute Care Hospital Operating Prospective Payment System (Payments per Discharge)'' is corrected as follows:

TABLE II—IMPACT ANALYSIS OF CHANGES FOR FY 2016 ACUTE CARE HOSPITAL OPERATING PROSPECTIVE PAYMENT SYSTEM

[Payments per discharge]

	Number of hospitals (1)	Estimated average FY 2015 payment per discharge (2)	Estimated average FY 2016 payment per discharge (3)	FY 2016 changes (4)
All Hospitals	3,369	11,329	11,372	0.4
By Geographic Location:				
Urban hospitals	2,533	11,680	11,725	0.4
Large urban areas	1,393	12,434	12,484	0.4
Other urban areas	1,140	10,766	10,806	0.4
Rural hospitals	836	8,424	8,442	0.2
Bed Size (Urban):				
0–99 beds	668	9,254	9,276	0.2
100–199 beds	778	9,863	9,902	0.4
200–299 beds	445	10,589	10,636	0.4
300–499 beds	428	11,927	11,973	0.4
500 or more beds	214	14,285	14,340	0.4
Bed Size (Rural):				
0–49 beds	329	7,048	7,043	−0.1
50–99 beds	297	7,972	7,989	0.2
100–149 beds	121	8,290	8,325	0.4
150–199 beds	48	9,109	9,132	0.3
200 or more beds	41	9,996	10,006	0.1
Urban by Region:				
New England	120	12,850	12,853	0
Middle Atlantic	318	13,156	13,283	1
South Atlantic	407	10,387	10,410	0.2
East North Central	396	10,950	11,009	0.5
East South Central	150	9,998	9,958	−0.4
West North Central	166	11,438	11,469	0.3
West South Central	384	10,590	10,548	−0.4
Mountain	161	12,013	12,035	0.2

TABLE II—IMPACT ANALYSIS OF CHANGES FOR FY 2016 ACUTE CARE HOSPITAL OPERATING PROSPECTIVE PAYMENT SYSTEM—Continued

[Payments per discharge]

	Number of hospitals	Estimated average FY 2015 payment per discharge	Estimated average FY 2016 payment per discharge	FY 2016 changes
	(1)	(2)	(3)	(4)
Pacific	380	14,889	15,039	1
Puerto Rico	51	7,648	7,504	−1.9
Rural by Region:				
New England	22	11,441	11,432	−0.1
Middle Atlantic	55	8,545	8,565	0.2
South Atlantic	128	7,868	7,918	0.6
East North Central	116	8,775	8,853	0.9
East South Central	164	7,524	7,449	−1
West North Central	101	9,280	9,351	0.8
West South Central	165	7,218	7,159	−0.8
Mountain	61	9,730	9,796	0.7
Pacific	24	11,500	11,671	1.5
By Payment Classification:				
Urban hospitals	2,476	11,700	11,745	0.4
Large urban areas	1,386	12,440	12,490	0.4
Other urban areas	1,090	10,771	10,811	0.4
Rural areas	893	8,687	8,710	0.3
Teaching Status:				
Nonteaching	2,326	9,450	9,480	0.3
Fewer than 100 residents	794	10,999	11,043	0.4
100 or more residents	249	16,424	16,494	0.4
Urban DSH:				
Non-DSH	653	9,946	10,057	1.1
100 or more beds	1,593	12,080	12,115	0.3
Less than 100 beds	328	8,526	8,548	0.3
Rural DSH:				
SCH	260	8,859	8,918	0.7
RRC	347	9,023	9,056	0.4
100 or more beds	31	7,544	7,476	−0.9
Less than 100 beds	157	6,774	6,695	−1.2
Urban teaching and DSH:				
Both teaching and DSH	855	13,217	13,262	0.4
Teaching and no DSH	122	11,161	11,305	1.3
No teaching and DSH	1,066	9,878	9,895	0.2
No teaching and no DSH	433	9,415	9,516	1.1
Special Hospital Types:				
RRC	189	9,449	9,409	−0.4
SCH	327	9,951	10,034	0.8
MDH	150	6,968	7,011	0.6
SCH and RRC	126	10,591	10,691	0.9
MDH and RRC	13	8,621	8,673	0.6
Type of Ownership:				
Voluntary	1,934	11,498	11,560	0.5
Proprietary	879	9,997	9,986	−0.1
Government	529	12,240	12,244	0
Medicare Utilization as a Percent of Inpatient Days:				
0–25	533	14,719	14,625	−0.6
25–50	2,134	11,265	11,322	0.5
50–65	571	9,180	9,252	0.8
Over 65	97	6,883	6,910	0.4
FY 2016 Reclassifications by the Medicare Geographic Classification Review Board:				
All Reclassified Hospitals	789	11,209	11,297	0.8
Non-Reclassified Hospitals	2,580	11,374	11,400	0.2
Urban Hospitals Reclassified	509	11,877	11,982	0.9
Urban Nonreclassified Hospitals	1,967	11,643	11,669	0.2
Rural Hospitals Reclassified Full Year	280	8,829	8,861	0.4
Rural Nonreclassified Hospitals Full Year	503	7,931	7,933	0
All Section 401 Reclassified Hospitals:	64	10,427	10,492	0.6
Other Reclassified Hospitals (Section 1886(d)(8)(B) of the Act)	53	7,855	7,828	−0.4
Specialty Hospitals				
Cardiac Specialty Hospitals	14	12,640	12,723	0.7

9. On page 49823:

a. Top of the page:

(1) First column, second partial paragraph, line 1 the figure ''2,418'' is corrected to read ''2,408''.

(2) Second column, first partial paragraph, lines 1 and 2, the phrase, ''It did not include hospitals in the Rural Community Hospital Demonstration,'' is corrected to read ''It did not include new hospitals, hospitals in the Rural Community Hospital Demonstration,''.

b. Lower three-fourths of the page, the table titled ''Modeled Disproportionate Share Hospital Payments for Estimated FY 2016 DSH Hospitals by Hospital Type: Model DSH $ (In Millions) From FY 2015 to FY 2016'' is corrected as follows:

MODELED DISPROPORTIONATE SHARE HOSPITAL PAYMENTS FOR ESTIMATED FY 2016 DSH HOSPITALS BY HOSPITAL TYPE: MODEL DSH $ (IN MILLIONS) FROM FY 2015 TO FY 2016

	Number of estimated FY 2016 DSH hospitals (1)	FY 2015 estimated DSH $* (2)	FY 2016 estimated DSH $* (3)	Percentage change** (4)
Total	2,408	$10,993	$9,733	−11.5
By Geographic Location:				
Urban Hospitals	1,886	10,453	9,258	−11.4
Large Urban Areas	1,019	6,629	5,855	−11.7
Other Urban Areas	867	3,823	3,403	−11.0
Rural Hospitals	522	540	475	−12.1
Bed Size (Urban):				
0 to 99 Beds	323	211	186	−11.7
100 to 249 Beds	825	2,514	2,195	−12.7
250 to 499 Beds	738	7,728	6,877	−11.0
Bed Size (Rural):				
0 to 99 Beds	388	235	208	−11.3
100 to 249 Beds	120	246	211	−14.5
250 to 499 Beds	14	59	56	−5.6
Urban by Region:				
East North Central	307	1,421	1,268	−10.8
East South Central	131	649	572	−11.8
Middle Atlantic	230	1,804	1,603	−11.2
Mountain	115	504	447	−11.3
New England	86	440	388	−11.9
Pacific	298	1,649	1,455	−11.8
Puerto Rico	39	108	101	−7.3
South Atlantic	315	2,012	1,770	−12.0
West North Central	104	507	455	−10.2
West South Central	261	1,357	1,198	−11.7
Rural by Region:				
East North Central	66	55	49	−10.9
East South Central	146	174	151	−12.9
Middle Atlantic	27	40	34	−14.5
Mountain	22	18	16	−13.1
New England	10	17	15	−13.7
Pacific	10	6	8	35.3
South Atlantic	88	107	96	−9.5
West North Central	37	27	21	−20.1
West South Central	116	97	84	−13.6
By Payment Classification:				
Urban Hospitals	1,854	10,448	9,204	−11.9
Large Urban Areas	1,016	6,640	5,853	−11.9
Other Urban Areas	838	3,809	3,351	−12.0
Rural Hospitals	554	545	529	−2.8
Teaching Status:				
Nonteaching	1,539	3,578	3,111	−13.0
Fewer than 100 residents	629	3,585	3,190	−11.0
100 or more residents	240	3,831	3,432	−10.4
Type of Ownership:				
Voluntary	1,382	6,770	6,025	−11.0
Proprietary	539	1,904	1,660	−12.8
Government	485	2,290	2,021	−11.7
Unknown	2	30	27	−10.4

Source: Dobson DaVanzo analysis of 2011–2012 Hospital Cost Reports, 2015 Provider of Services File, FY 2015 IPPS Final Rule CN Impact File, and FY 2016 NPRM Impact File.

* Dollar DSH calculated by [0.25 * estimated section 1886(d)(5)(F) payments] + [0.75 * estimated section 1886(d)(5)(F) payments * Factor 2 * Factor 3]. When summed across all hospitals projected to receive DSH payments, the estimated DSH is $10,993 million in FY 2015 and $9,733 million in FY 2016.

** Percentage change is determined as the difference between Medicare DSH payments modeled for the FY 2016 IPPS/LTCH PPS final rule (column 3) and Medicare DSH payments modeled for the FY 2015 IPPS/LTCH PPS final rule (column 2) divided by Medicare DSH payments modeled for the FY 2015 final rule (column 3) times 100 percent.

10. On page 49828, in third column, last paragraph, line 4, the figure ''0.9973'' is corrected to read ''0.9976''.

11. On page 49829:

a. Second column, last paragraph:

(1) Line 4, the figure ''3.1'' is corrected to read ''3.2''

(2) Line 5, the figure ''1.1'' is corrected to read ''1.3''

b. Third column; last paragraph, last line, the figure ''1.1'' is corrected to read ''1.2''.

12. On pages 49829 and 49830, table titled ''Table III.—Comparison of Total Payments Per Case [FY 2015 Payments Compared To FY 2016 Payments]'' is corrected to read as follows:

TABLE III—COMPARISON OF TOTAL PAYMENTS PER CASE

[FY 2015 payments compared to FY 2016 payments]

	Number of hospitals	Average FY 2015 payments/case	Average FY 2016 payments/case	Change
By Geographic Location:				
All hospitals	3,369	871	890	2.3
Large urban areas (populations over 1 million)	1,393	963	987	2.5
Other urban areas (populations of 1 million of fewer)	1,140	833	851	2.1
Rural areas	836	591	599	1.4
Urban hospitals	2,533	904	925	2.4
0–99 beds	668	736	751	1.9
100–199 beds	778	788	806	2.2
200–299 beds	445	825	844	2.3
300–499 beds	428	920	943	2.4
500 or more beds	214	1,080	1,106	2.4
Rural hospitals	836	591	599	1.4
0–49 beds	329	490	497	1.5
50–99 beds	297	549	558	1.7
100–149 beds	121	591	598	1.2
150–199 beds	48	645	652	1.0
200 or more beds	41	706	715	1.3
By Region:				
Urban by Region	2,533	904	925	2.4
New England	120	996	1,009	1.3
Middle Atlantic	318	1,001	1,032	3.1
South Atlantic	407	805	823	2.2
East North Central	396	868	889	2.3
East South Central	150	768	780	1.6
West North Central	166	887	902	1.6
West South Central	384	817	835	2.1
Mountain	161	936	956	2.1
Pacific	380	1,150	1,187	3.2
Puerto Rico	51	403	408	1.4
Rural by Region	836	591	599	1.4
New England	22	822	828	0.7
Middle Atlantic	55	580	582	0.3
South Atlantic	128	554	567	2.3
East North Central	116	616	626	1.6
East South Central	164	536	542	1.1
West North Central	101	635	643	1.3
West South Central	165	524	524	0.1
Mountain	61	660	674	2.1
Pacific	24	768	791	3.0
By Payment Classification:				
All hospitals	3,369	871	890	2.3
Large urban areas (populations over 1 million)	1,386	964	988	2.5
Other urban areas (populations of 1 million of fewer)	1,090	837	855	2.2
Rural areas	893	608	615	1.1
Teaching Status:				
Non-teaching	2,326	739	754	2.1
Fewer than 100 Residents	794	848	866	2.2
100 or more Residents	249	1,227	1,259	2.6
Urban DSH:				
100 or more beds	1,593	928	950	2.4
Less than 100 beds	328	662	677	2.2
Rural DSH:				
Sole Community (SCH/EACH)	260	576	580	0.7
Referral Center (RRC/EACH)	347	639	647	1.2
Other Rural:				
100 or more beds	31	575	572	−0.5
Less than 100 beds	157	504	512	1.7
Urban teaching and DSH:				
Both teaching and DSH	855	1,003	1,028	2.5
Urban teaching and DSH:				
Both teaching and DSH	855	1,003	1,028	2.5

TABLE III—COMPARISON OF TOTAL PAYMENTS PER CASE—Continued

[FY 2015 payments compared to FY 2016 payments]

	Number of hospitals	Average FY 2015 payments/case	Average FY 2016 payments/case	Change
Teaching and no DSH	122	899	920	2.3
No teaching and DSH	1,066	780	797	2.3
No teaching and no DSH	433	797	816	2.4
Rural Hospital Types:				
Non special status hospitals	2,562	904	926	2.4
RRC/EACH	189	729	737	1.1
SCH/EACH	327	665	672	1.1
SCH, RRC and EACH	126	721	733	1.6
Hospitals Reclassified by the Medicare Geographic Classification Review Board:				
FY 2016 Reclassifications:				
All Urban Reclassified	551	923	949	2.8
All Urban Non-Reclassified	1,925	902	922	2.2
All Rural Reclassified	279	623	634	1.8
All Rural Non-Reclassified	504	545	551	1.2
Other Reclassified Hospitals (Section 1886(d)(8)(B) of the Act)	46	600	589	−1.9
Type of Ownership:				
Voluntary	1,934	884	904	2.3
Proprietary	879	785	803	2.3
Government	529	917	938	2.4
Medicare Utilization as a Percent of Inpatient Days:				
0–25	533	1,046	1,074	2.7
25–50	2,134	876	896	2.3
50–65	571	717	731	2.0
Over 65	97	523	534	2.1

13. On page 49840, third column, third paragraph:

a. Line 11, the figure ''$378'' is corrected to read ''$391''.

b. Line 23, the figure ''$75'' is corrected to read ''$88''.

c. Line 33, the figure ''$75'' is corrected to read ''$88''.

d. Line 34, the figure ''$85'' is corrected to read ''$98''.

e. Line 39, the figure ''$187'' is corrected to read ''$188''.

f. Line 43, the figure ''$272'' is corrected to read ''$285''.

14. On page 49841, first column:

a. Third paragraph, line 3, the figure ''$272'' is corrected to read ''$285''.

b. In the table titled ''Table V—Accounting Statement: Classification of Estimated Expenditures Under the IPPS From FY 2015 to FY 2016'', the first entry is corrected as follows:

TABLE V—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED EXPENDITURES UNDER THE IPPS FROM FY 2015 TO FY 2016

Category	Transfers
Annualized Monetized Transfers	−$285 million.

Dated: September 30, 2015.

Madhura Valverde,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2015–25269 Filed 9–30–15; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 418

[CMS–1629–CN]

RIN 0938–AS39

Medicare Program; FY 2016 Hospice Wage Index and Payment Rate Update and Hospice Quality Reporting Requirements; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule; correction.

SUMMARY: This document corrects technical errors that appeared in the final rule published in the **Federal Register** on August 6, 2014 entitled ''Medicare Program; FY 2016 Hospice Wage Index and Payment Rate Update and Hospice Quality Reporting Requirements.''

DATES: *Effective Date:* October 1, 2015.

FOR FURTHER INFORMATION CONTACT: Sharon Ventura, (410) 786–1985. *HospicePolicy@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2015–19033 of August 6, 2015 (80 FR 47142), there were a number of technical errors that are identified and corrected in the Correction of Errors section below. The provisions in this correction document are effective as if they had been included in the document published August 6, 2015. Accordingly, the corrections are effective October 1, 2015.

II. Summary of Errors

On page 47182, we inadvertently listed the incorrect hourly rate for continuous home care. We listed $38.67 instead of $38.59. On page 47203, we referenced Table H1 instead of Table 29. In addition, on page 47205, we referenced Table H2 instead of Table 30. This notice corrects theses errors.

III. Waiver of Proposed Rulemaking

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive this notice and comment

procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

Section 553(d) of the APA ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the **Federal Register**. This 30-day delay in effective date can be waived; however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued.

IV. Correction of Errors

In FR Doc. 2015–19033 of August 6, 2015 (80 FR 47142), make the following corrections:

1. On page 47182, in Table 25—''FY 2016 Hospice Payment Rates For CHC, IRC, and GIP For Hospices That Do Not Submit The Required Quality Data,'' for Code 652, in the ''Description'' column, the figure ''38.67'' is corrected to read ''38.59''.

2. On page 47203, in the third column, in the first full paragraph, first line, the reference to ''Table H1'' is corrected to read ''Table 29''.

3. On page 47205, in the second column, third line, the reference to ''Table H2'' is corrected to read ''Table 30''.

Dated: September 30, 2015.

Madhura Valverde,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2015–25267 Filed 9–30–15; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 483

[CMS–1622–CN]

RIN 0938–AS44

Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2016, SNF Value-Based Purchasing Program, SNF Quality Reporting Program, and Staffing Data Collection; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule; correction.

SUMMARY: This document corrects technical errors in the final rule that appeared in the **Federal Register** on August 4, 2015 entitled ''Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities (SNFs) for FY 2016, SNF Value-Based Purchasing Program, SNF Quality Reporting Program, and Staffing Data Collection.''

DATES: This document is effective October 1, 2015.

FOR FURTHER INFORMATION CONTACT: John Kane, (410) 786–0557, for information related to SNF PPS. Charlayne Van, (410) 786–8659, for information related to SNF QRP.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2015–18950 of August 4, 2015 (80 FR 46389), there were a number of technical errors that are identified and corrected in section IV of this correcting document. The provisions in this correcting document are effective as if they had been included in the document that appeared on August 4, 2015 in the **Federal Register** (hereinafter referred to as the FY 2016 SNF PPS final rule). Accordingly, the corrections are effective October 1, 2015.

II. Summary of Errors

A. Summary of Errors in the Preamble

On pages 46436, 46437, 46439, 46450 and 46452 we inadvertently made typographical and other technical errors.

On pages 46400 and 46405, where we provide a link to the CMS Web site listing the wage index for FY 2016, we inadvertently omitted reference to Table B. These pages are being corrected to state that the wage index applicable for FY 2016 is set forth in Tables A and B available on the CMS Web site.

B. Summary of Errors in and Corrections to Tables Posted on the CMS Web Site

In Table A setting forth the Wage Index for Urban Areas Based on CBSA Labor Market Areas, which is available exclusively on the CMS Web site at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/SNFPPS/WageIndex.html,* following the complete list of correct wage index values, we inadvertently included a number of additional, erroneous values in the final wage index table. The version of Table A that was initially posted to the CMS Web site on July 30, 2015 correctly included all of the final wage index values for all CBSAs in rows 1 through 1238, but also inadvertently included some of the proposed wage index values, beginning in row 1240 of Table A. Therefore, we eliminated the additional, erroneous values beyond row 1238 of the table posted to the CMS Web site.

Additionally, Table B posted to the CMS Web site, which provides the non-urban wage index values by state had Column A mislabeled as ''CBSA'' while it should have read ''State Code'' and Column B mislabeled as ''Urban Area'' while it should have read ''Non-urban Area''. Therefore, in Table B, the header for Column A has been changed from ''CBSA'' to ''State Code'' and the header for Column B has been changed from ''Urban Area'' to ''Non-Urban Area''.

In addition, on page 49492 of the FY 2016 hospital inpatient prospective payment system (IPPS) final rule (80 FR 49325, August 17, 2015), the estimated percentage change in the employment cost index (ECI) for compensation for the 30-day increment after March 14, 2013, and before April 15, 2013, for private industry hospital workers from the Bureau of Labor Statistics' (BLS') ''Compensation and Working Conditions'' was inadvertently miscalculated. The ECI is used to adjust a hospital's wage data to calculate the wage index, and is based on the midpoint of a cost reporting period. This technical error necessitated recalculation of the pre-reclassified unadjusted and occupational mix adjusted wage indexes and Geographic Adjustment Factors (GAFs) of certain core-based statistical areas (CBSAs).

This error is identified, discussed and corrected in the Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long Term Care Hospital Prospective Payment System Policy Changes and Fiscal Year 2016 Rates; Revisions of Quality Reporting Requirements for Specific Providers, including Changes Related to the Electronic Health Record Incentive Program; Extensions of the Medicare-Dependent, Small Rural Hospital Program and the Low-Volume Payment Adjustment for Hospitals; Correction that appears elsewhere in this issue of the **Federal Register**.

This error affected the adjustment factor applied to four hospitals with FY 2013 cost reporting periods that have midpoints after March 14, 2013 and before April 15, 2013, which in turn affected the wage index values for these hospitals and the areas in which they are located. One of these hospitals is geographically located in non-urban Arkansas (State Code 04), two hospitals are geographically located in non-urban Maine (State Code 20), and one urban hospital is located in Maine (CBSA

12620). Thus, the pre-reclassified unadjusted wage indexes for these three areas were calculated incorrectly. We are correcting the wage indexes for these three areas in Table A and Table B accordingly on the CMS Web site at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/SNFPPS/WageIndex.html.* Specifically, the wage index value for CBSA 12620 has been corrected from 0.9845 to 0.9980, the wage index value for State Code 04 (Arkansas) has been corrected from 0.7217 to 0.7219, and the wage index value for State Code 20 (Maine) has been corrected from 0.8455 to 0.8477.

III. Waiver of Proposed Rulemaking and Delayed Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). However, we can waive this notice and comment procedure if the Secretary finds, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporates a statement of the finding and the reasons therefore in the notice.

Section 553(d) of the APA ordinarily requires a 30-day delay in effective date of final rules after the date of their publication in the **Federal Register**. This 30-day delay in effective date can be waived, however, if an agency finds for good cause that the delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued.

In our view, this correcting document does not constitute a rule that would be subject to the APA notice and comment or delayed effective date requirements. This correcting document corrects technical and typographic errors in the FY 2016 SNF PPS final rule and in the tables issued in connection with the final rule, but does not make substantive changes to the policies or payment methodologies that were adopted in the final rule. As a result, this correcting document is intended to ensure that the information in the FY 2016 SNF PPS final rule accurately reflects the policies adopted in that final rule.

In addition, even if this were a rule to which the notice and comment procedures and delayed effective date requirements applied, we find that there is good cause to waive such requirements. Undertaking further notice and comment procedures to incorporate the corrections in this document into the final rule or delaying the effective date would be contrary to the public interest because it is in the public's interest for providers to receive appropriate payments in as timely a manner as possible, and to ensure that the FY 2016 SNF PPS final rule and the tables issued in connection with the final rule accurately reflect our methodologies, payment rates and policies. Furthermore, such procedures would be unnecessary, as we are not making substantive changes to our payment methodologies or policies, but rather, we are simply implementing correctly the methodologies and policies that we previously proposed, received comment on, and subsequently finalized. This correcting document is intended solely to ensure that the FY 2016 SNF PPS final rule and the tables issued in connection with the final rule accurately reflect these methodologies and policies. Therefore, we believe we have good cause to waive the notice and comment and effective date requirements.

IV. Correction of Errors

In the FR Doc. 2015–18950 of August 4, 2015 (80 FR 46389), make the following corrections:

1. On page 46400, bottom half of the page, third column, first partial paragraph, line 14, the phrase ''Table A'' is corrected to read ''Tables A and B''.

2. On page 46405, top third of the page, third column, first partial paragraph, line 2, the phrase ''Table A'' is corrected to read ''Tables A and B''.

3. On page 46436, first column, footnote 38:

a. Line 1, the term ''Nation'' is corrected to read ''National''.

b. Line 2, the term ''Standardbreds'' is corrected to read ''Standards''.

c Line 3, the term ''Minutes'' is corrected to read ''Transcript''.

4. On page 46437, first column, first partial paragraph, line 19, the phrase ''are not'' is corrected to read ''will not be''.

5. On page 46439, third column, first partial paragraph, lines 7 through 8, the phrase ''unstageable and sDTIs'' is corrected to read ''unstageable pressure ulcers and sDTIs''.

6. Page 46450, third column, first partial paragraph, line 23, the phrase ''input from clinicians would be'' is corrected to read ''input from clinicians who would be''.

7. Page 46452, second column, footnote 86, ''86 Peter C. Smith, Elias Mossialos, Irene Papanicolas and Sheila Leatherman. Performance Measurement for Health'' is corrected to read ''86 Lisa I. Iezzoni, ''Risk Adjustment for Performance Management''. In Performance Measurement for Health System Improvement: Experiences, Challenges and Prospects, ed. Peter C. Smith, Elias Mossialos, Irene Papanicolas and Sheila Leatherman. (Cambridge, UK: Cambridge University Press, 2009), 261–262.''.

Dated: September 30, 2015.

Madhura Valverde,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2015–25268 Filed 9–30–15; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–8403]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *http://www.fema.gov/fema/csb.shtm.*

DATES: The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Bret Gates, Federal Insurance and Mitigation Administration, Federal Emergency

Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4133.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region VI				
New Mexico:				
Otero County, Unincorporated Areas	350044	August 7, 1975, Emerg; August 1, 1987, Reg; November 4, 2015, Susp.	November 4, 2015.	November 4, 2015.
Tularosa, Village of, Otero County	350046	N/A, Emerg; December 16, 2011, Reg; November 4, 2015, Susp.	*.....do	Do.
Region VIII				
Montana:				
Columbia Falls, City of, Flathead County.	300024	June 25, 1974, Emerg; October 15, 1985, Reg; November 4, 2015, Susp.	.....do	Do.
Flathead County, Unincorporated Areas	300023	October 31, 1975, Emerg; September 5, 1984, Reg; November 4, 2015, Susp.	.....do	Do.
Kalispell, City of, Flathead County	300025	July 27, 1976, Emerg; September 17, 1980, Reg; November 4, 2015, Susp.	.....do	Do.
Whitefish, City of, Flathead County	300026	August 6, 1975, Emerg; July 16, 1979, Reg; November 4, 2015, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region IX				
Hawaii: Maui County, Unincorporated Areas	150003	September 18, 1970, Emerg; June 1, 1981, Reg; November 4, 2015, Susp.	.....do	Do.

*do = Ditto.
Code for reading third column: Emerg. —Emergency; Reg. —Regular; Susp. —Suspension.

Dated: September 22, 2015

Roy E. Wright,

Deputy Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2015–25222 Filed 10–2–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 141021887–5172–02]

RIN 0648–XE223

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 unused Community Development Quota (CDQ) for CDQ 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 October 5, 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 CDQ reserves specified in the BSAI are 2,320 metric tons (mt), 7,085 mt, and 16,543 mt as established by the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015) and following revisions (80 FR 58220, September 28, 2015). The 2015 flathead sole, rock sole, and yellowfin sole CDQ ABC reserves are 4,756 mt, 12,357 mt, and 10,079 mt as established by the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015) and following revisions (80 FR 58220, September 28, 2015).

The Aleutian Pribilof Islands Community Development Association has requested that NMFS exchange 568 mt of flathead sole and 210 mt of rock sole CDQ reserves for 778 mt of yellowfin sole CDQ ABC reserves under § 679.31(d). Therefore, in accordance with § 679.31(d), NMFS exchanges 568 mt of flathead sole and 210 mt of rock sole CDQ reserves for 778 mt of yellowfin sole CDQ ABC reserves in the BSAI. This action also decreases and increases the TACs and CDQ 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 following revisions (80 FR 58220, September 28, 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	17,787	67,265	157,448
CDQ	856	749	963	1,752	6,875	17,321
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	17,787	67,265	157,448	24,250	69,250	149,000
ABC surplus	48,343	114,435	91,352	39,461	95,550	96,500
ABC reserve	48,343	114,435	91,352	39,461	95,550	96,500
CDQ ABC reserve	5,324	12,567	9,301	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 [1]	3,836	24,840	35,408	n/a	n/a	n/a
Alaska Seafood Cooperative for 2015 [1]	39,183	77,028	46,643	n/a	n/a	n/a

[1] 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 Aleutian Pribilof Islands Community Development Association in 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 24, 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 30, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–25291 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 192
Monday, October 5, 2015

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

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Chapter I

[Docket ID FFIEC–2014–0001]

FEDERAL RESERVE SYSTEM

12 CFR Chapter II

[Docket No. R–1510]

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Chapter III

Regulatory Publication and Review Under the Economic Growth and Regulatory Paperwork Reduction Act of 1996

AGENCIES: Office of the Comptroller of the Currency (''OCC''), Treasury; Board of Governors of the Federal Reserve System (''Board''); and Federal Deposit Insurance Corporation (''FDIC'').

ACTION: Notice of outreach meeting.

SUMMARY: The OCC, Board, and FDIC (together ''we'' or ''Agencies'') announce the fifth in a series of outreach meetings on the Agencies' interagency process to review their regulations under the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (''EGRPRA'').

DATES: An outreach meeting will be held in Chicago, Illinois on Monday, October 19, 2015, beginning at 9:00 a.m. Central Daylight Time (CDT). Online registrations will be accepted through October 13, 2015, or until all seats are filled, whichever is earlier. If seats are available after the close of online registration, individuals may register in person at the Federal Reserve Bank of Chicago on the day of the meeting. The sixth outreach meeting is scheduled for December 2, 2015, in the Washington, DC, area.

ADDRESSES: The Agencies will hold the October 19, 2015, outreach meeting at the Federal Reserve Bank of Chicago, 230 S. LaSalle St., Chicago, Illinois 60604. Live video of this meeting will be streamed at *http://egrpra.ffiec.gov/*. Participants attending in person should register at *http://egrpra.ffiec.gov/outreach/outreach-index.html.*

In addition, to enhance participation, interested persons anywhere in the country will have the opportunity to view and participate in the meeting online using their computers. Members of the public watching online will be able to submit written comments at any time during the meeting using the text chat feature. In addition to the online option, a toll-free telephone number (888–431–3632) is available for members of the public who would like only to listen to the meeting, and who may choose later to submit written comments. Information regarding these additional participation options is described in the meeting details section for the Chicago meeting at *http://egrpra.ffiec.gov/outreach/outreach-meeting-details-chicago.html*.

Any interested individual may submit comments through the EGRPRA Web site during open comment periods at: *http://egrpra.ffiec.gov/submit-comment/submit-comment-index.html*. On this site, click ''Submit a Comment'' and follow the instructions. Alternatively, comments also may be submitted through the Federal eRulemaking Portal ''Regulations.gov'' at: *http://www.regulations.gov*. Enter ''Docket ID FFIEC–2014–0001'' in the Search Box, click ''Search,'' and click ''Comment Now.'' Those who wish to submit their comments by an alternate means may do so as indicated by each agency below.

OCC

The OCC encourages commenters to submit comments through the Federal eRulemaking Portal, Regulations.gov, in accordance with the previous paragraph. Alternatively, comments may be emailed to *regs.comments@occ.treas.gov* or sent by mail to Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Mail Stop 9W–11, 400 7th Street SW., Washington, DC 20219. Comments also may be faxed to (571) 465–4326 or hand delivered or sent by courier to 400 7th Street SW., Washington, DC 20219. For comments submitted by any means other than Regulations.gov, you must include ''OCC'' as the agency name and ''Docket ID FFIEC–2014–0001'' in your comment.

In general, the OCC will enter all comments received into the docket and publish them without change on Regulations.gov. Comments received, including attachments and other supporting materials, as well as any business or personal information you provide, such as your name and address, email address, or phone number, are part of the public record and subject to public disclosure. Therefore, please do not include any information with your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may inspect and photocopy in person all comments received by the OCC at 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect or photocopy comments. You may make an appointment by calling (202) 649–6700 or, for persons who are deaf or hard of hearing, TTY (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to a security screening.

Board

The Board encourages commenters to submit comments regarding the Board's regulations by any of the following methods:

- Agency Web site: *http://www.federalreserve.gov/apps/foia/proposedregs.aspx*. Follow the instructions for submitting comments on the Agency Web site.
- Federal eRulemaking Portal, in accordance with the directions above.
- *Email: regs.comments@federalreserve.gov*. Include ''EGRPRA'' and Docket No. R–1510 in the subject line of the message.
- *FAX:* (202) 452–3819.
- *Mail:* Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

In general, the Board will enter all comments received into the docket and publish them without change on the Board's public Web site, *www.federalreserve.gov*; Regulations.gov; and *http://egrpra.ffiec.gov*. Comments received,

including attachments and other supporting materials, as well as any business or personal information you provide, such as your name and address, email address, or phone number, are part of the public record and subject to public disclosure. Therefore, please do not enclose any information with your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may inspect and photocopy in person all comments received by the Board in Room 3515, 1801 K Street NW. (between 18th and 19th Street NW.), Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays. For security reasons, the Board requires that visitors make an appointment to inspect comments. You may make an appointment by calling (202) 452–3000. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to a security screening.

FDIC

The FDIC encourages commenters to submit comments through the Federal eRulemaking Portal, ''Regulations.gov,'' in accordance with the directions above. Alternatively, you may submit comments by any of the following methods:

- *Agency Web site: http://www.fdic.gov/regulations/laws/federal.* Follow instructions for submitting comments on the Agency Web site.
- *Email: Comments@FDIC.gov.* Include ''EGRPRA'' in the subject line of the message.
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery/Courier:* Guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m. (EDT).

The FDIC will post all comments received to *http://www.fdic.gov/regulations/laws/federal* without change, including any personal information provided. Comments may be inspected and photocopied in the FDIC Public Information Center, 3501 North Fairfax Drive, Room E–1002, Arlington, VA 22226, between 9:00 a.m. and 5:00 p.m. (EDT) on business days. Paper copies of public comments may be ordered from the Public Information Center by calling (877) 275–3342.

FOR FURTHER INFORMATION CONTACT:

OCC: Heidi M. Thomas, Special Counsel, (202) 649–5490; for persons who are deaf or hard of hearing, TTY (202) 649–5597.

Board: Kevin Wilson, Financial Analyst, (202) 452–2362; Claudia Von Pervieux, Counsel (202) 452–2552; for persons who are deaf or hard of hearing, TTY (202) 263–4869.

FDIC: Ruth R. Amberg, Assistant General Counsel, (202) 898–3736; for persons who are deaf or hard of hearing, TTY 1–800–925–4618.

SUPPLEMENTARY INFORMATION:

EGRPRA [1] directs the Agencies, along with the Federal Financial Institutions Examination Council (Council), not less frequently than once every ten years, to conduct a review of their regulations to identify outdated or otherwise unnecessary regulations imposed on insured depository institutions. As part of this review, the Agencies are holding a series of six outreach meetings to provide an opportunity for bankers, consumer and community groups, and other interested persons to present their views directly to senior management and staff of the Agencies on any of 12 specific categories of the Agencies' regulations, as further described below. The Agencies held the first of these outreach meetings on December 2, 2014, in Los Angeles, California; the second outreach meeting on February 4, 2015, in Dallas, Texas; the third outreach meeting on May 4, 2015, in Boston, Massachusetts; and the fourth outreach meeting, which focused on rural banks and their communities, on August 4, 2015, in Kansas City, Missouri. Additional details, including videos and transcripts of the first four outreach meetings, are available on the EGRPRA Web site at *http://egrpra.ffiec.gov/outreach/outreach-index.html*.

The fifth outreach meeting will be held on October 19, 2015, in Chicago, Illinois, and will be streamed live at *http://egrpra.ffiec.gov/*. FDIC Chairman Martin J. Gruenberg, Comptroller of the Currency Thomas J. Curry, and FRB Governor Lael Brainard are scheduled to attend, along with senior staff members of the Agencies. The meeting will consist of panels of bankers and consumer and community groups who will present particular issues. There will be limited time after each panel for comments from meeting attendees. In addition, there will be a session at the end of the meeting during which audience members may present views on any of the regulations under review. The Agencies reserve the right to limit the time of individual commenters, if needed, in order to accommodate the number of persons desiring to speak.

Comments made by panelists, audience members, and online participants at this meeting will be reflected in the public comment file. Audience members who do not wish to comment orally may submit written comments at the meeting. As noted above, any interested person may submit comments through the EGRPRA Web site during open comment periods at: *http://egrpra.ffiec.gov/submit-comment/submit-comment-index.html* or directly to the Agencies through any of the other manners specified above.

All participants attending in person should register for the Chicago outreach meeting at *http://egrpra.ffiec.gov/outreach/outreach-index.html.* Because of space constraints, on-site attendance will be limited. Online registrations will be accepted through October 13, 2015, or until all seats are filled, whichever is earlier. If seats are available, individuals may register in person at the Federal Reserve Bank of Chicago on the day of the meeting. Individuals do not need to register to view the live-stream broadcast.

We note that the meeting will be video-recorded and publicly webcast in order to increase education and outreach. By participating in person at the meeting, you consent to appear in such recordings.

Additional Background on EGRPRA

Section 2222 of EGRPRA directs the Agencies, along with the Council, to conduct a review of their regulations not less frequently than once every ten years to identify outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions. In conducting this review, the Agencies are required to categorize their regulations by type and, at regular intervals, provide notice and solicit public comment on categories of regulations, requesting commenters to identify areas of regulations that are outdated, unnecessary, or unduly burdensome. The statute requires the Agencies to publish in the **Federal Register** a summary of the comments received, identifying significant issues raised and commenting on these issues. The statute also directs the Agencies to eliminate unnecessary regulations to the extent that such action is appropriate. Finally, section 2222 requires the Council, of which the Agencies are members, to submit a report to Congress that summarizes any significant issues raised in the public comments and the relative merits of such issues. The report also must include an analysis of whether the Agencies are able to address the regulatory burdens associated with such issues by regulation or whether these burdens must be addressed by legislative action.

[1] Public Law 104–208 (1996), 110 Stat. 3009–414, codified at 12 U.S.C. 3311.

For purposes of this review, the Agencies have grouped our regulations into 12 categories: Applications and Reporting; Banking Operations; Capital; Community Reinvestment Act; Consumer Protection; Directors, Officers and Employees; International Operations; Money Laundering; Powers and Activities; Rules of Procedure; Safety and Soundness; and Securities. On June 4, 2014, we published a **Federal Register** notice announcing the start of the EGRPRA review process and also asking for public comment on three of these categories—Applications and Reporting; Powers and Activities; and International Operations regulations.[2] In that notice we published a chart, listing the Agencies' regulations in the 12 categories included in the EGRPRA review. On February 13, 2015, we published a **Federal Register** notice asking for public comment on three additional categories—Banking Operations; Capital; and the Community Reinvestment Act.[3] The comment period for the second **Federal Register** notice closed on May 14, 2015. On June 5, 2015, the Agencies published a third **Federal Register** notice asking for public comment on three additional categories—Consumer Protection; Directors, Officers and Employees; and Money Laundering.[4] The comment period for the third notice closed on September 3, 2015. As noted in the third **Federal Register** notice, the Agencies' will take comment on all of our regulations issued in final form up to the date that we publish the last EGRPRA notice for public comment. In the third notice, we published an additional chart, listing the rules included in the review that had not been reflected in prior charts. Before the end of the year, the Agencies intend to issue the final **Federal Register** notice, requesting comment on regulations in the last three categories—Rules of Procedure; Safety and Soundness; and Securities, as well as on any other final rules not covered by one of the prior **Federal Register** notices.

Dated: September 25, 2015.

Thomas J. Curry,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, September 28, 2015.

Robert deV. Frierson,

Secretary of the Board.

Dated: September 29, 2015.

Federal Deposit Insurance Corporation by

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–25258 Filed 10–2–15; 8:45 am]

BILLING CODE 4810–33P; 6210–01–P; 6714–01–P

[2] 79 FR 32172.

[3] 80 FR 7980.

[4] 80 FR 32046.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

RIN 3245–AG67

Small Business Investment Companies; Passive Business Expansion & Technical Clarifications

AGENCY: U.S. Small Business Administration.

ACTION: Proposed rule.

SUMMARY: The U.S. Small Business Administration (SBA) proposes to revise the regulations for the Small Business Investment Company (SBIC) program to expand the use of Passive Businesses and provide further clarification with regard to investments in such businesses. SBICs are generally prohibited from investing in passive businesses under the Small Business Investment Act of 1958, as amended (Act). SBIC program regulations provide for two exceptions that allow an SBIC to structure an investment utilizing a passive small business as a pass-through. The first exception provides conditions under which an SBIC may structure an investment through up to two levels of passive entities to make an investment in a non-passive business that is a subsidiary of the passive business directly financed by the SBIC. The second exception enables a partnership SBIC, with SBA's prior approval, to provide financing to a small business through a passive, wholly-owned C corporation, but only if a direct financing would cause the SBIC's investors to incur Unrelated Business Taxable Income (UBTI). A passive C corporation formed under the second exception is commonly known as a blocker corporation. This proposed rule would clarify the first exception, and would expand the permitted use of blocker corporations and eliminate the prior approval requirement in the second exception. The rule also proposes to add new reporting and other requirements for passive investments to help protect SBA's financial interests and ensure adequate oversight and make minor technical amendments.

DATES: Comments on the proposed rule must be received on or before December 4, 2015.

ADDRESSES: You may submit comments, identified by RIN 3245–AG67, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail, Hand Delivery/Courier:* Javier Saade, Associate Administrator for Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

SBA will post comments on *http://www.regulations.gov*. If you wish to submit confidential business information (CBI) as defined in the User Notice at *http://www.regulations.gov*, please submit the information to Theresa Jamerson, Office of Investment and Innovation, 409 Third Street SW., Washington, DC 20416. Highlight the information that you consider to be CBI and explain why you believe this information should be held confidential. SBA will review the information and make the final determination of whether it will publish the information or not.

FOR FURTHER INFORMATION CONTACT: Theresa Jamerson, Office of Investment and Innovation, (202) 205–7563 or *sbic@sba.gov*.

SUPPLEMENTARY INFORMATION:

A. Passive Businesses

Section 107.720 Small Businesses That May Be Ineligible for Financing

The Small Business Investment Act of 1958, as amended, and the SBIC program regulations prohibit an SBIC from making passive investments. The implementing regulation at 13 CFR 107.720(b) defines a business as passive if: (1) It is not engaged in a regular and continuous business operation; (2) its employees do not carry on the majority of day-to-day operations, and the company does not exercise day-to-day control and supervision over contract workers; or (3) the business passes through substantially all financing proceeds to another entity.

The current regulation provides for two exceptions that allow an SBIC to structure an investment utilizing a passive small business as a pass-through. The first exception, identified in § 107.720(b)(2), permits an investment utilizing up to two passive entities, as long as substantially all of the financing proceeds are passed through to one or more active ''subsidiary companies,'' each of which is an eligible small business. The regulation defines a subsidiary company as one in which the financed passive business directly or indirectly owns at least 50% of the outstanding voting securities. As an example, this exception allows an SBIC to finance

ABC Holdings 1, a passive small business, with the proceeds flowing through ABC Holdings 2, another passive small business, and then to ABC Manufacturing, a non-passive small business in which ABC Holdings 1 owns directly or indirectly at least 50% of the outstanding voting securities. SBA also interprets § 107.720(b)(2) to permit a financing to ABC Holdings 1 that is used to acquire an ownership interest in ABC Manufacturing (either directly or indirectly through ABC Holdings 2). In this case, ABC Manufacturing would have to qualify as a subsidiary of ABC Holdings 1 post-acquisition.

The second exception, identified in § 107.720(b)(3), allows a partnership SBIC, with SBA's prior approval, to form and finance a passive, wholly-owned C corporation (commonly known as a blocker corporation) that in turn provides financing to an active, unincorporated small business. This structure is permitted only if a direct financing of the unincorporated small business would cause at least one of the SBIC's investors to incur Unrelated Business Taxable Income (UBTI) under section 511 of the Internal Revenue Code, which may arise from an activity engaged in by a tax-exempt organization that is not related to the tax-exempt purpose of that organization.

SBA published a final rule (79 FR 62819) on October 21, 2014 that expanded the exception contained in § 107.720(b)(2) to allow two levels of pass-through entities, as described above. Prior to the rule change, the regulation permitted only one pass-through entity. As part of that rulemaking, SBA received one set of comments suggesting further expansion of the rule. In the preamble to the final rule, SBA stated that it would consider the following suggestions in future rulemaking:

(1) Revise § 107.720(b)(2) to explicitly state that an SBIC may ''form and finance'' (rather than merely ''finance'') a passive business;

(2) Eliminate the requirement for SBA's prior approval to form a blocker corporation under § 107.720(b)(3); and

(3) Revise § 107.720(b)(3) to permit an SBIC to form a blocker corporation to enable its foreign investors to avoid ''effectively connected income'' under the Internal Revenue Code.

This proposed rule addresses each of these suggestions. With respect to the suggestion to allow SBICs to not only finance, but form and finance, a passive business, SBA interprets the existing regulation to implicitly permit formation of a passive business. SBA recognizes that many SBICs have relied on § 107.720(b)(2) to finance newly-formed passive holding companies that in turn have used the proceeds to acquire active small businesses. Particularly since the regulatory restrictions on control of a small business were largely removed in 2002 in response to an amendment to the Act, a number of SBICs have taken controlling equity interests in many of their portfolio companies, typically through a holding company. In these cases the SBIC first formed, and then financed, the holding company. To formalize SBA's interpretation of the regulation, the proposed rule would revise § 107.720(b)(2) to explicitly allow SBICs to form and then finance a passive business as part of an otherwise permitted transaction. As a further clarification, and consistent with SBA's interpretation of current § 107.720(b)(2), the proposed rule would explicitly permit a financing of a passive business that uses the proceeds to acquire all or part of a non-passive business.

In considering the suggestion to eliminate the requirement for SBA prior approval to form a blocker corporation under § 107.720(b)(3), SBA acknowledges that these requests are routinely approved as long as an SBIC identifies one or more tax-exempt investors that would incur UBTI absent the blocker corporation. SBA believes the prior approval requirement could be replaced by a certification that would provide the same assurance. The proposed rule would remove the approval requirement from § 107.720(b)(3) and revise § 107.610, a regulation that requires SBICs to make certain certifications upon financing a small business, to require the SBIC to certify as to the basis of the qualification of a financing under § 107.720(b)(3), as discussed below.

In considering the suggestion to permit an SBIC to form a blocker corporation to enable its foreign investors to avoid ''effectively connected income'' (ECI), SBA believes that it is consistent with the goals of the SBIC program to encourage foreign investment that will benefit U.S. small businesses. This proposed rule would expand § 107.720(b)(3) to permit an SBIC to form a blocker corporation if a direct financing would cause its investors to incur ECI.

SBA is proposing two additional changes to § 107.720(b)(3). First, the rule proposes to remove part of the last sentence that provides that an SBIC's ownership of a blocker corporation formed under § 107.720(b)(3) will not constitute a violation of § 107.865(a). This provision was necessary when § 107.865(a) generally prohibited an SBIC from assuming control over a small business (in this case, the wholly-owned blocker corporation). On October 22, 2002, SBA published a final rule (67 FR 64789) that revised § 107.865(a) to permit an SBIC to exercise control over a small business for up to seven years without SBA approval. This rule made the carve-out in § 107.720(b)(3) unnecessary. An SBIC that needs to hold an investment in a blocker corporation longer than seven years can seek SBA approval of an extension of control in accordance with § 107.865(d).

Second, the proposed rule addresses structuring an investment with a second passive level when the first passive level is a blocker corporation formed under § 107.720(b)(3). The proposed change would allow the blocker corporation to either (1) directly finance a non-passive small business, or (2) provide financing to a second passive small business that passes the proceeds through to a non-passive small business in which it owns at least 50 percent of the outstanding voting securities. SBA's intention in proposing this change is to provide SBICs with flexibility similar to that provided in § 107.720(b)(2), while still limiting investments to a maximum of two passive levels to ensure effective oversight of SBICs.

The proposed revisions of § 107.720(b)(2) and (3), particularly when added to the changes promulgated in the October 21, 2014 final rule, would provide SBICs with considerably more flexibility to invest through passive holding companies and can be expected to increase the prevalence of permissible passive investments in the SBIC program. As a result, SBA has also reviewed certain credit concerns it has related to passive investments. As noted in the October 21, 2014 final rule, these concerns relate specifically to SBA's ability to collect from SBICs that default on their debt to SBA. Even under § 107.720(b) as it existed prior to the final rule, SBA had encountered issues that adversely affected its recoveries from defaulting SBICs with assets that were held indirectly through a passive company: These concerns included the effect of fees and expenses charged at each level, potentially diverting money from the actual investment and returns, as well as SBA's potential lack of access to the books and records of the passive business(es). To address these concerns, proposed § 107.720(b)(4) would add or clarify the following requirements with respect to any passive investment made under § 107.720(b)(2) or (b)(3):

(1) Clarifying the meaning of ''*substantially all.''* Current § 107.720(b)(2) requires ''substantially all'' financing proceeds to be passed

through to an eligible non-passive small business, but does not define what constitutes ''substantially all.'' SBA believes that a specific definition would help ensure that eligible small businesses benefit from the financing dollars, as intended, and would provide SBICs and SBA with more certainty that a transaction complies with the regulations. SBA proposes to define ''substantially all'' for purposes of this regulation to mean 99 percent of the financing proceeds *after* deduction of actual application fees, closing fees, and expense reimbursements, which may not exceed those permitted under § 107.860. SBA recognizes that SBICs engage in many different types of financing transactions, and does not seek to impose a definition that interferes with an SBIC's ability to structure a transaction appropriately; however, SBA believes the amount of the proceeds received by the non-passive business should not be reduced merely because of the SBIC's use of one or more passive vehicles.

(2) Requiring fees charged by an SBIC or its Associate to not exceed those permitted if the SBIC had directly financed the eligible Small Business. Among SBICs that have defaulted on SBA leverage, SBA has observed that passive investments are often associated with higher overall fees than direct investments in active small businesses. As noted in the preamble to the October 2014 final rule, SBA is concerned that excessive fees may reduce the funding provided to the active small business investment and adversely affect returns to the SBIC. To limit the potential for excessive fees in financings permitted under § 107.720(b)(2) and (b)(3), SBA is proposing to add a provision to clarify that fees collected by SBICs and their Associates under §§ 107.860 and 107.900 may not exceed the fees that would be permitted under the same two sections if the SBIC directly financed a non-passive small business. The proposed rule also provides that such fees be remitted to the SBIC within 30 days of receipt. This requirement will help SBA regulate whether the fees meet regulatory requirements, ensure that the SBIC benefits from those fees in a timely manner, and help in the identification and recovery of fees in the case of an SBIC default.

(3) Clarifying that both passive and non-passive businesses included in a financing are ''Portfolio Concerns.'' The SBIC program regulations provide SBA with certain information rights with respect to any ''Portfolio Concern,'' defined in § 107.50 as ''a Small Business Assisted by a Licensee.'' SBA believes that in a permitted passive investment, both the passive business(es) and the non-passive business are Portfolio Concerns. Nevertheless, particularly in attempting to make recoveries from SBICs that have defaulted on SBA leverage, SBA has sometimes been hindered by a lack of access to the books and records of the passive business. Therefore, the proposed rule would add a provision under § 107.720(b)(4) to clarify that both passive and non-passive businesses included in a financing are Portfolio Concerns subject to all informational rights under 13 CFR part 107, including without limitation § 107.600, ''General requirements for Licensee to maintain and preserve records,'' and § 107.620, ''Requirements to obtain information from Portfolio Concerns.''

In the October 2014 final rule, SBA also noted that it has credit concerns regarding the increased opportunity for disproportionate distributions to entities other than the SBIC as a result of an SBIC structuring investments through a passive entity. In evaluating this concern, SBA recognized that disproportionate distributions can occur due to different securities and preferences even if the SBIC directly financed the non-passive business. SBA believes as long as an SBIC has no conflicts of interest with respect to a particular financing (other than a conflict for which SBA has provided a regulatory exemption under § 107.730), the SBIC will make a permitted passive investment with the same considerations as a direct investment. Therefore, SBA believes that a specific regulatory provision to address this issue is not needed.

Section 107.610 Required Certifications for Loans and Investments

The proposed rule would add a certification requirement to § 107.610 to require an SBIC that finances a business under § 107.720(b)(3) to certify as to the basis of the qualification of the financing. The permissible basis would be the participation of one or more investors who would be subject to either UBTI or ECI in the event of a direct financing. As part of this certification, SBICs must identify those investor(s) subject to either UBTI or ECI as part of a direct financing. As discussed previously, the certification would replace the requirement for SBA prior approval of the formation and financing of a blocker corporation.

B. Technical Changes to Regulations

Section 107.50 Definition of Terms

The proposed rule would correct the typographical error of ''Associates's'' to ''Associate's'' in the last sentence under the ''Lending Institution'' definition.

Section 107.210 Minimum Capital Requirements for Licensees

SBICs typically have an investment period in which they draw capital and provide financings to small businesses, followed by a harvest and wind-up period in which they realize investments and repay capital to their private investors. SBA approves SBIC wind-up plans in accordance with § 107.590(c) and capital distributions above 2% in accordance with § 107.585. To conform with SBA's current oversight practices, the proposed rule would modify paragraph (a) of § 107.210 to allow both Leverageable Capital and Regulatory Capital to fall below the stated minimums if the reductions are performed in accordance with an SBA-approved wind-up plan per § 107.590(c).

Section 107.503 Licensee's Adoption of an Approved Valuation Policy

The proposed rule would change the last sentence of § 107.503(a) to indicate that valuation guidelines for SBICs may be obtained from the SBIC program's public Web site, *www.sba.gov/inv*. SBA maintains SBIC-related guidelines and policies on this Web site as a convenience to the public.

Section 107.630 Requirement for Licensees To File Financial Statements With SBA (Form 468)

Current § 107.630(d) provides a mailing address for submission of SBA Form 468. These instructions are no longer necessary because SBICs submit this information electronically using the SBA's web-based application. The proposed rule would remove this paragraph and redesignate paragraph (e) as paragraph (d).

Section 107.1100 Types of Leverage and Application Procedures

The proposed rule would correct the misspelling of ''Yu'' to ''You'' in the second to the last sentence in paragraph (b). The proposed rule would also remove paragraph (c) which identifies where to send Leverage applications. This paragraph is unnecessary because the application forms provide these instructions.

Compliance With Executive Orders 12866, 12988, 13132, and 13563, the Paperwork Reduction Act (44 U.S.C. Ch. 35) and the Regulatory Flexibility Act (5 U.S.C. 601–612)

Executive Order 12866

The Office of Management and Budget has determined that this rule is not a

''significant'' regulatory action under Executive Order 12866. This is also not a ''major'' rule under the Congressional Review Act, 5 U.S.C. 801, *et seq.*

Executive Order 12988

This action meets applicable standards set forth in section 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or presumptive effect.

Executive Order 13132

The proposed rule would not have substantial direct effects on the States, or the distribution of power and responsibilities among the various levels of government. Therefore, for the purposes of Executive Order 13132, Federalism, SBA determines that this proposed rule has no federalism implications warranting the preparation of a federalism assessment.

Executive Order 13563

This proposed rule was developed in response to the comments received on previous amendments to the regulations concerning investments in passive businesses. As part of that rulemaking, published on October 21, 2014 at 79 FR 62819, SBA received one set of comments suggesting further expansion of the rule. The commenter suggested that SBA consider: (1) Revising § 107.720(b)(2) to explicitly state that an SBIC may ''form and finance'' (rather than merely ''finance'') a passive business; (2) eliminating the requirement for SBA's prior approval to form a blocker corporation under § 107.720(b)(3) and requiring a certification instead; and (3) revising § 107.720(b)(3) to permit an SBIC to form a blocker corporation to enable its foreign investors to avoid ''effectively connected income'' under the Internal Revenue Code. SBA discussed these concerns and informational requirements with industry representatives as part of its evaluation of these comments and development of this proposed rule.

Paperwork Reduction Act, 44 U.S.C. Ch. 35

SBA has determined that this rule would impose additional reporting and recordkeeping requirements under the Paperwork Reduction Act. In particular this rule proposes changes to the Portfolio Financing Report, SBA Form 1031 (OMB Control Number 3245–0078), to clarify information to be reported in Parts A, B, and C of the form. The proposed changes, described in detail below, also include designating current Part D as Part F and adding new Parts D and E.

The title, description of respondents, description of the information collection and the proposed changes to it are discussed below with an estimate of the revised annual burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information.

SBA invites comments on: (1) Whether the proposed changes to Form 1031 are necessary for the proper performance of SBA's functions, including whether the information will have a practical utility; (2) the accuracy of SBA's estimate of the burden of the proposed collections 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 respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Please send comments by the closing date for comment for this proposed rule to the address set forth above in the **ADDRESSES** section and to SBA Desk Officer, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street NW., Washington, DC 20503.

Title: Portfolio Financing Report, SBA Form 1031 (OMB Control Number 3245–0078).

Summary: SBA Form 1031 is a currently approved information collection. SBA regulations, specifically, § 107.640, require all SBICs to submit a Portfolio Financing Report using SBA Form 1031 for each financing that an SBIC provides to a Small Business Concern within 30 days after closing an investment. SBA uses the information provided on Form 1031 to evaluate SBIC compliance with regulatory requirements. The form is also SBA's primary source of information for compiling statistics on the SBIC program as a provider of capital to small businesses.

SBA proposes to revise the form as follows:

(1) *Clarifying the SBIC should report the non-passive Small Business Concern information in the Form 1031.* SBA has noted that SBICs sometimes report data on the passive Small Business Concern rather than the non-passive Small Business Concern when reporting financing information. SBA intends to clarify that the SBIC should report data on the non-passive Small Business Concern when reporting information on financings using passive businesses in the Form 1031 Part A—the Small Business Concern; Part B—the pre-financing data; and Part C—the financing information, with the exception of the financing dollars in Question 29. The amount of financing dollars provided by the SBIC should be the total amount of such financing, regardless of whether the dollars were provided directly or indirectly to the non-passive business concern. Example: The SBIC provides $5 million in equity to ABC Holding Corporation, which passes $4.98 million to the non-passive business, Acme Manufacturing LLC. In addition, the SBIC provides $5 million in debt directly to Acme Manufacturing LLC. The SBIC would report information on Acme Manufacturing LLC in Parts A, B, and C. However, the total financing dollars would be reported as $5 million in equity and $5 million in debt for a total of $10 million in total financing dollars.

(2) *Identifying financings using one or more passive businesses.* SBA is proposing to add a question as to whether the financing utilizes one or more passive businesses as part of the financing, to help SBA identify these financings.

(3) *Adding information on passive business financings to aid in regulatory compliance monitoring.* SBA is proposing to have SBICs upload a file in Portable Document Format (PDF) that contains information needed to help SBA assess whether the financing meets regulatory compliance. The proposed file would contain the following information on the passive business financing:

(a) *Qualifying exception:* The SBIC would identify under which passive business exception the financing is made (§ 107.720(b)(2) Exception for pass-through of proceeds to subsidiary, or § 107.720(b)(3) Exception for certain Partnership Licensees). If the SBIC indicates that the financing is made under § 107.720(b)(3), it would also indicate the qualifying basis for the financing (*i.e.,* financing would cause an investor in the fund to incur either unrelated business taxable income or effectively connected income).

(b) *Passive Business Entities:* The SBIC would be required to clearly identify the name and employer ID for each passive business entity used within the financing. This is needed so that SBA can identify all Portfolio Concerns involved in the financing.

(c) *Financing Structure Description:* SBA is also proposing that the SBIC describe the financing structure,

including the flow of the money between the SBIC and the non-passive Small Business Concern that receives the proceeds (including amounts and types of securities between each entity), and the ownership from the SBIC through each entity to the non-passive Small Business Concern. This information will help SBA assess that the Small Business Concern receives ''substantially all'' the financing dollars and the ownership percentages are in compliance with the regulations. This will also help SBA if an SBIC is transferred to the Office of Liquidation to identify the structure of the financing and aid in recovery of SBA leverage.

4. *Impact Fund Policy Initiative* Although not resulting from this rule, the new proposed Part D would provide a vehicle for SBICs licensed to participate in SBA's Impact Investment Fund (Impact Fund) to identify whether they are reporting on an SBA-identified impact investment or a Fund-identified impact investment. The Impact Fund was launched in April 2011 as part of President Obama's Start-Up America Initiative. See, [*https://www.sba.gov/about-sba/sba-initiatives/startup-america/about-startup-america.*] The initiative was amended in September 2014 to allow Impact SBICs to invest in self-identified impact investments. [*https://www.sba.gov/sites/default/files/articles/SBA%20Impact%20Investment%20Fund%20Policy%20-%20September%202014_1.pdf* or *https://www.sba.gov/content/new-2014-expanding-sbas-impact-fund*] While Impact SBICs, like all SBICS have been using Form 1031 to report on their financings, SBA has determined that it would be beneficial to Impact SBICs, if SBA Form 1031 were to include questions specifically targeted towards impact investments. As a result the agency is proposing to add two questions regarding whether the investment is a fund-identified impact investment or SBA-identified impact investment.

Description of Respondents and Burden: There are currently 299 licensed SBICs. All of these SBICs are required to submit SBA Form 1031 for each financing. The current estimated number of responses (*i.e.,* number of financings) is 2,021 based on the past three years (FY 2012 through 2014). The current estimate indicates that it takes approximately 12 minutes to complete the form, for a total annual burden of 404 hours. Neither the number of respondents nor the number of responses per year is expected to be affected by this proposed rule. However, SBA estimates a slight increase in the burden hour as a result of the additional reporting in new Parts D (Impact Investments) and Part E (Passive Business).

Impact Fund Reporting. This reporting is expected to have minimal impact. The estimated eight SBICs making impact investments would complete new proposed Part D an estimated total 56 times annually. At an estimated 2 minutes per response, this additional reporting would add 2 hours to the annual burden for Form 1031.

Passive Business Reporting. SBA believes that the SBIC should be able to provide the proposed passive business information since it should be readily available as part of the financing. SBA estimates that providing the proposed information will take on average an additional 30 minutes for those financings utilizing passive businesses, with no incremental burden for those financings that do not use a passive business. SBA estimates that about 12% of the annual responses relate to passive businesses financings (based on financing data in 2014). Based on the number of SBICS reporting such financings the total estimated annual hour burden resulting from new Part E reporting would be 122.

Therefore the total estimated annual hour burden for all SBICs submitting SBA Form 1031s in a year would be 528 hours.

The current cost estimate for completing SBA Form 1031 uses a rate of $35 per hour for an accounting manager to fill out the form. Using that same rate, the cost per form would change from $7 per form to $9.14 per form. However, SBA has increased its estimate of an hourly rate for an accounting manager to $43 per hour (estimated using *www1.salary.com/Accounting-Manager-hourly-wages.html* in July 2015), which rate results in a new cost per form of $11.23 for an aggregate cost of $22,704 for the 2,021 estimated responses.

The recordkeeping requirements under the proposed rule also identify information that an SBIC must maintain in its files to support the required changes. SBA believes that the SBICs should already be maintaining this information since a passive business by definition is a Portfolio Concern and the SBIC should be maintaining all documents needed to support each financing. The proposed rule makes this expectation explicit. Furthermore, currently, an SBIC must maintain this information for it to effectively monitor and evaluate an investment that uses a passive business to finance a non-passive business. Therefore, SBA does not believe this recordkeeping requirement should increase the burden. The proposed rule also requires a certification under § 107.610 when the SBIC makes a financing using the proposed exemption § 107.720(b)(3). This includes maintaining records supporting the certification. Since this regulation effectively replaces the current requirement for SBICs to seek prior SBA approval and maintain these records, SBA does not believe this change will increase the burden.

Regulatory Flexibility Act, 5 U.S.C. 601–612

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601, requires administrative agencies to consider the effect of their actions on small entities, small non-profit businesses, and small local governments. Pursuant to the RFA, when an agency issues a rule, the agency must prepare an Initial Regulatory Flexibility Act (IRFA) analysis which describes whether the impact of the rule will have a significant economic impact on a substantial number of small entities. However, Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an IRFA, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. This proposed rule would affect all SBICs, of which there are currently close to 300. SBA estimates that approximately 75 percent of these SBICs are small entities. Therefore, SBA has determined that this proposed rule would have an impact on a substantial number of small entities. However, SBA has determined that the impact on entities affected by the rule would not be significant. The proposed changes in the passive business regulation would provide SBICs with additional flexibility to employ transaction structures commonly used by private equity or venture capital funds that are not SBICs.

SBA asserts that the economic impact of the rule, if any, would be minimal and beneficial to small SBICs. Accordingly, the Administrator of the SBA certifies that this rule would not have a significant impact on a substantial number of small entities.

List of Subjects in 13 CFR Part 107

Investment companies, Loan programs-business, Reporting and recordkeeping requirements, Small businesses.

For the reasons stated in the preamble, the Small Business Administration proposes to amend 13 CFR part 107 as follows:

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

■ 1. The authority citation for part 107 is revised to read as follows:

Authority: 15 U.S.C. 681, 683, 687(c), 687b, 687d, 687g, 687m.

§ 107.50 [Amended]

■ 2. Amend § 107.50 by removing from the definition of ''Lending Institution'' the term ''Associates's'' and adding in its place the term ''Associate's''.

■ 3. Amend § 107.210 by revising the paragraph (a) introductory text to read as follows:

§ 107.210 Minimum capital requirements for Licensees.

(a) *Companies licensed on or after October 1, 1996.* A company licensed on or after October 1, 1996, must have Leverageable Capital of at least $2,500,000 and must meet the applicable minimum Regulatory Capital requirement in this paragraph (a), unless lower Leverageable Capital and Regulatory Capital amounts are approved by SBA as part of a Wind-Up Plan in accordance with § 107.590(c):

* * * * *

■ 4. Amend § 107.503 by revising the last sentence of paragraph (a) to read as follows:

§ 107.503 Licensee's adoption of an approved valuation policy.

(a) * * * These guidelines may be obtained from SBA's SBIC Web site at *www.sba.gov/inv*.

* * * * *

■ 5. Amend § 107.610 by adding paragraph (g) to read as follows:

§ 107.610 Required certifications for Loans and Investments.

* * * * *

(g) For each passive business financed under § 107.720(b)(3), a certification by you, dated as of the closing date of the Financing, as to the basis for the qualification of the Financing under § 107.720(b)(3) and identifying one or more limited partners in which a direct Financing would cause those investors to incur ''unrelated business taxable income'' under section 511 of the Internal Revenue Code (26 U.S.C. 511) or ''effectively connected income'' to foreign investors under sections 871 and 882 of the Internal Revenue Code (26 U.S.C. 871 and 882).

§ 107.630 [Amended]

■ 6. Amend § 107.630 by removing paragraph (d) and redesignating paragraph (e) as paragraph (d).

■ 7. Amend § 107.720 by revising paragraphs (b)(2) and (b)(3) and adding paragraph (b)(4) to read as follows:

§ 107.720 Small Businesses that may be ineligible for financing.

* * * * *

(b) * * *

(2) *Exception for pass-through of proceeds to subsidiary.* You may provide Financing directly to a passive business, including a passive business that you have formed, if it is a Small Business and it passes substantially all the proceeds through to (or uses substantially all the proceeds to acquire) one or more subsidiary companies, each of which is an eligible Small Business that is not passive. For the purpose of this paragraph (b)(2), ''subsidiary company'' means a company in which the financed passive business either:

(i) Directly owns, or will own as a result of the Financing, at least 50 percent of the outstanding voting securities; or

(ii) Indirectly owns, or will own as a result of the Financing, at least 50 percent of the outstanding voting securities (by directly owning the outstanding voting securities of another passive Small Business that is the direct owner of the outstanding voting securities of the subsidiary company).

(3) *Exception for certain Partnership Licensees.* If you are a Partnership Licensee, you may form one or more wholly-owned corporations in accordance with this paragraph (b)(3). The sole purpose of such corporation(s) must be to provide Financing to one or more eligible, unincorporated Small Businesses. You may form such corporation(s) only if a direct Financing to such Small Businesses would cause any of your investors to incur ''unrelated business taxable income'' under section 511 of the Internal Revenue Code (26 U.S.C. 511) or ''effectively connected income'' to foreign investors under sections 871 and 882 of the Internal Revenue Code (26 U.S.C. 871 and 882). Your ownership and investment of funds in such corporation(s) will not constitute a violation of § 107.730(a). For each passive business financed under this section 107.720(b)(3), you must provide a certification to SBA as required under § 107.610(g). The wholly-owned corporation(s) formed under this paragraph may provide Financing:

(i) Directly to one or more eligible non-passive Small Businesses; or

(ii) Directly to a passive Small Business that passes substantially all the proceeds directly to (or uses substantially all the proceeds to acquire) one or more eligible non-passive Small Businesses which the passive Small Business directly owns, or will own as a result of the Financing, at least 50% of the outstanding voting securities.

(4) *Additional conditions for permitted passive business financings.* Financings permitted under paragraphs (b)(2) or (b)(3) of this section must meet all of the following conditions:

(i) For the purposes of this paragraph (b), ''substantially all'' means at least ninety-nine percent of the Financing proceeds after deduction of actual application fees, closing fees, and expense reimbursements which may not exceed those permitted by § 107.860.

(ii) If you and/or your Associate charge fees permitted by §§ 107.860 and/or 107.900, the total amount of such fees charged to all passive and non-passive businesses that are part of the same Financing may not exceed the fees that would have been permitted if the Financing had been provided directly to a non-passive Small Business. Any such fees received by your Associate must be paid to you in cash within 30 days of the receipt of such fees.

(iii) For the purposes of this part 107, each passive and non-passive business included in the Financing is a Portfolio Concern. The terms of the financing must provide SBA with access to Portfolio Concern information in compliance with this part 107, including without limitation §§ 107.600 and 107.620.

* * * * *

§ 107.1100 [Amended]

■ 8. Amend § 107.1100 by removing the term ''Yu'' in the second to the last sentence of paragraph (b) and adding in its place ''You'', and by removing paragraph (c).

Dated: September 21, 2015.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2015–25232 Filed 10–2–15; 8:45 am]

BILLING CODE 8025–01–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 201

[Release No. 34–75977; File No. S7–19–15]

RIN 3235–AL87

Amendments to the Commission's Rules of Practice

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Securities and Exchange Commission (''Commission'') is proposing for public comment amendments to its Rules of Practice that would require persons involved in

administrative proceedings to submit all documents and other items electronically. The proposed amendments are intended to enhance the accessibility of administrative proceedings by ensuring that filings and other information concerning administrative proceedings are more readily available to the public.

DATES: Comments should be received on or before December 4, 2015.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/proposed.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number S7–19–15 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number S7–19–15. This file number should be included on the subject line if email is used. To help us process and review your comments more efficiently, please use only one method of submission. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec/gov/rules/proposed.shtml*). Comments are also available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. All comments received will be posted without change; we do not edit personal identifying information in submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Adela Choi, Senior Counsel, and Laura Jarsulic, Associate General Counsel, Office of the General Counsel, (202) 551–5150, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Commission proposes to amend its Rules of Practice. The amendments are being proposed as a result of the Commission's experience with its existing rules.

I. Introduction

The Commission proposes to make targeted amendments to its Rules of Practice that would automate and modernize aspects of the filing process in administrative proceedings to facilitate the flow of information to the public. The Commission recognizes the need to ensure that public administrative proceeding records are made available to the public as quickly as possible. Roughly 100 requests for records related to administrative proceedings were made each year over the last three years, and certain records were requested by multiple members of the public.

The Commission currently is developing a comprehensive Internet-based electronic system that would, among other things, allow persons in administrative proceedings to file and serve documents electronically and facilitate the prompt distribution of public information regarding administrative proceedings. In conjunction with the development of this system, the Commission proposes to require electronic submissions. The Commission believes that electronic submissions will enhance the transparency of administrative proceedings by providing a quicker way for the Commission to make records available to the public. In addition, the Commission believes that the electronic system will increase its ability to efficiently process filings, and may decrease costs for parties who may file and serve submissions electronically, rather than in paper format.[1]

There are three main components to the proposed approach. First, persons involved in administrative proceedings who currently are required to file documents under Rules 151 and 152 of the Commission's Rules of Practice would be required to file such documents electronically through a secure system on the Commission's Web site at *www.sec.gov* that is designed to receive uploads of documents and attachments. Filing by facsimile and in paper format would no longer be permitted absent the filing of a certification that the person reasonably cannot comply with the electronic filing requirement. However, as discussed further below, for the first 90 days after the proposed amendments become final, the Commission intends to administer a phase-in period that would require all filings to be made both electronically and in paper format. Second, parties that are required to serve documents under Rule 150 would be required to serve each other electronically in the form and manner that is prescribed in the guidance posted on the Commission's Web site.

The third component would require filers to exclude or redact sensitive personal information from electronic filings and submissions in accordance with the Commission's obligation to protect such information under the Privacy Act of 1974, as amended.[2] Sensitive personal information would be defined as a Social Security number, taxpayer identification number, financial account number, credit card or debit card number, passport number, driver's license number, state-issued identification number, home address (other than city and state), telephone number, date of birth (other than year), names and initials of minor children, as well as any sensitive health information identifiable by individual, such as an individual's medical records. There are exceptions to this proposed definition. Specifically, persons need not redact the last four digits of a taxpayer identification number, financial account number, credit card or debit card number, passport number, driver's license number, and state-issued identification number. Nor would persons need to redact home addresses and telephone numbers of parties and persons filing documents with the Commission; business telephone numbers; and copies of unredacted filings by regulated entities or registrants that are available on the Commission's public Web site. The definition of sensitive personal information would not include a personal email address. We seek comments about whether the disclosure of personal email addresses generally and home addresses of parties and persons filing documents with the Commission could have an adverse

[1] As part of the ongoing effort to make records available to the public promptly, the Commission now posts on its Web site more types of documents associated with administrative proceedings, such as significant pleadings filed by parties. Previously, only documents issued by the Commission and Administrative Law Judges, such as adjudicatory initial decisions, opinions, and orders, were posted on the Web site.

[2] 5 U.S.C. 552a. Federal courts and certain federal agencies require the exclusion or redaction of certain sensitive personal information contained in filings. *See, e.g.,* Fed. R. Civ. P. 5.2 (Privacy Protection for Filings Made with the Court); Consumer Financial Protection Bureau, Rules of Practice for Adjudication Proceedings, Rule 112, 12 CFR 1081.112 (Formal Requirements as to Papers Filed); National Labor Relations Board, E-Filing Terms for Selected Documents in Unfair Labor Practice and Representation Cases, *available at http://www.nlrb.gov/sites/default/files/attachments/basic-page/node-1673/electronic_filings.pdf* (last visited Sept. 10, 2015). The electronic filings and submissions discussed herein are systems of records that the Commission has previously identified as covered by the Privacy Act.

effect on persons or parties, and whether, as a result, these terms should be included in the definition of sensitive personal information that must be excluded or redacted.

If the person making a filing believes that sensitive personal information is necessary to the proceeding, the person would need to file a motion for a protective order in accordance with Rule 322 to limit disclosure of the sensitive personal information. In accordance with the proposed amendments to Rule 322, and only if review of the documents is necessary to a ruling on the motion, the person would be required to file an unredacted version of the submission to be used by the hearing officer and the Commission for purposes of the proceeding, and a redacted version to be used for distribution to the public. A redacted version would not need to be filed if the submission would be redacted in its entirety. This reflects current practice when parties file motions for protective orders pursuant to the Rules of Practice.

As a corollary to incorporating electronic filings into the Rules of Practice, self-regulatory organizations and the Public Company Accounting Oversight Board (''PCAOB'') would be required to file electronically with the Commission a copy of a record that is the subject of an appeal.

II. Discussion of Proposed Amendments

The proposed amendments are as follows:

A. Proposed Amendments to Rule 140

Rule 140[3] requires the Secretary or other authorized person to sign Commission orders and decisions. The proposed amendment would clarify that the signature may be an electronic signature. An electronic signature could consist of an ''/s/'' notation or any other digital signature.

B. Proposed Amendments to Rule 151

Rule 151(a)[4] currently sets forth the procedural requirements for filing papers with the Commission. The proposed amendment would require a person to make filings electronically pursuant to the requirements of Rule 152(a).[5] Filing by facsimile and in paper format would no longer be permitted absent a certification filed under Rule 152(a)(1) that explains why the person reasonably cannot comply with the electronic filing requirement. During a 90-day phase-in period after adoption, filings would have to be made in both paper and electronic format.

Rule 151(d)[6] would be amended to include an email address in the certificate of service for those parties served by email.

Proposed new Rule 151(e)[7] would require persons to exclude or redact sensitive personal information, which would be defined as a Social Security number, taxpayer identification number, financial account number, credit card or debit card number, passport number, driver's license number, state-issued identification number, home address (other than city and state), telephone number, date of birth (other than year), names and initials of minor children, as well as any sensitive health information identifiable by individual, such as an individual's medical records. There would be three exceptions to the definition. First, persons may, but would not be required to, exclude or redact the last four digits of a taxpayer identification number, financial account number, credit card or debit card number, passport number, driver's license number, and state-issued identification number. Second, persons would not be required to redact home addresses and telephone numbers of parties and persons filing documents with the Commission. Third, persons would not be required to redact any information from copies of filings by regulated entities or registrants that are available on the Commission's public Web site. All filings must include a certification that any sensitive personal information has been excluded or redacted from the filing or, if necessary to the filing, has been filed under seal pursuant to Rule 322.

If the person making a filing believes that sensitive personal information is necessary to the proceeding, the person would need to file a motion for a protective order in accordance with Rule 322[8] to limit disclosure of the sensitive personal information. If review of the documents that are the subject of a motion for a protective order is necessary to a ruling on the motion, the proposed amendment to Rule 322 would require a person to file an unredacted version of the submission to be used by the hearing officer and the Commission for purposes of the proceeding, and a redacted version to be used for distribution to the public. The unredacted version would be required to have the confidential information marked and include the words ''Under Seal'' on the first page of the document. The redacted version would be required to be identical in all other respects to the unredacted version. A person would not be required to file a redacted version if the submission would be redacted in its entirety. This process would be required for all kinds of motions for protective orders made pursuant to Rule 322, *i.e.,* not just those motions filed regarding sensitive personal information.

C. Proposed Amendments to Rule 152

Like Rule 151, the proposed amendments to Rule 152(a) would make clear that all filings shall be made electronically. Rule 152(a) would direct persons to follow guidance issued by the Secretary on the Commission's Web site at *www.sec.gov*. For example, the guidance would provide instructions on how to file electronically through a secure system on the Commission's Web site or other means; information about the Commission's Privacy Act obligations, including information about a filer's responsibilities to redact sensitive personal information; and the terms and conditions of using the Web site. Generally speaking, persons would use the secure system on the Commission's Web site pursuant to Rule 152 to file documents, such as briefs and motions and their attachments, petitions for review, and applications for review. Under Rule 152(a), papers would need to be filed on the secure system before midnight Eastern Time, as opposed to 5:30 p.m. Eastern Time, the current deadline for filing papers.

The Commission recognizes that a person involved in an administrative proceeding may be unable to submit documents electronically during either the entire proceeding or a portion thereof. For example, a person who is incarcerated at the time of the proceeding may not have access to the Internet or other electronic media necessary to file documents through the Commission's secure system. There may be other reasons why a person reasonably cannot comply with the electronic filing requirement.

A person who reasonably cannot comply with the requirement must file a certification under Rule 152(a)(1) that explains why the person reasonably cannot comply. The filing also must indicate the expected duration of the person's reasonable inability to comply, such as whether the certification is intended to apply to a solitary filing or all filings made during the proceeding. The certification is immediately effective. Upon filing the certification, it will be part of the record of the proceeding, and the person may file

[3] 17 CFR 201.140.

[4] 17 CFR 201.151(a).

[5] 17 CFR 201.152(a).

[6] 17 CFR 201.151(d).

[7] 17 CFR 201.151(e).

[8] 17 CFR 201.322.

paper documents by any additional method listed in Rule 152(d).

Rule 152(a) would be amended to provide additional methods of filing if a person reasonably cannot comply with the electronic filing requirements. Filers should take note that the Commission would need to receive mailed, couriered, or hand-delivered filings by 5:30 p.m. Eastern Time because the Commission is unable to accept such filings after that time. The Commission would need to receive facsimile transmissions by midnight Eastern Time.

The proposed amendment also would provide that electronic filings that require a signature pursuant to Rule 153 [9] may be signed with an ''/s/'' notation, which shall be deemed the signature of the person making the filing for purposes of Rule 153.

D. Proposed Amendments to Rule 351

Rule 351 [10] currently sets forth the requirements regarding the transmittal of documents to the Secretary and the preparation, issuance, and certification of a record index. Rule 351(b) [11] requires the hearing officer to transmit to the Secretary an index of the originals of any motions, exhibits or any other documents filed with or accepted into evidence by the hearing officer that have not been previously transmitted to the Secretary. The Secretary then shall prepare a record index and transmit it to the hearing officer and serve a copy on each party. Any person may file proposed corrections to the record index with the hearing officer within fifteen days of service of the record index. The proposed amendment to Rule 351(b) would reduce that amount of time to three days but would provide persons who oppose the proposed corrections three days to file an opposition.

Proposed new Rule 351(c) [12] would state that, no later than five days after the Secretary serves a final record index, the parties shall submit electronically, through the same secure system used for filings under Rules 151 and 152, copies of all exhibits that were admitted, or offered and not admitted, during the hearing, and any other exhibits that were admitted after the hearing. The parties shall submit such evidence in the form and manner that is prescribed in the guidance posted on the Commission's Web site and shall certify that exhibits and other documents or items submitted to the Secretary are true and accurate copies of exhibits that were admitted, or offered and not admitted, during the hearing. Generally speaking, parties would follow Rule 351 to submit record exhibits and other documents or items that are not attached to filings, *i.e.,* materials accepted into evidence by a hearing officer under Rule 351 in connection with an in-person hearing. As under Rule 151(a), the submission deadline depends on the method of delivery that is used.

As under Rule 151(e), the proposed amendment to Rule 351(c) would set forth the same definition of sensitive personal information, require its redaction or omission from all submissions under Rule 351, provide a process for seeking a protective order under Rule 322 with respect to sensitive personal information that is necessary to the proceeding, and require a certification that sensitive personal information has been excluded or redacted or filed under seal. A person who reasonably cannot submit exhibits electronically must file a certification under Rule 351(c)(2) that explains why the person reasonably cannot comply. The filing also must indicate the expected duration of the person's reasonable inability to comply, such as whether the certification is intended to apply to a solitary submission or all submissions made during the proceeding. The certification is immediately effective. Upon filing the certification, it will be part of the record of the proceeding, and the person shall submit originals of any exhibits that have not already been submitted to the Secretary by other means. Rule 351(c) also would state that electronic submissions that require a signature pursuant to Rule 153 may be signed with an ''/s/'' notation, which shall be deemed the signature of the person making the filing for purposes of Rule 153.

E. Phase-In Period

For the first 90 days after the proposed amendments become final, the Commission intends to administer a phase-in period that would require all filings to be made both electronically and in paper format. The Commission preliminarily believes that a 90-day phase-in period is a reasonable amount of time for persons to become proficient in the electronic filing procedures while ensuring that the Commission receives the filing should there be an electronic transmission failure. However, it may be appropriate to extend the phase-in period if persons are experiencing substantial difficulties with the electronic filing.

F. Other Proposed Amendments

Rule 150(c) [13] would be amended to require parties to serve each other electronically in the form and manner that is prescribed in the guidance posted on the Commission's Web site. Electronic service by email is a practice that appears to occur already in administrative proceedings. Electronic service would need to occur contemporaneously with filing, and the timing of service would therefore differ depending on the filing method. As with electronic filing, a party who reasonably cannot comply with the electronic service requirement must file a certification under Rule 150(c)(1) that explains why the person reasonably cannot comply. The filing also must indicate the expected duration of the person's reasonable inability to comply, such as whether the certification is intended to apply to a solitary instance of service or all instances of service made during the proceeding. The certification is immediately effective. Upon filing the certification, it will be part of the record of the proceeding, and the person may serve paper documents by any additional method listed in Rule 150(d). Rule 150(d) would be amended to provide additional methods of service if a person reasonably cannot comply with the electronic service requirements, or if service is of an investigative subpoena pursuant to 17 CFR 203.8. Under Rule 150(e),[14] electronic service would be deemed complete upon transmission.

Rule 141(b) [15] would be amended to allow the Secretary to serve orders and decisions, other than an order instituting proceedings, electronically.

Currently, Rule 102(d) [16] requires a person to provide to the Commission certain contact information that may be used during an administrative proceeding. The proposed amendment clarifies that a mailing address and an email address shall be provided under paragraphs (d)(1), (d)(2), and (d)(4).[17]

Rule 193 [18] currently provides that an original and three copies of an application shall be filed under Rules 151, 152, and 153, and that such application shall be supported by a manually signed affidavit. The proposed amendment would delete the term ''manually,'' delete the reference to one original and three copies, and leave the

[9] 17 CFR 201.153.

[10] 17 CFR 201.351.

[11] 17 CFR 201.351(b).

[12] 17 CFR 201.351(c).

[13] 17 CFR 201.150(c).

[14] 17 CFR 201.150(e).

[15] 17 CFR 201.141(b).

[16] 17 CFR 201.102(d).

[17] 17 CFR 201.102(d)(1), (d)(2), (d)(4).

[18] 17 CFR 201.193.

cross reference to Rules 151, 152, and 153 to account for electronic filing.

Rule 420 [19] sets forth the requirements regarding appeals of determinations by self-regulatory organizations. Currently, Rule 420(e) [20] requires a self-regulatory organization to certify and file with the Commission one copy of the record upon which the action complained of was taken, to file with the Commission three copies of an index to such record, and to serve upon each party one copy of the index within fourteen days after receiving an application for review or a Commission order for review. The proposed amendment would require the self-regulatory organization to file such information electronically. Further, if such information contains sensitive personal information, the self-regulatory organization would be required to file electronically a copy of the record and index that redacts or omits the sensitive personal information and to certify that any sensitive personal information has been excluded or redacted. The requirements for filing and serving would continue to be governed by Rules 150–152.

Rule 440 [21] sets forth the requirements regarding appeals of determinations by the PCAOB. Rule 440(d) [22] currently requires the PCAOB to certify and file with the Commission one copy of the record upon which it took the complained of action, to file with the Commission three copies of an index to such record, and to serve upon each party one copy of the index within fourteen days after receiving an application for review. The proposed amendment would require the PCAOB to file such information electronically. Further, if such information contains sensitive personal information, the PCAOB would be required to file electronically a redacted copy of the record and index that redacts or omits the sensitive personal information and to certify that any sensitive personal information has been excluded or redacted. The requirements for filing and serving would continue to be governed by Rules 150–152.

The United States Postal Service changed the name of the product known as Express Mail to Priority Mail Express. Rule 141(a)(2)(i), (ii), (iii), (vi), (a)(3) and Rule 150(a)(2), (d) would be amended to refer generically to ''express mail.''

III. Request for Public Comment

We request and encourage any interested person to submit comments regarding: (1) The definition of sensitive personal information, (2) the potential adverse effects, if any, of disclosing personal email addresses and home addresses of parties and persons filing documents with the Commission, (3) alternative approaches to handling personal email addresses and home addresses of parties and persons filing documents with the Commission, (4) the other proposed changes that are the subject of this release, (5) additional or different changes, or (6) other matters that may have an effect on the proposals contained in this release.

IV. Administrative Procedure Act, Regulatory Flexibility Act, and Paperwork Reduction Act

The Commission finds, in accordance with Section 553(b)(3)(A) of the Administrative Procedure Act,[23] that these revisions relate solely to agency organization, procedure, or practice. They are therefore not subject to the provisions of the Administrative Procedure Act requiring notice, opportunity for public comment, and publication. The Regulatory Flexibility Act [24] therefore does not apply.[25] Nonetheless, the Commission has determined that it would be useful to publish these proposed rules for notice and comment before adoption. Because these rules relate to ''agency organization, procedure or practice that does not substantially affect the rights or obligations of non-agency parties,'' they are not subject to the Small Business Regulatory Enforcement Fairness Act.[26] To the extent these rules relate to agency information collections during the conduct of administrative proceedings, they are exempt from review under the Paperwork Reduction Act.[27]

V. Economic Analysis

The Commission is sensitive to the costs and benefits of its rules. The current processes and filing requirements for administrative proceedings serve as the baseline against which the economic impacts of the proposed rules are measured. At present, submissions are permitted to be filed with the Commission in paper format or by facsimile followed by a paper submission. The Commission's current Rules of Practice do not identify sensitive personal information that must be redacted from these documents by those who file them. Instead, such redaction is undertaken by the Commission when necessary in responding to document requests from the public or posting documents on the Commission's public Web site. Service by email is already generally an accepted practice by parties to administrative proceedings who mutually agree to it, although it is not expressly permitted by rule.

The scope of the benefits and costs of the proposed rules depends on the expected volume of administrative proceedings and the number of filed documents and document requests associated with these proceedings. In fiscal year 2014, 230 new administrative proceedings were initiated and not settled immediately. New proceedings initiated and not immediately settled in fiscal years 2013 and 2012 totaled 202 and 207 respectively.[28] From 2011 to 2013, an average of approximately 1,900 filings were submitted per fiscal year in relation to litigated proceedings, including filings by outside parties as well as Commission staff. These filings consist of one or more documents, such as motions, briefs, and record exhibits, and the length of the filings generally ranges from one page to a few thousand pages. The Commission also received numerous requests from the public to release documents related to these proceedings. Requests for records related to administrative proceedings (both settled and litigated) numbered 127, 83, and 100 for fiscal years 2013, 2012, and 2011 respectively.

The implementation of electronic filing and the related proposed rules are intended to improve the efficiency and transparency of the Commission's operations and to modernize the document management process to be consistent with common practice in other tribunals. Benefits of the proposed rules are anticipated to accrue to the public and outside parties to administrative proceedings as well as the Commission.

Specifically, the proposed rules may benefit members of the public with an interest in the Commission's administrative proceedings by permitting the Commission to more

[19] 17 CFR 201.420.

[20] 17 CFR 201.420(e).

[21] 17 CFR 201.440.

[22] 17 CFR 201.440(d).

[23] 5 U.S.C. 553(b)(3)(A).

[24] 5 U.S.C. 601–612.

[25] *See* 5 U.S.C. 603.

[26] 5 U.S.C. 804(3)(C).

[27] *See* 44 U.S.C. 3518(c)(1)(B)(ii); 5 CFR 1320.4 (exempting collections during the conduct of administrative proceedings or investigations).

[28] The total number of administrative proceedings initiated and not immediately settled each fiscal year encompasses a variety of types of proceedings, including proceedings instituted pursuant to Section 12(j) of the Securities Exchange Act of 1934 seeking to determine whether it is necessary and appropriate for the protection of investors to suspend or revoke the registration of an issuer's securities and proceedings instituted under Section 15(b) of the Exchange Act or Section 203(f) of the Investment Advisers Act of 1940 seeking to determine what, if any, remedial action is appropriate in the public interest.

quickly make public the documents relating to these proceedings. The proposed rules may increase the speed at which information from administrative proceedings is transmitted as well as the overall transparency of these proceedings. Additionally, parties to administrative proceedings may benefit from the increased flexibility enabled by the changes, such as the Commission's acceptance of electronic and facsimile submissions until midnight rather than the close of business on a given day. These parties may also benefit from savings on printing and mailing costs because, after the phase-in period, filing paper copies generally will not be required. In addition, the changes expressly require service by electronic means, which may increase further the savings in printing and mailing. The Commission's response to document requests is expected to be more time- and cost-effective due to the efficiency of electronic retrieval and the fact that sensitive information will have been redacted in advance. However, the magnitude of the above benefits is difficult to quantify due to the limitations of existing data.

The costs of the proposal will be borne by the Commission as well as the outside parties to administrative proceedings. The proposed rules place the primary burden of redacting sensitive personal information on the parties submitting documents in administrative proceedings—either outside parties or Commission staff—following common practice in federal courts. The Commission believes that parties filing documents are well positioned to redact the documents—or initially draft documents to avoid the use of sensitive personal information—and that the proposed narrow definition of sensitive personal information will limit the burden on parties required to redact documents. The Commission recognizes, however, that the costs of reviewing and editing the content to protect sensitive information might be significant for some parties. Additionally, when sensitive personal information is necessary to the proceedings, outside parties or the Commission may expend additional resources filing a motion for a protective order in accordance with Rule 322 to limit disclosure of the sensitive information and to prepare a redacted and unredacted version of the documents.

Parties to administrative proceedings will also bear any incremental burden of electronic filings over the current practice of facsimile or paper transmissions. The magnitude of costs will depend primarily on whether the original format of the documents to be submitted is electronic or whether they must be scanned or otherwise converted to an electronic format. Other factors that may affect these costs include the ease of access the party has to the internet and to any hardware and software that may be involved in processing the documents. For most parties, we do not expect these costs to be significant because, among other things, most parties already are subject to similar requirements in other kinds of legal proceedings or have access to the Internet and conversion programs at a reasonable cost. Further, these potential burdens may be mitigated for some parties as the proposed rules provide for relief from the electronic filing requirements in situations in which a party certifies a reasonable inability to comply with the electronic filing requirements.

As an alternative to the proposed rules, the Commission could implement electronic filing with different requirements. In particular, the Commission could continue to allow the filing of unredacted documents—requiring that redaction be undertaken by Commission staff when necessary—or could permit electronic filing on a voluntary, rather than mandatory, basis. Relative to these alternatives, or to the existing paper format and facsimile document submission and management system for administrative proceedings, the Commission believes that the proposed changes achieve the benefits described above in a cost-efficient manner. The Commission does not expect significant effects on efficiency, competition, or capital formation to result from the proposed changes. And to the extent that the changes impose any burden on competition, the Commission believes that such burden would be necessary and appropriate in furtherance of the purposes of the Exchange Act.[29]

The Commission requests comment on all aspects of the economic effects of the proposal, including any anticipated impacts that are not mentioned here. We are particularly interested in quantitative estimates of the benefits and costs, in general or for particular types of participants in administrative proceedings, including smaller entities. We also request comment on reasonable alternatives to the proposed rules and on any effect the proposed rules may have on efficiency, competition, and capital formation.

[29] *See* 15 U.S.C. 78w(a)(2).

VI. Statutory Basis and Text of Proposed Amendments

These amendments to the Rules of Practice are being proposed pursuant to statutory authority granted to the Commission, including section 3 of the Sarbanes-Oxley Act of 2002, 15 U.S.C. 7202; section 19 of the Securities Act, 15 U.S.C. 77s; sections 4A, 19, and 23 of the Exchange Act, 15 U.S.C. 78d–1, 78s, and 78w; section 319 of the Trust Indenture Act of 1939, 15 U.S.C. 77sss; sections 38 and 40 of the Investment Company Act, 15 U.S.C. 80a–37 and 80a–39; and section 211 of the Investment Advisers Act, 15 U.S.C. 80b–11.

List of Subjects in 17 CFR Part 201

Administrative practice and procedure.

Text of the Amendments

For the reasons set out in the preamble, 17 CFR part 201 is proposed to be amended as follows:

PART 201—RULES OF PRACTICE

■ 4. The authority citation for Part 201, subpart D, is revised to read as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77h–1, 77j, 77s, 77u, 78c(b), 78d–1, 78d–2, 78*l,* 78m, 78n, 78o(d), 78o–3, 78s, 78u–2, 78u–3, 78v, 78w, 77sss, 77ttt, 80a–8, 80a–9, 80a–37, 80a–38, 80a–39, 80a–40, 80a–41, 80a–44, 80b–3, 80b–9, 80b–11, 80b–12, 7202, 7215, and 7217.

■ 5. Section 201.102 is amended by revising paragraphs (d)(1), (d)(2), and (d)(4) to read as follows:

§ 201.102 Appearance and practice before the Commission.

* * * * *

(d) *Designation of address for service; notice of appearance; power of attorney; withdrawal*—(1) *Representing oneself.* When an individual first makes any filing or otherwise appears on his or her own behalf before the Commission or a hearing officer in a proceeding as defined in § 201.101(a), he or she shall file with the Commission, or otherwise state on the record, and keep current, a mailing address and email address at which any notice or other written communication required to be served upon him or her or furnished to him or her may be sent and a telephone number where he or she may be reached during business hours.

(2) *Representing others.* When a person first makes any filing or otherwise appears in a representative capacity before the Commission or a hearing officer in a proceeding as defined in § 201.101(a), that person shall file with the Commission, and

keep current, a written notice stating the name of the proceeding; the representative's name, business address, email address, and telephone number; and the name, email address, and address of the person or persons represented.

* * * * *

(4) *Withdrawal.* Any person seeking to withdraw his or her appearance in a representative capacity shall file a notice of withdrawal with the Commission or the hearing officer. The notice shall state the name, mailing address, email address, and telephone number of the withdrawing representative; the name, address, and telephone number of the person for whom the appearance was made; and the effective date of the withdrawal. If the person seeking to withdraw knows the name, mailing address, email address, and telephone number of the new representative, or knows that the person for whom the appearance was made intends to represent him- or herself, that information shall be included in the notice. The notice must be served on the parties in accordance with § 201.150. The notice shall be filed at least five days before the proposed effective date of the withdrawal.

* * * * *

■ 6. Section 201.140 is amended by revising paragraph (a) to read as follows:

§ 201.140 Commission orders and decisions: Signature and availability.

* * * * *

(a) *Signature required.* All orders and decisions of the Commission shall be signed by the Secretary or any other person duly authorized by the Commission. The signature may be an electronic signature that consists of an ''/s/'' notation or any other digital signature.

* * * * *

■ 7. Section 201.141 is amended by:

■ a. Removing the words ''Express Mail'' each time they appear and adding in their place the words ''express mail''; and

■ b. Revising the first sentence of paragraph (b).

The revision reads as follows:

§ 201.141 Orders and decisions: Service of orders instituting proceedings and other orders and decisions.

* * * * *

(b) *Service of Orders or Decisions Other than an Order Instituting Proceedings.* Written orders or decisions issued by the Commission or by a hearing officer shall be served promptly on each party pursuant to any method of service authorized under paragraph (a) of this section or § 201.150(c) and (d). * * *

■ 8. Section 201.150 is amended by:

■ a. Redesignating paragraphs (c) and (d) as paragraphs (d) and (e);

■ b. Adding new paragraph (c);

■ c. Revising newly redesignated paragraphs (d) introductory text and (d)(4);

■ d. Revising newly redesignated paragraph (e); and

■ e. Removing the words ''Express Mail'' each time they appear and adding in their place the words ''express mail''.

The revisions and addition read as follows:

§ 201.150 Service of papers by parties.

* * * * *

(c) *How made.* Service shall be made electronically in the form and manner that is prescribed in the guidance posted on the Commission's Web site. Persons serving each other shall have provided the Commission and the parties with notice of an email address.

(1) *Certification of inability to serve electronically.* If a person reasonably cannot serve electronically, due to a lack of access to electronic transmission devices (due to incarceration or otherwise), the person promptly shall file a certification under this paragraph that explains why the person reasonably cannot comply. The filing also must indicate the expected duration of the person's reasonable inability to comply, such as whether the certification is intended to apply to a solitary instance of service or all instances of service made during the proceeding. The certification is immediately effective. Upon filing the certification, it will be part of the record of the proceeding, and the person may serve paper documents by any additional method listed in Rule 150(d).

(d) *Additional methods of service.* If a person reasonably cannot serve electronically, or if service is of an investigative subpoena pursuant to 17 CFR 203.8, service may be made by delivering a copy of the filing. *Delivery* means:

* * * * *

(4) Transmitting the papers by facsimile transmission to the person required to be served. The persons so serving each other shall have provided the Commission and the parties with notice of a facsimile machine telephone number.

(e) *When service is complete.* Electronic service is complete upon transmission. Personal service, service by U.S. Postal Service express mail or service by a commercial courier or express delivery service is complete upon delivery. Service by mail is complete upon mailing. Service by facsimile is complete upon confirmation of transmission.

■ 9. Section 201.151 is amended by revising paragraphs (a) and (d) and adding paragraph (e) to read as follows:

§ 201.151 Filing of papers with the Commission: Procedure.

(a) *When to file.* All papers required to be served upon any person shall also be filed contemporaneously with the Commission electronically pursuant to the requirements of § 201.152(a). The person making such filing is responsible for ensuring that the Commission receives a complete and legible filing within the time limit set for such filing. Documents that are attached to filings shall be filed in accordance with this Rule. Documents or items that are not attached to filings (*i.e.,* are admitted by the hearing officer at an in-person hearing), shall be submitted in accordance with § 201.351.

* * * * *

(d) *Certificate of service.* Papers filed with the Commission or a hearing officer shall be accompanied by a certificate stating the name of the person or persons served, the date of service, the method of service, and the mailing address or email address to which service was made, if not made in person.

(e) *Sensitive personal information.* Sensitive personal information is defined as a Social Security number, taxpayer identification number, financial account number, credit card or debit card number, passport number, driver's license number, state-issued identification number, home address (other than city and state), telephone number, date of birth (other than year), names and initials of minor children, as well as any sensitive health information identifiable by individual, such as an individual's medical records. Sensitive personal information shall not be included in, and must be redacted or omitted from, all filings subject to:

(1) *Exceptions.* The following information may be included and is not required to be redacted from filings:

(i) The last four digits of a taxpayer identification number, financial account number, credit card or debit card number, passport number, driver's license number, and state-issued identification number;

(ii) Home addresses and telephone numbers of parties and persons filing documents with the Commission;

(iii) Business telephone numbers; and

(iv) Copies of unredacted filings by regulated entities or registrants that are available on the Commission's public Web site.

(2) *Confidential treatment of information.* If the person making any filing believes that sensitive personal information (as defined above) contained therein is necessary to the proceeding, the person shall file unredacted documents, along with a motion for a protective order in accordance with § 201.322 to limit disclosure of unredacted sensitive personal information.

(3) *Certification.* Any filing must include a certification that any sensitive personal information as defined in § 201.151(e) has been excluded or redacted from the filing or, if necessary to the filing, has been filed under seal pursuant to § 201.322.

■ 10. Section 201.152 is amended by:
■ a. Removing paragraph (d);
■ b. Redesignating paragraphs (b) and (c) as paragraphs (c) and (d);
■ c. Redesignating paragraph (a) as paragraph (b) and revising it;
■ d. Adding new paragraph (a);
■ e. Removing newly redesignated paragraph (b)(6);
■ f. Revising newly designated paragraph (c); and
■ g. Removing the phrase ''or microfilming'' from newly redesignated paragraph (d).

The revisions and addition read as follows:

§ 201.152 Filing of papers: Form.

(a) *Electronic filing.* Papers filed in connection with any proceeding as defined in § 201.101(a) shall be filed electronically in the form and manner that is prescribed in the guidance posted on the Commission's Web site. Papers filed electronically must be received by the Commission by midnight Eastern Time on the date the filing is due.

(1) *Certification of Inability to File Electronically.* If a person reasonably cannot comply with the requirements of this section, due to a lack of access to electronic transmission devices (due to incarceration or otherwise), the person promptly shall file a certification under this paragraph that explains why the person reasonably cannot comply. The filing also must indicate the expected duration of the person's reasonable inability to comply, such as whether the certification is intended to apply to a solitary filing or all filings made during the proceeding. The certification is immediately effective. Upon filing the certification, it will be part of the record of the proceeding, and the person may file paper documents by any additional method listed in § 201.152(a)(2).

(2) *Additional methods of filing.* If a person reasonably cannot file electronically, filing may be made by hand delivering the filing by 5:30 p.m. Eastern Time through a commercial courier service or express delivery service; mailing the filing through the U.S. Postal Service by first class, certified, registered, or express mail delivery so that it is received by the Commission by 5:30 p.m. Eastern Time; or transmitting the filing by facsimile transmission so that it is received by the Commission by midnight Eastern Time.

(b) *Form.* Papers filed in connection with any proceeding as defined in § 201.101(a) shall:

(1) Reflect a page, electronically or otherwise, that measures $8\frac{1}{2} \times 11$ inches when printed, except that, to the extent that the reduction of larger documents would render them illegible when printed, such documents may be filed on larger paper;

(2) Use 12-point or larger typeface;

(3) Include at the head of the paper, or on a title page, the name of the Commission, the title of the proceeding, the names of the parties, the subject of the particular paper or pleading, and the file number assigned to the proceeding;

(4) Be paginated with left hand margins at least 1 inch wide, and other margins of at least 1 inch; and

(5) Be double-spaced, with single-spaced footnotes and single-spaced indented quotations.

(c) *Signature required.* All papers must be dated and signed as provided in § 201.153. Electronic filings that require a signature pursuant to § 201.153 may be signed with an ''/s/'' notation, which shall be deemed the signature of the person making the filing for purposes of § 201.153.

(d) *Suitability for recordkeeping.* Documents which, in the opinion of the Commission, are not suitable for computer scanning may be rejected.

* * * * *

■ 11. Section 201.193 is amended by revising paragraph (b) introductory text to read as follows:

§ 201.193 Applications by barred individuals for consent to associate.

* * * * *

(b) *Form of application.* Each application shall be supported by an affidavit, signed by the applicant, that addresses the factors set forth in paragraph (d) of this section. The application shall be filed pursuant to §§ 201.151, 201.152 and 201.153. Each application shall include as exhibits:

* * * * *

■ 12. Section 201.322 is amended by revising paragraph (a), redesignating paragraphs (b), (c), and (d) as paragraphs (c), (d), and (e), and adding new paragraph (b).

The revision and addition read as follows:

§ 201.322 Evidence: Confidential information, protective orders.

(a) *Procedure.* In any proceeding as defined in § 201.101(a), a party, any person who is the owner, subject or creator of a document subject to subpoena or which may be introduced as evidence, or any witness who testifies at a hearing may file a motion requesting a protective order to limit from disclosure to other parties or to the public documents or testimony that contain confidential information. The motion should include a general summary or extract of the documents without revealing confidential details.

(b) If review of the documents that are the subject of a request for a protective order is necessary to a ruling on the motion and the information as to which a protective order is sought is available to the movant, the motion shall be accompanied by:

(1) A complete, sealed copy of the materials containing the information as to which a protective order is sought, with the allegedly confidential information marked as such, and with the first page of the document labeled ''Under Seal.'' If the movant seeks a protective order against disclosure to other parties as well as the public, copies of the documents shall not be served on other parties; and

(2) A redacted copy of the materials containing the information as to which a protective order is sought, with the allegedly confidential information redacted. The redacted version shall indicate any omissions with brackets or ellipses, and its pagination and depiction of text on each page shall be identical to that of the sealed version. A redacted copy need not accompany a motion requesting a protective order if the materials would be redacted in their entirety.

* * * * *

■ 13. Section 201.351 is amended by revising paragraph (b), redesignating paragraph (c) as paragraph (d), and adding new paragraph (c).

The revision and addition read as follows:

§ 201.351 Transmittal of documents to Secretary; record index; electronic copy of exhibits; certification.

* * * * *

(b) *Preparation, certification of record index.* Promptly after the close of the hearing, the hearing officer shall transmit to the Secretary an index of the originals of any motions, exhibits or any other documents filed with or accepted into evidence by the hearing officer that have not been previously transmitted to the Secretary, and the Secretary shall prepare a record index. Prior to issuance

of an initial decision, or if no initial decision is to be prepared, within 30 days of the close of the hearing, the Secretary shall transmit the record index to the hearing officer and serve a copy of the record index on each party. Any person may file proposed corrections to the record index with the hearing officer within three days of service of the record index. Any opposition to the proposed corrections shall be filed within three days of service of the proposed corrections. The hearing officer shall, by order, direct whether any corrections to the record index shall be made. The Secretary shall make such corrections, if any, and issue a revised record index. If an initial decision is to be issued, the initial decision shall include a certification that the record consists of the items set forth in the record index or revised record index issued by the Secretary.

(c) *Electronic exhibits.* Within two weeks after the close of a hearing, the parties shall submit electronically to the Secretary a copy of all exhibits that were admitted, or offered and not admitted, during the hearing, and any other exhibits that were admitted after the hearing. The parties shall submit such evidence in the form and manner that is prescribed in the guidance posted on the Commission's Web site.

(1) *Sensitive personal information.* Sensitive personal information is defined as a Social Security number, taxpayer identification number, financial account number, credit card or debit card number, passport number, driver's license number, state-issued identification number, home address (other than city and state), telephone number, date of birth (other than year), names and initials of minor children, as well as any sensitive health information identifiable by individual, such as an individual's medical records. Sensitive personal information shall not be included in, and must be redacted or omitted from, all filings subject to:

(i) *Exceptions.* The following information may be included and is not required to be redacted from filings:

(A) The last four digits of a taxpayer identification number, financial account number, credit card or debit card number, passport number, driver's license number, and state-issued identification number;

(B) Home addresses and telephone numbers of parties and persons filing documents with the Commission;

(C) Business telephone numbers; and

(D) Copies of unredacted filings by regulated entities or registrants that are available on the Commission's public Web site.

(ii) *Confidential treatment of information.* If the person submitting record exhibits and other documents or items that are not attached to filings believes that sensitive personal information (as defined in § 201.351(c)(1)) contained therein is necessary to the proceeding, the person shall file unredacted documents, along with a motion for a protective order in accordance with § 201.322 to limit disclosure of unredacted sensitive personal information.

(2) *Certification of inability to submit exhibits electronically.* A person who reasonably cannot submit exhibits electronically must file a certification under § 201.351(c)(2) that explains why the person reasonably cannot comply. The filing also must indicate the expected duration of the person's reasonable inability to comply, such as whether the certification is intended to apply to a solitary submission or all submissions made during the proceeding. The certification is immediately effective. Upon filing the certification, it will be part of the record of the proceeding, and the person shall submit originals of any exhibits that have not already been submitted to the Secretary by other means.

(3) *Signature requirement.* Electronic submissions that require a signature pursuant to § 201.153 may be signed with an ''/s/'' notation, which shall be deemed the signature of the person making the submission for purposes of § 201.153.

(4) *Certification.* The parties shall certify that exhibits and other documents or items submitted to the Secretary under this rule:

(i) Are true and accurate copies of exhibits that were admitted, or offered and not admitted, during the hearing; and

(ii) That any sensitive personal information as defined in § 201.351(c) has been excluded or redacted, or, if necessary, has been filed under seal pursuant to § 201.322.

* * * * *

■ 14. Section 201.420 is amended by revising paragraph (e) to read as follows:

§ 201.420 Appeal of determinations by self-regulatory organizations.

* * * * *

(e) *Certification of the record; service of the index.* Fourteen days after receipt of an application for review or a Commission order for review, the self-regulatory organization shall certify and file electronically in the form and manner that is prescribed in the guidance posted on the Commission's Web site one unredacted copy of the record upon which the action complained of was taken. If such record contains any sensitive personal information, as defined in paragraph (e)(1) of this section, the self-regulatory organization also shall file electronically with the Commission one redacted copy of such record, subject to the following:

(1) *Sensitive personal information.* Sensitive personal information is defined as a Social Security number, taxpayer identification number, financial account number, credit card or debit card number, passport number, driver's license number, state-issued identification number, home address (other than city and state), telephone number, date of birth (other than year), names and initials of minor children, as well as any sensitive health information identifiable by individual, such as an individual's medical records. Sensitive personal information shall not be included in, and must be redacted or omitted from, all filings subject to:

(i) *Exceptions.* The following information may be included and is not required to be redacted from filings:

(A) The last four digits of a taxpayer identification number, financial account number, credit card or debit card number, passport number, driver's license number, and state-issued identification number;

(B) Home addresses and telephone numbers of parties and persons filing documents with the Commission;

(C) Business telephone numbers; and

(D) Copies of unredacted filings by regulated entities or registrants that are available on the Commission's public Web site.

(ii) [Reserved]

(2) *Index.* The self-regulatory organization also shall file electronically with the Commission one copy of an index to such record, and shall serve upon each party one copy of the index. If such index contains any sensitive personal information, as defined in paragraph (e)(1) of this section, the self-regulatory organization also shall file electronically with the Commission one redacted copy of such index, subject to the requirements of paragraphs (e)(1) introductory text and (e)(1)(i).

(3) *Certification.* Any filing made pursuant to this section must include a certification that any sensitive personal information as defined in § 201.420(e)(1) has been excluded or redacted from the filing.

■ 15. Section 201.440 is amended by revising paragraph (d) to read as follows:

§ 201.440 Appeal of determinations by the Public Company Accounting Oversight Board.

* * * * *

(d) *Certification of the record; service of the index.* Within fourteen days after receipt of an application for review, the Board shall certify and file electronically in the form and manner that is prescribed in the guidance posted on the Commission's Web site one unredacted copy of the record upon which it took the complained-of action. If such record contains any sensitive personal information, as defined in paragraph (d)(1) of this section, the Board also shall file electronically with the Commission one redacted copy of such record, subject to the following:

(1) *Sensitive personal information.* Sensitive personal information is defined as a Social Security number, taxpayer identification number, financial account number, credit card or debit card number, passport number, driver's license number, state-issued identification number, home address (other than city and state), telephone number, date of birth (other than year), names and initials of minor children, as well as any sensitive health information identifiable by individual, such as an individual's medical records. Sensitive personal information shall not be included in, and must be redacted or omitted from, all filings subject to:

(i) *Exceptions.* The following information may be included and is not required to be redacted from filings:

(A) The last four digits of a taxpayer identification number, financial account number, credit card or debit card number, passport number, driver's license number, and state-issued identification number;

(B) Home addresses and telephone numbers of parties and persons filing documents with the Commission;

(C) Business telephone numbers; and

(D) Copies of unredacted filings by regulated entities or registrants that are available on the Commission's public Web site.

(ii) [Reserved]

(2) *Index.* The Board shall file electronically with the Commission one copy of an index of such record, and shall serve one copy of the index on each party. If such index contains any sensitive personal information, as defined in paragraph (d)(1) of this section, the Board also shall file electronically with the Commission one redacted copy of such index, subject to the requirements of paragraphs (d)(1) introductory text and (d)(1)(i).

(3) *Certification.* Any filing made pursuant to this section must include a certification that any sensitive personal information as defined in § 201.440(d)(1) has been excluded or redacted from the filing.

By the Commission.

Dated: September 24, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–24705 Filed 10–2–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 201

[Release No. 34–75976; File No. S7–18–15]

RIN 3235–AL87

Amendments to the Commission's Rules of Practice

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Securities and Exchange Commission (''Commission'') is proposing for public comment amendments to update its Rules of Practice to, among other things, adjust the timing of hearings in administrative proceedings; allow for discovery depositions; clarify the rules for admitting hearsay and assertion of affirmative defenses; and make certain related amendments.

DATES: Comments should be received on or before December 4, 2015.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/proposed.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–18–15 on the subject line; or
- Use the Federal eRulemaking Portal (*http://www.regulations.gov*). Follow the instructions for submitting comments.

Paper Comments

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

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FOR FURTHER INFORMATION CONTACT: Adela Choi, Senior Counsel, and Laura Jarsulic, Associate General Counsel, Office of the General Counsel, (202) 551–5150, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Commission proposes to amend its Rules of Practice. The amendments are being proposed to update its existing rules.

I. Introduction

As it has done from time to time, the Commission proposes to amend its Rules of Practice.[1] The Commission proposes amendments to update the Rules of Practice to adjust the timing of hearings and other deadlines in administrative proceedings and to provide parties in administrative proceedings with the ability to use depositions and other discovery tools. The Commission proposes additional amendments to implement the newly available discovery tools. These proposed Rules are intended to introduce additional flexibility into administrative proceedings, while still providing for the timely and efficient disposition of proceedings. The Commission also proposes amendments to clarify certain other Rules, including the assertion of affirmative defenses in answers and the admissibility of hearsay.

II. Discussion of Proposed Amendments

The proposed amendments are as follows:

A. Proposed Amendments to Rule 360

Rule 360[2] sets forth timing for certain stages of an administrative proceeding. These stages include a prehearing period, a hearing, a period during which parties review hearing transcripts and

[1] *See, e.g., Rules of Practice,* Exchange Act Release No. 35833, 60 FR 32738 (June 9, 1995); *Rules of Practice,* Exchange Act Release No. 40636, 63 FR 63404 (Nov. 4, 1998); *Rules of Practice,* Exchange Act Release No. 48018, 68 FR 35787 (June 11, 2003); *Adoption of Amendments to the Rules of Practice and Delegations of Authority of the Commission,* Exchange Act Release No. 49412, 69 FR 13166 (Mar. 12, 2004); *Adoption of Amendments to the Rules of Practice and Related Provisions and Delegations of Authority of the Commission,* Exchange Act Release No. 52846, 70 FR 72566 (Dec. 5, 2005); *Rules of Practice,* Exchange Act Release No. 63723, 76 FR 4066 (Jan. 24, 2011).

[2] 17 CFR 201.360.

submit briefs, and then a deadline by which the hearing officer must file an initial decision with the Office of the Secretary. Under current Rule 360, the deadlines for these stages are calculated from the date of service of an order instituting proceedings. Initial decisions must be filed within the number of days prescribed in the order instituting proceedings—120, 210, or 300 days from the date of service of the order instituting proceedings. Broadly speaking, administrative proceedings instituted pursuant to Section 12(j) of the Exchange Act [3] are designated as 120-day cases, administrative proceedings seeking sanctions as a result of an injunction or conviction [4] are designated as 210-day cases, and administrative proceedings alleging violations of the securities laws are designated as 300-day cases. Because deadlines are calculated from the date of service of the order instituting proceedings, if there are delays early on in the proceeding, the hearing occurs later and the hearing officer then has less time to prepare an initial decision in advance of the Rule 360 deadline.

The amount of time for parties to prepare during the prehearing period may vary from case to case with the number of factual and legal allegations, the complexity of the claims and defenses, and the size of the record. Parties in 300-day cases, for example, have increasingly requested extensions of time to review investigative records and prepare for hearing, citing the volume and time it takes to load and then review electronic productions. Parties in such cases frequently file motions before the hearing officer or the Commission to resolve complicated issues prior to the hearing. In addition, the Chief Administrative Law Judge has sought several extensions of time for hearing officers to file initial decisions in more complicated 300-day cases.[5]

As amended, Rule 360 would include three modifications to address the timing of a proceeding. First, the deadline for filing the initial decision would run from the time that the post-hearing briefing or briefing of dispositive motions or defaults has been completed, rather than the date of service of the order instituting proceedings. This modification would divorce the deadline for the completion of an initial decision from other stages of the proceeding. Under the proposed amendment, the deadlines for initial decisions that would be designated in orders instituting proceedings would be 30, 75, and 120 days from the completion of post-hearing or dispositive briefing. The proposed length of time afforded for the preparation of an initial decision in each type of proceeding would be the same as the amount of time hearing officers are afforded under current Rule 360, if a proceeding actually progresses according to the timeline set out in the current rule.

Second, amended Rule 360 would provide a range of time during which the hearing must begin. For example, in 300-day cases, current Rule 360 states that a hearing should occur within approximately four months. The amended rule would provide that the hearing must be scheduled to begin approximately four months after service of the order instituting proceedings, but not later than eight months after service of the order.[6] Significantly, the amendment doubles the maximum length of the current rule's prehearing period. This is intended to provide additional flexibility during the prehearing phase of a proceeding and afford parties sufficient time to conduct deposition discovery pursuant to new proposed rules, while retaining an outer time limit to ensure the timely and efficient resolution of the proceeding. It also would allow respondents more time to review electronic documents in cases involving an electronic production from the Division.

Third, amended Rule 360 would create a procedure for extending the initial decision deadline by up to thirty days. This extension is intended to complement the Chief Law Judge's ability under current Rule 360 to request extensions of time from the Commission. Under amended Rule 360, the hearing officer may certify to the Commission in writing the need to extend the initial decision deadline by up to thirty days for case management purposes. This certification would need to be issued at least thirty days before the expiration of the initial decision deadline and the proposed extension would take effect if the Commission does not issue an order to the contrary within fourteen days after receiving the certification.

This procedure for extending the initial decision deadline by a thirty-day period is intended to promote effective case management by the hearing officers. For example, for a hearing officer faced with several initial decision deadlines in the same week, a thirty-day extension would provide flexibility to stagger the deadlines. The amended rule would retain the provision allowing the Chief Law Judge to request an extension of any length from the Commission, without regard to whether a hearing officer has already sought to extend the deadline.

We seek comments about the amount of time proposed for each phase of the proceeding, including the eight-month cap on the prehearing period for cases with the longest initial decision deadlines, the time allotted for post-hearing briefing, and the time provided for the hearing officer to prepare an initial decision.

B. Proposed Amendments to Rule 233

Rule 233 [7] currently permits parties to take depositions by oral examination only if a witness will be unable to attend or testify at a hearing. The proposed amendment would allow respondents and the Division to file notices to take depositions. If a proceeding involves a single respondent, the proposed amendment would allow the respondent and the Division to each file notices to depose three persons (*i.e.,* a maximum of three depositions per side) in proceedings designated in the proposal as 120-day cases (known as 300-day cases under current Rule 360). If a proceeding involves multiple respondents, the proposed amendment would allow respondents to collectively file notices to depose five persons and the Division to file notices to depose five persons in proceedings designated in the proposal as 120-day cases (*i.e.,* a maximum of five depositions per side).[8] Under the amendment, parties also could request that the hearing officer issue a subpoena for documents in conjunction with the deposition.

The proposed amendment is intended to provide parties with an opportunity to develop arguments and defenses through deposition discovery, which may narrow the facts and issues to be explored during the hearing. Allowing depositions should facilitate the

[3] 15 U.S.C. 78*l*(j).

[4] *See, e.g.,* 15 U.S.C. 78*o*(b)(6); 15 U.S.C. 80b-3(f).

[5] *See, e.g., Natural Blue Resources, Inc., et al.,* Exchange Act Release No. 74891 (May 6, 2015) (order granting extension); *Lawrence M. Labine,* Exchange Act Release No. 74883 (May 6, 2015) (same); *Total Wealth Management, Inc., et al.,* Exchange Act Release No. 74353 (Feb. 23, 2015) (same); *Donald J. Anthony, Jr., et al.,* Exchange Act Release No. 74139 (Jan. 26, 2015) (order granting second motion for extension).

[6] As amended, Rule 360 would retain the same amount of time as current Rule 360 for parties to obtain the transcript of the hearing and submit post-hearing briefs—approximately two months.

[7] 17 CFR 201.233.

[8] The provision in current Rule 233 that allows for depositions when a witness is unable to attend or testify at a hearing has been preserved under the amended rule as Rule 233(b). Depositions requested under new Rule 233(b) would not count against the per-side limit on discovery depositions under new Rule 233(a).

development of the case during the prehearing stage, which may ultimately result in more focused prehearing preparations, with issues distilled for the hearing and post-hearing briefing.

We recognize that additional time during the prehearing stage of the proceeding would facilitate the effective use of depositions for discovery. As a result, we have proposed amendments to Rule 360, discussed above, that provide additional flexibility over deadlines during the prehearing discovery period of a proceeding, permitting the hearing to begin up to eight months after service of the order instituting proceedings. We anticipate that four to eight months would be a sufficient amount of time for parties to prepare for the hearing, review documents, and take up to three depositions per side in a single-respondent proceeding, and up to five depositions per side in a multiple-respondent proceeding. In selecting this increased amount of time and number of depositions permitted, we intend to provide parties with the potential benefits of this discovery tool, without sacrificing the public interest in resolving administrative proceedings promptly and efficiently.

We propose additional amendments to Rule 233 to guide the use of depositions for discovery purposes. The amendments would allow the issuance of subpoenas to order a witness to attend a deposition noticed by a party pursuant to Rule 233, and would not preclude the deposition of a witness if the witness testified during an investigation. Notices of depositions also would be served on each party pursuant to Rule 150 and would need to be consistent with the prehearing conference and the hearing officer's scheduling order.

Other proposed amendments to Rule 233 would outline procedures for deposition practice that are consistent with the Federal Rules of Civil Procedure.[9] For example, the amendments would be consistent with federal rules on the location of the depositions; the method of recording; the deposition officer's duties; examination and cross-examination of the witness; forms of objections and waiver of objections; motions to terminate or limit depositions; review of the transcript or recording by the witness; certification and delivery of the deposition; attachment of documents and tangible things; and copies of the transcript or recording. We would retain current Rule 233's explicit statement that a witness being deposed may have counsel during the deposition.

We seek comments about the proposed structure of the amendments that provide for depositions, including the number of depositions allowed in single-respondent and multiple-respondent proceedings.

C. Proposed Amendments To Support Amended Rule 233

We also propose amendments to Rules 180,[10] 221,[11] 232,[12] and 234 [13] to support the purpose and intent of the proposed amendments to Rule 233. These amendments are based on the expectation that depositions would play an increased role in the prehearing stage of administrative proceedings, and adjust other rules accordingly.

Rule 180 allows the Commission or a hearing officer to exclude a person from a hearing or conference, or summarily suspend a person from representing others in a proceeding, if the person engages in contemptuous conduct before either the Commission or a hearing officer. The exclusion or summary suspension can last for the duration or any portion of a proceeding, and the person may seek review of the exclusion or suspension by filing a motion to vacate with the Commission. We propose to amend Rule 180 to allow the Commission or a hearing officer to exclude or summarily suspend a person for any portion of a deposition, as well as the proceeding, a conference, or a hearing for contemptuous conduct. The person would have the same right to review of the exclusion or suspension by filing a motion to vacate with the Commission.

Rule 221 sets forth the purposes of a prehearing conference and includes a list of the subjects to be discussed. We propose amendments to Rule 221 to add depositions and expert witness disclosures or reports to the list of subjects to be discussed at the prehearing conference. Under the current rule, the list of subjects for discussion at the prehearing conference covers most other significant aspects of the prehearing period. By adding depositions and the timing of expert witness disclosure to that list, the proposed amendment recognizes the impact that depositions and other discovery tools may have on the development of a schedule that makes efficient use of time during the prehearing period and the proceeding more broadly. It also conforms to the proposed amendment to Rule 233, which would require notices of depositions to be consistent with the prehearing conference and the hearing officer's scheduling order.

Rule 232 sets forth standards for the issuance of subpoenas and motions to quash. With the proposed amendments, Rule 232(a) would make clear that parties may request the issuance of a subpoena in connection with a deposition permitted under Rule 233, and Rule 233(e) would allow any person to whom a notice of deposition is directed to request that the notice of deposition be quashed. This proposed amendment is intended to promote efficiency in the discovery process because it would allow persons who are noticed for depositions to move to quash at the notice stage, rather than waiting for a party to request the issuance of a subpoena to order attendance.

We also propose to amend the standards governing applications to quash or modify subpoenas. Rule 232(e)(2) provides that the hearing officer or the Commission shall quash or modify a subpoena, or order return upon specified conditions, if compliance with the subpoena would be unreasonable, oppressive or unduly burdensome. As amended, Rule 232(e)(2) would provide that the hearing officer or Commission shall quash or modify a subpoena or notice of deposition, or order return upon specified conditions, if compliance with the subpoena would be unreasonable, oppressive, unduly burdensome, or would unduly delay the hearing. This amendment would require the hearing officer or Commission to consider the delaying effect of compliance with a subpoena or notice of deposition as part of the motion to quash standard and is intended to promote the efficient use of time for discovery during the prehearing period.

Finally, we propose to amend Rule 232(e) to add a new provision that specifies an additional standard governing motions to quash depositions noticed or subpoenaed pursuant to Rule 233(a), as amended. Under new Rule 232(e)(3), the hearing officer or Commission would quash or modify a deposition notice or subpoena filed or issued under Rule 233(a) unless the requesting party demonstrates that the

[9] *See generally* Federal Rules of Civil Procedure 45(c), 30(b), (d), (e), and (f); *but see* Federal Rule of Civil Procedure 30(c) (limiting depositions to seven hours instead of the six hours proposed in the amendment to Rule 233). While the Federal Rules of Civil Procedure are tailored for use in the federal court system, they represent a well-settled body of procedural rules familiar to practitioners. We have borrowed from those rules, but we have also made changes or declined to follow the Federal Rules of Civil Procedure where appropriate to tailor those rules to our own administrative forum.

[10] 17 CFR 201.180.

[11] 17 CFR 201.221.

[12] 17 CFR 201.232.

[13] 17 CFR 201.234.

deposition notice or subpoena satisfies the requirements under Rule 233(a). This is intended to ensure that parties notice the correct number of depositions pursuant to Rule 233(a) and follow other requirements of that rule.

Rule 232(e)(3) also would require the party requesting the deposition to demonstrate that the proposed deponent is a fact witness,[14] a designated expert witness under Rule 222(b), or a document custodian.[15] This provision is intended to foster use of depositions where appropriate and encourage meaningful discovery, within the limits of the number of depositions provided per side pursuant to Rule 233(a). This provision should encourage parties to focus any requested depositions on those persons who are most likely to yield relevant information and thereby make efficient use of time during the prehearing stage of the proceeding.

Rule 232(f) provides for the payment of witness fees and mileage. We propose to add a provision to Rule 232(f) stating that each party is responsible for paying any fees and expenses incurred as a result of deposition or testimony by the expert witness whom that party has designated under Rule 222(b).

Rule 234 contains procedures for taking depositions through the use of written questions. Under Rule 234, a party may make a motion to take a deposition on written questions by filing the questions with the motion. We propose to amend the rule to provide that the moving party may take a deposition on written questions either by stipulation of the parties or by filing a motion demonstrating good cause. This proposed amendment is intended to provide a clear standard under which the hearing officer or Commission would review such a motion, and is consistent with standards for other types of motions articulated under other Rules of Practice.[16] The amendment would replace the standard under the current rule, which references current Rule 233(b)'s limit on depositions to witnesses unable to appear or testify at a hearing.

We seek comments about the proposed amendments to the standards for motions to quash subpoenas and notices for depositions, including the consideration of whether compliance with the subpoena would unduly delay the hearing and the requirement that a proposed deponent must be a fact witness, expert witness under Rule 222(b), or document custodian.

D. Proposed Amendment to Rule 222

Rule 222 [17] provides that a party who intends to call an expert witness shall submit a variety of information. The proposed amendment to the rule provides for two exceptions: (1) Drafts of any material that is otherwise required to be submitted in final form; and (2) communications between a party's attorney and the party's expert witness who would be required to submit a report under the rules, except under limited circumstances.

The proposed amendment also would require disclosure of a written report for a witness retained or specially employed to provide expert testimony in the case, or an employee of a party whose duties regularly involve giving expert testimony. The proposed amendment would outline the elements that must be contained in that written report, including a complete statement of all opinions the witness will express and the basis and reasons for them, the facts or data considered by the witness in forming them, any exhibits that will be used to summarize or support them, and a statement of the compensation to be paid for the expert's study and testimony in the case. These proposed amendments are consistent with the requirements for expert witness disclosures and expert reports in the Federal Rules of Civil Procedure and we believe they would promote efficiency in both prehearing discovery and the hearing.[18] Moreover, the administrative law judges already have required such expert reports in proceedings before them.[19]

We propose amendments to current Rule 222(b)'s requirement that parties submit a list of other proceedings in which their expert witness has given expert testimony and a list of publications authored or co-authored by their expert witness. As amended, Rule 222(b) would limit the list of proceedings to the previous four years, and would limit the list of publications to the previous ten years.

E. Proposed Amendment to Rule 141

Rule 141(a)(2)(iv) [20] specifies the requirements for serving an order instituting proceedings on a person in a foreign country. The proposed amendment would incorporate additional methods of service. The current rule allows for service of an order instituting proceedings on persons in foreign countries by any method specified in the rule, or ''by any other method reasonably calculated to give notice, provided that the method of service used is not prohibited by the law of the foreign country.''

We propose to amend this rule to state that service reasonably calculated to give notice includes any method authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents; methods prescribed by the foreign country's law for service in that country in an action in its courts of general jurisdiction; or as the foreign authority directs in response to a letter rogatory or letter of request. In addition, under the proposed rules, unless prohibited by the foreign country's law, service may be made by delivering a copy of the order instituting proceedings to the individual personally, or using any form of mail that the Secretary or the interested division addresses and sends to the individual and that requires a signed receipt.

The proposed rule would also allow service by any other means not prohibited by international agreement, as the Commission or hearing officer orders. Like the similar provision in the Federal Rules of Civil Procedure, this provision would cover situations where existing agreements do not apply, or efforts to serve under such agreements are or would not be successful.

In addition to providing clarification that proper service on persons in foreign countries may be made by any of the above methods, the amended rule would provide some certainty regarding whether service of an order instituting proceedings has been effected properly and would allow the Commission to rely on international agreements in which foreign countries have agreed to accept certain forms of service as valid.

[14] Under proposed Rule 232(e)(3), this type of proposed deponent must have witnessed or participated in ''any event, transaction, occurrence, act, or omission that forms the basis for any claim asserted by the Division, or any defense asserted by any respondent in the proceeding (this excludes a proposed deponent whose only knowledge of relevant facts about claims or defenses of any party arises from the Division's investigation or litigation).''

[15] This excludes Division of Enforcement or other Commission officers or personnel who have custody of documents or data that was produced from the Division to the respondent. In that circumstance, the Division or Commission officers or personnel were not the original custodian of the documents.

[16] *See, e.g.,* 17 CFR 201.155(b) (good cause showing to set aside a default); 17 CFR 201.161 (good cause showing for extending or shortening time limits for filings); 17 CFR 201.201(b) (good cause showing for severing a proceeding).

[17] 17 CFR 201.222.

[18] *See* Federal Rule of Civil Procedure 26(b)(4), (a)(2), respectively.

[19] *See, e.g., ZPR Investment Management, Inc.,* Admin Proc. Ruling Rel. No. 775 (Aug. 6, 2013), *available at http://www.sec.gov/alj/aljorders/2013/ap-775.pdf.* (general prehearing order stating that ''expert reports should be as specific and detailed as those presented in federal district court pursuant to Federal Rule of Civil Procedure 26'').

[20] 17 CFR 201.141(a)(2)(iv).

We also propose to amend Rule 141(a)(3),[21] which requires the Secretary to maintain a record of service on parties. In instances where a division of the Commission, rather than the Secretary, serves an order instituting proceedings, the Secretary does not always receive a copy of the service. The proposed amendment would make it clear that a division that serves an order instituting proceedings must file with the Secretary either an acknowledgement of service by the person served or proof of service.

F. Proposed Amendment to Rule 161

Rule 161[22] governs extensions of time, postponements, and adjournments requested by parties. Under the current Rule 161(c)(2), a hearing officer may stay a proceeding pending the Commission's consideration of offers of settlement under certain limited circumstances, but that stay does not affect any of the deadlines in Rule 360. We propose to amend Rule 161(c)(2) to allow a stay pending Commission consideration of settlement offers to also stay the timelines set forth in Rule 360.[23] All the other requirements for granting a stay that are in the current rule would remain unchanged. This proposed amendment recognizes the important role of settlement in administrative proceedings.

G. Proposed Amendment to Rule 230

Rule 230(a)[24] requires the Division to make available to respondents certain documents obtained by the Division in connection with an investigation prior to the institution of proceedings. Rule 230(b)[25] provides a list of documents that may be withheld from this production. We propose amending Rule 230(b) to provide that the Division may redact certain sensitive personal information from documents that will be made available to respondents, unless the information concerns the person to whom the documents are being produced. Under the amendment, the Division would be able to redact an individual's social-security number, an individual's birth date, the name of an individual known to be a minor, or a financial account number, taxpayer-identification number, credit card or debit card number, passport number, driver's license number, or state-issued identification number other than the last four digits of the number. This proposed amendment is intended to enhance the protection afforded to sensitive personal information.

We also propose to amend Rule 230(b) to clarify that the Division may withhold or redact documents that reflect settlement negotiations with persons or entities who are not respondents in the proceeding at issue. This proposed amendment is intended to preserve the confidentiality of settlement discussions and safeguard the privacy of potential respondents with whom the Division has negotiated and is consistent with case law that favors the important public policy interest in candid settlement negotiations.[26]

H. Proposed Clarifying Amendments to Rules 220, 235, and 320

Rule 220[27] sets forth the requirements for filing answers to allegations in an order instituting proceedings. Currently, Rule 220 states that a defense of res judicata, statute of limitations, or any other matter constituting an affirmative defense shall be asserted in the answer. We propose amendments to Rule 220 to emphasize that a respondent must affirmatively state in an answer whether the respondent is asserting any avoidance or affirmative defense, including but not limited to res judicata, statute of limitations, or reliance. This proposed amendment would not change the substantive requirement under the current rule to include affirmative defenses in the answer. Instead, it is intended to clarify that any theories for avoidance of liability or remedies, even if not technically considered affirmative defenses, must be stated in the answer as well.[28] Timely assertion of affirmative defenses or theories of avoidance would focus the use of prehearing discovery, foster early identification of key issues and, as a result, make the discovery process more effective and efficient.

Rule 235[29] provides the standard for granting a motion to introduce a prior sworn statement of a witness who is not a party. Although current Rule 235(a) states that the standard applies to ''a witness, not a party,'' we propose adding new Rule 235(b) to make clear that sworn statements or declarations of a party or agent may be used by an adverse party for any purpose. Further, new Rule 235(b) would clarify that ''sworn statements'' include a deposition taken pursuant to Rules 233 or 234 or investigative testimony, and allows for the use of declarations pursuant to 28 U.S.C. Section 1746.

Rule 320[30] provides the standard for admissibility of evidence. Under the current rule, the Commission or hearing officer may receive relevant evidence and shall exclude all evidence that is irrelevant, immaterial, or unduly repetitious. We propose to amend the rule to add ''unreliable'' to the list of evidence that shall be excluded. This amended admissibility standard is consistent with the Administrative Procedure Act.[31] We also propose to add new Rule 320(b) to clarify that hearsay may be admitted if it is relevant, material, and bears satisfactory indicia of reliability so that its use is fair. Admitting hearsay evidence if it meets a threshold showing of relevance, materiality, and reliability also is consistent with the Administrative Procedure Act.[32]

I. Proposed Amendments to Appellate Procedure in Rules 410, 411, 420, 440, and 450

We propose amendments to certain procedures that govern appeals to the Commission. Rule 410(b)[33] outlines the procedure for filing a petition for review of an initial decision and directs a party

[21] 17 CFR 201.141(a)(3).

[22] 17 CFR 201.161.

[23] We also propose a conforming amendment to Rule 360(a)(2)(iii) to include a cross-reference to amended Rule 161(c)(2).

[24] 17 CFR 201.230(a).

[25] 17 CFR 201.230(b).

[26] *See, e.g., Goodyear Tire & Rubber Co.* v. *Chiles Power Supply, Inc.,* 332 F.3d 976, 980–81 (6th Cir. 2003) (''The public policy favoring secret negotiations, combined with the inherent questionability of the truthfulness of any statements made therein, leads us to conclude that a settlement privilege should exist, and that the district court did not abuse its discretion in refusing to allow discovery.'').

[27] 17 CFR 201.220.

[28] For example, some might argue that ''reliance on counsel'' is not a formal affirmative defense, but a basis for negating liability.

[29] 17 CFR 201.235.

[30] 17 CFR 201.320.

[31] 5 U.S.C. 556(c)(3) (allowing hearing officers to receive relevant evidence); 5 U.S.C. 556(d) (stating that a sanction may not be imposed or rule or order issued except on consideration of the whole record or of those parts thereof cited by a party and supported by and in accordance with the reliable, probative, and substantial evidence).

[32] *See* 5 U.S.C. 556(d) (stating that any oral or documentary evidence may be received, but the agency as a matter of policy shall provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence); *see, e.g., J.A.M. Builders, Inc.* v. *Herman,* 233 F.3d 1350, 1354 (11th Cir. 2000) (hearsay admissible in administrative proceedings if ''reliable and credible''); *Calhoun* v. *Bailar,* 626 F.2d 145, 148 (9th Cir. 1980) (hearsay admissible if ''it bear[s] satisfactory indicia of reliability'' and is ''probative and its use fundamentally fair''). Courts also have held that hearsay can constitute substantial evidence that satisfies the APA requirement. *See, e.g., Echostar Communications Corp.* v. *FCC,* 292 F.3d 749, 753 (D.C. Cir. 2002) (hearsay evidence is admissible in administrative proceedings if it ''bear[s] satisfactory indicia of reliability'' and ''can constitute substantial evidence if it is reliable and trustworthy''); *see generally Richardson* v. *Perales,* 402 U.S. 389, 407–08 (1971) (holding that a medical report, though hearsay, could constitute substantial evidence in social security disability claim hearing); *cf.* Federal Rule of Evidence 403 (stating that relevant, material, and reliable evidence shall be admitted).

[33] 17 CFR 201.410(b).

to set forth in the petition the specific findings and conclusions of the initial decision as to which exception is taken, together with supporting reasons for each exception. Rule 410(b) also states that an exception may be deemed to have been waived by the petitioner if the petitioner does not include the exception in the petition for review or a previously filed proposed finding made pursuant to Rule 340.

We propose to amend Rule 410(b) to eliminate both the requirement that a petitioner set forth all the specific findings and conclusions of the initial decision to which exception is taken, and the provision stating that if an exception is not stated, it may be deemed to have been waived by the petitioner. Instead, under amended Rule 410(b), a petitioner would be required to set forth only a summary statement of the issues presented for review. We also propose to add new Rule 410(c) to limit the length of petitions for review to three pages. Incorporation of pleadings or filings by reference would not be permitted.

This proposed amendment is intended to address timing issues and potential inequities in the number of briefs each party is permitted to submit to the Commission. The timing issues arise out of the requirement under Rule 410 that a party must file its petition for review within 21 days after service of the initial decision or 21 days from the date of the hearing officer's order resolving a motion to correct manifest error in an initial decision. This means that during the three-week period immediately following the issuance of the initial decision, a party must decide whether to file a motion to correct manifest error and, if not, whether to appeal. If the party decides to file a petition to appeal, then the petitioner is required under the current rule to quickly determine every exception the petitioner takes with the findings and conclusions in the initial decision, along with supporting reasons. Requiring the petitioner to submit a petition that includes all exceptions and supporting reasons, which may be deemed waived if not raised in the petition, encourages petitioners to file lengthy petitions that provide lists of exceptions with little refinement of the arguments or narrowing of issues to those most significant to the Commission's review. As a result, petitions for review often have exceeded the length of opening briefs later filed in support of a petition for review. In addition, petitions often list exceptions that are later abandoned or unsupported in the opening brief.

The proposed amendment would address these issues by allowing a party to file a petition for review that provides only a brief summary of the issues presented for review under Rule 411(b), which refers to prejudicial errors, findings or conclusions of material fact that are clearly erroneous, conclusions of law that are erroneous, or exercises of discretion or decisions of law or policy that the Commission should review.[34] After filing a petition for review that gives the Commission summary notice of the issues presented by the case, the petitioner would then be able to focus on the brief that develops the reasoned arguments in support of the petition. This practice is consistent with the Commission's routine grant of appeals, without allowing parties to file oppositions to petitions.[35] Providing for a summary petition would also be consistent with the Federal Rules of Appellate Procedure, which requires only notice filing if a petitioner may appeal as of right.[36]

Allowing parties to file only a summary statement of the issues on appeal also would address potential briefing inequities in the current rule. As described above, a petitioner often files a lengthy petition for review that is followed, in the typical case, by an opening brief limited to 14,000 words. Essentially, petitioners are afforded two opportunities under the current rule to brief the issues in the case, while under current Rule 450, the opposing party typically may submit only a brief in opposition that is limited to 14,000 words. As a practical matter, that brief in opposition must address not only the arguments explained in the petitioner's opening brief, but also each exception listed in the petition for review. This has the potential to place opposing parties at a disadvantage. The proposed amendment to Rule 410(b) would correct this apparent inequity by requiring a petitioner to make arguments in its opening brief rather than in the petition for review. This also has the benefit of encouraging a petitioner to narrow the issues and explain supporting arguments, while allowing opposing parties to address only those arguments asserted in the petitioner's opening brief.

We propose an amendment to Rule 411(d)[37] to effect the amendments to Rule 410(b). Rule 411(b) states that Commission review of an initial decision is limited to the issues specified in the petition for review and any issues specified in the order scheduling briefs.[38] We propose to amend Rule 411(b) to state that Commission review of an initial decision is limited to the issues specified in an opening brief and that any exception to an initial decision not supported in an opening brief may be deemed to have been waived by the petitioner.

We propose amendments to Rule 450[39] to provide additional support for a structure in which opening briefs are the primary vehicles for arguments on appeal. Rule 450(b) states that reply briefs are confined to matters in opposition briefs of other parties. We propose amendments to Rule 450(b) to make clear that any argument raised for the first time in a reply brief shall be deemed to have been waived by the petitioner.

We also propose amendments to Rule 450(c) to prohibit parties from incorporating pleadings or filings by reference. Under current Rule 450(c), parties are permitted to incorporate pleadings or filings by reference,

[34] This is consistent with the Commission's current rules governing appeals to the Commission from determinations by self-regulatory organizations pursuant to Rule 420. Under Rule 420, an application for review of a determination of a self-regulatory organization must set forth in summary form a brief statement of the alleged errors in the determination and supporting reasons, and must not exceed two pages. Rule 420 does not contain a waiver provision.

[35] *Proposed Amendments to the Rules of Practice and Related Provisions,* Exchange Act Release No. 48832, 68 FR 68185, 68191 (Dec. 5, 2003) (''In the Commission's experience, the utility of such oppositions has been quite limited, given that the Commission has long had a policy of granting petitions for review, believing that there is a benefit to Commission review when a party takes exception to a decision.''); *Adoption of Amendments to the Rules of Practice and Delegations of Authority of the Commission,* Exchange Act Release No. 49412, 69 FR 13166, 13167 (Mar. 12, 2004) (deleting the provision for oppositions to petitions for review). The Commission issues a scheduling order within approximately three weeks of granting a petition for review. Pursuant to Rule 450, the scheduling order generally provides the petitioner with thirty days to submit a brief in support of the petition of no more than 14,000 words.

[36] Federal Rule of Appellate Procedure 3(c) (stating that a notice of appeal when there is an appeal as of right must specify the parties taking appeal, designate the judgment, order, or part thereof being appeals, and name the court to which the appeal is taken); *cf.* Federal Rule of Appellate Procedure 5 (stating that a petition for appeal when an appeal is within the court's discretion must include the facts necessary to understand the question presented, the question itself, the relief sought, the reasons why the appeal should be allowed and is authorized by statute or rule, and a copy of the order, decree, or judgment complained of and any related opinion or memorandum, and any order stating the district court's permission to appeal or finding that the necessary conditions are met).

[37] 17 CFR 201.411(d).

[38] Rule 411(d) also states that on notice to all parties, the Commission may, at any time prior to issuance of its decision, raise and determine any other matters that it deems material, with opportunity for oral or written argument thereon by the parties.

[39] 17 CFR 201.450.

although the number of words in documents incorporated by reference count against Rule 450(c)'s word limit for briefs. As a practical matter, it is difficult to enforce a word count that allows for incorporation by reference, and the rule has encouraged parties to rely on pleadings or filings from the hearing below, which already are in the record, rather than addressing the relevant evidence or developing the arguments central to the appeal before the Commission. Prohibiting incorporation by reference is intended to sharpen the arguments and require parties to provide specific support for each assertion, rather than non-specific support through incorporation of other briefs or filings.

We propose amendments to Rule 450(d) to conform to the proposed amendments to Rule 450(c). Rule 450(d) requires parties to certify compliance with the length limitations set forth in Rule 450(c). As amended, Rule 450(d) would no longer refer to pleadings incorporated by reference, and would require parties to certify compliance with the requirements set forth in Rule 450(c), instead of certifying only compliance with the length limitations in Rule 450(c).

Finally, we propose amendments to Rules 420(c)[40] and 440(b)[41] to make them consistent with the proposed amendments to Rules 410(b) and 450(b). Rule 420 governs appeals of determinations by self-regulatory organizations and Rule 440 governs appeals of determinations by the Public Company Accounting Oversight Board. Current Rule 420(c) is similar to proposed amended Rule 410(b) in that it limits the length of an application for review and requires that applicants set forth in summary form only a brief statement of alleged errors in the determination and supporting reasons. We propose to amend Rule 420(c) to include a provision stating that any exception to a determination that is not supported in an opening brief may be deemed to have been waived by the applicant. Likewise, current Rule 440(b) is similar to proposed amendments to Rule 410(b) because it requires that an applicant set forth in summary form only a brief statement of alleged errors in the determination and supporting reasons. We propose to amend Rule 440(b) to include a page limit for the application (two pages, which is consistent with current Rule 420(c)) and a provision stating that any exception to a determination that is not supported in an opening brief may be deemed to have been waived by the applicant. These proposed amendments would align appeals from determinations by the Public Company Accounting Oversight Board with appeals from determinations by self-regulatory organizations and appeals from initial decisions issued by hearing officers.

J. Proposed Amendments to Rule 900 Guidelines

We propose amendments to Rule 900,[42] which sets forth guidelines for the timely completion of proceedings, provides for confidential status reports to the Commission on pending cases, and directs the publication of summary information concerning the pending case docket. Rule 900(a) states that the guidelines will be examined periodically and, if necessary, readjusted in light of changes in the pending caseload and the available level of staff resources. Consistent with that provision, we propose to amend Rule 900(a) to state that a decision by the Commission with respect to an appeal from the initial decision of a hearing officer, a review of a determination by a self-regulatory organization or the Public Company Accounting Oversight Board, or a remand of a prior Commission decision by a court of appeals ordinarily will be issued within eight months from the completion of briefing on the petition for review, application for review, or remand order, and, if the Commission determines that the complexity of the issues presented in an appeal warrant additional time, the decision of the Commission may be issued within ten months of the completion of briefing. We also propose to amend Rule 900(a) to provide that if the Commission determines that a decision by the Commission cannot be issued within the eight or ten-month periods, the Commission may extend that period by orders as it deems appropriate in its discretion. Finally, we propose to amend Rule 900(c) to include additional information in the published report concerning the pending case docket. Specifically, we propose to amend the rule to include, in addition to what is already included, the median number of days from the completion of briefing of an appeal to the time of the Commission's decision for the cases completed in the given time period.

K. Effective Date and Transition

We are proposing that the amended Rules govern any proceeding commenced after the effective date of the amended Rules. We seek comments about whether the amended Rules should be applied, in whole or in part, to proceedings that are pending or have been docketed before or on the effective date, and, if so, the standard for applying any amended Rules to such pending proceedings.

III. Request for Public Comment

We request and encourage any interested person to submit comments regarding: (1) The time periods for each stage of the proceeding under proposed amendments to Rule 360, (2) the structure and number of depositions provided under proposed amendments to Rule 233, (3) the standards governing an application to quash deposition notices or subpoenas under proposed amendments to Rule 232, (4) the standards governing the admission of evidence, including hearsay, under Rule 320, (5) the assertion of affirmative defenses under Rule 220, (6) the effective date and whether and how any amended rules should apply to proceedings pending on the effective date, (7) the other proposed changes that are the subject of this release, (8) additional or different changes, or (9) other matters that may have an effect on the proposals contained in this release.

IV. Administrative Procedure Act, Regulatory Flexibility Act, and Paperwork Reduction Act

The Commission finds, in accordance with Section 553(b)(3)(A) of the Administrative Procedure Act,[43] that these revisions relate solely to agency organization, procedure, or practice. They are therefore not subject to the provisions of the Administrative Procedure Act requiring notice, opportunity for public comment, and publication. The Regulatory Flexibility Act[44] therefore does not apply.[45] Nonetheless, we have determined that it would be useful to publish these proposed rules for notice and comment before adoption. Because these rules relate to ''agency organization, procedure or practice that does not substantially affect the rights or obligations of non-agency parties,'' they are not subject to the Small Business Regulatory Enforcement Fairness Act.[46] To the extent these rules relate to agency information collections during the conduct of administrative proceedings, they are exempt from

[40] 17 CFR 201.420(c).

[41] 17 CFR 201.440(b).

[42] 17 CFR 201.900.

[43] 5 U.S.C. 553(b)(3)(A).

[44] 5 U.S.C. 601–612.

[45] *See* 5 U.S.C. 603.

[46] 5 U.S.C. 804(3)(C).

review under the Paperwork Reduction Act.[47]

V. Economic Analysis

We are mindful of the costs and benefits of our rules. In proposing these amendments, we seek to enhance flexibility in the conduct of administrative proceedings while maintaining the facility to efficiently resolve individual matters.

The current rules governing administrative proceedings serve as the baseline against which we assess the economic impacts of these proposed amendments. At present, Commission rules set the prehearing period of a proceeding at approximately four months for a 300-day proceeding and do not permit parties to take depositions solely for the purpose of discovery. Rules governing the testimony of expert witnesses have not been formalized, but the administrative law judges already have required expert reports in proceedings before them.

The scope of the benefits and costs of the proposed rules depends on the expected volume of administrative proceedings. In fiscal year 2014, 230 new administrative proceedings were initiated and not settled immediately. New proceedings initiated and not immediately settled in fiscal years 2013 and 2012 totaled 202 and 207 respectively.[48]

The amendments to Rule 233 and Rule 360, as well as the supporting amendments, may benefit respondents and the Division of Enforcement by providing them with additional time and tools to discover relevant facts and information. The proposed amendment to Rule 233 and supporting amendments would permit respondents and the Division of Enforcement to take depositions by oral examination, permitting a more efficient discovery period. We preliminarily believe that the proposed amendments regarding depositions will provide parties with an opportunity to further develop arguments and defenses, which may narrow the facts and issues to be explored during the hearing. The proposed amendments to Rule 360 would alter the timeline to allow for expanded discovery. We anticipate that the potential for a longer discovery period would allow respondents additional time to review investigative records and to load and then review electronic productions. Together, allowing depositions and providing time for additional discovery should facilitate the information acquisition during the prehearing stage, and may ultimately result in more focused hearings. Furthermore, we preliminarily believe that more information acquisition at the prehearing stage may lead to cost savings to respondents and the Division of Enforcement stemming from the earlier resolution of cases through settlement or shorter, more focused, hearings. We are unable to quantify these benefits, however, as the potential savings would depend on multiple factors, including the complexity of actions brought to administrative proceedings and the impact that the change to discovery may have on settlement terms, which are unknown.

We preliminarily believe that the costs of the proposed amendments will be borne by the Commission as well as respondents in administrative proceedings and witnesses who provide deposition testimony. These costs will primarily stem from the cost of depositions and the additional length of administrative proceedings.

Costs stemming from depositions depend on whether respondents and the Division of Enforcement take depositions for the purpose of discovery and how they choose to participate in these depositions. Costs of depositions include the expenses of travel, attorney's fees, and reporter and transcription expenses. Based on staff experience, we preliminarily estimate the cost to a respondent of conducting one deposition could be approximately $36,840.[49] However, we recognize that respondents and the Division of Enforcement play a large role in managing their own costs by determining whether to take or attend depositions, managing attorney costs, including the number of attorneys attending each deposition, contracting with a competitively-priced reporter, arranging for less expensive travel, and choosing the location of depositions. We note that determinations regarding the approach to depositions will likely reflect parties' beliefs regarding the potential benefits they expect to realize from participation in depositions. However we recognize that although respondents and the Division of Enforcement can choose the extent and manner in which they request depositions, the costs of depositions are borne not only by the party choosing to conduct a deposition, but also by other parties who choose to attend the deposition, the witness, and other entities in time, travel, preparation, and attorney costs.[50]

The longer potential discovery period permitted by the proposed amendment to Rule 360, while intended to provide sufficient time for parties to engage in discovery, may impose costs on respondents and the Commission. We preliminarily estimate that potentially lengthening the overall administrative proceedings timeline by up to four months to allow more time for discovery may result in additional costs to respondents in a single matter of up to $462,400.[51] Again, however, we recognize that while parties are likely to incur these costs only to the extent that they expect to receive benefits from engaging in depositions and additional

[47] *See* 44 U.S.C. 3518(c)(1)(B)(ii); 5 CFR 1320.4 (exempting collections during the conduct of administrative proceedings or investigations).

[48] The total number of administrative proceedings initiated and not immediately settled each fiscal year encompasses a variety of types of proceedings, including proceedings instituted pursuant to Section 12(j) of the Securities Exchange Act of 1934 seeking to determine whether it is necessary and appropriate for the protection of investors to suspend or revoke the registration of an issuer's securities and proceedings instituted under Section 15(b) of the Exchange Act or Section 203(f) of the Investment Advisers Act of 1940 seeking to determine what, if any, remedial action is appropriate in the public interest.

[49] This estimate is comprised of the following expenses: (i) travel expenses: $4,000; (ii) reporter/videographer: $7,000; and (iii) professional costs for two attorneys (including reasonable preparation for the deposition): 34 hours × $460/hr and 34 hours × $300/hr = $25,840. The hourly rates for the attorneys are based on the 2014–2015 Laffey Matrix. The Laffey Matrix is a matrix of hourly rates for attorneys of varying experience levels that is prepared annually by the Civil Division of the United States Attorney's Office for the District of Columbia. *See* Laffey Matrix—2014–2015, *available at http://www.justice.gov/sites/default/files/usao-dc/legacy/2014/07/14/Laffey%20Matrix_2014-2015.pdf* (last visited Sept. 10, 2015) (the ''Laffey Matrix''); *see Save Our Cumberland Mountains* v. *Hodel,* 857 F.2d 1516, 1525 (D.C. Cir. 1988) (en banc); *Covington* v. *District of Columbia,* 57 F.3d 1101, 1105 & n.14, 1109 (D.C. Cir. 1995). We have applied different estimates of the outside legal costs in connection with public company reporting, but believe that the Laffey Matrix is an appropriate measure for calculating reasonable attorneys fees in litigation. *Compare Pay Ratio Disclosure,* Exchange Act Release No. 75610, 80 FR 50103 (Aug. 5, 2015) (applying a $400 per hour estimate of professional costs for Paperwork Reduction Act calculations).

[50] Some witnesses who are deposed might bear little if any out-of-pocket cost if, for example, the deposition is conducted in the city in which they live or work, and they choose not be represented by counsel at the deposition. Moreover, the party seeking the deposition might under the rules reimburse the witness for mileage or other travel costs. On the other hand, if the witness is required to pay for his or own travel to the deposition, and chooses to retain counsel to represent him or her at the deposition, we preliminary estimate that the deposition cost to the witness could be approximately $19,640 ($4000 in travel expenses for the witness and an attorney, and attorney time of 34 hours (preparation and attendance at the deposition) × $460 per hour). The hourly rate for the attorney is based on the Laffey Matrix.

[51] This estimate is comprised of the following expenses: (i) 1 senior attorney × 40 hours per week × 16 weeks × $460/hr = $294,400; (ii) 1 mid-level attorney × 20 hours per week × 16 weeks × $300/hr = $96,000; (iii) 1 paralegal × 30 hours per week × 16 weeks × $150/hr = $72,000. The hourly rates for the attorneys and paralegal are based on the Laffey Matrix.

discovery, the costs imposed by the additional time for discovery may be incurred by all parties, not just the party advocating for additional time for discovery. Further, to the extent that the proposed rules may result in the earlier resolution of cases through settlement or shorter, more focused, hearings, some of these costs may potentially be offset.

The proposed amendments related to discovery may also affect efficiency in certain cases. To the extent that the proposed amendments facilitate the discovery of relevant facts and information through depositions and extending the time for discovery, they may lead to more expeditious resolution of administrative proceedings, which could enhance the overall efficiency of the Commission's processes. For example, for complex cases that may benefit significantly from the additional information there could be efficiency gains from the proposed rules if the costs associated with the use of depositions are smaller than the value of the information gained from depositions. However, we note that because parties may not take into account the costs that depositions may impose on other entities, a potential consequence of the proposed amendments to Rule 233 and Rule 360 is that parties may engage in more discovery than is efficient. For example, for simple cases which may not benefit significantly from the additional information gained from a deposition, requesting depositions may result in inefficiency by imposing costs on all parties and witnesses involved without any significant informational benefit. However, we preliminarily believe that the supporting proposed amendments to Rule 232 and 233 may mitigate the risk of this efficiency loss by setting forth standards for the issuance of subpoenas and motions to quash depositions and setting a limit on the maximum number of depositions each side may request.

As an alternative to the proposed rules, we could continue to permit depositions only when a witness is unable to testify at a hearing, or propose other limited discovery tools, such as the use of interrogatories or requests for admissions in lieu of depositions. Although alternatives such as interrogatories or admissions may reduce some of the costs of the discovery process (*i.e.,* the cost of depositions), they might increase other costs (resulting from the time attorneys and parties need to prepare responses) and also may yield less useful information for the administrative proceeding given the limited nature of questioning these forms permit. Relative to these alternatives, we believe that the proposed amendments would achieve the benefits of discovery in a cost-efficient manner.

The proposed amendments to Rule 222 specify the requirements for parties requesting to call expert witnesses. To the extent that the requirements specified in Rule 222 are identical to the current practices of administrative law judges, we do not anticipate any significant economic effects. However, the proposed amendments to Rule 222 may impose costs on parties involved in proceedings before administrative law judges whose current practices differ in any way from the requirements specified in Rule 222.

We preliminarily do not expect any significant economic consequences to stem from proposed amendments to Rules 141, 161, 220, 230, 235, 320, 410, 411, 420, 440, 450, and 900. For Rule 233 and its supporting amendments and Rule 360, we expect that these proposed amendments will have an impact on the efficiency of administrative proceedings but do not expect them to significantly affect the efficiency, competition, or capital formation of securities markets. We also do not expect the proposed amendments to impose a significant burden on competition.[52]

We request comment on all aspects of the economic effects of the proposal, including any anticipated impacts that are not mentioned here. We are particularly interested in comments regarding the expected benefits and costs of the proposed rules, including the specific benefits and costs parties expect to result from the proposed amendments. We are also interested in comments regarding how the amendments may affect the overall length and outcomes of administrative proceedings, and how parties approach administrative proceedings. Additionally, we request quantitative estimates of the benefits and costs on respondents in administrative proceedings and witnesses who provide deposition testimony, in general or for particular types of proceedings. We also request comment on reasonable alternatives to the proposed rules and on any effect the proposed rules may have on efficiency, competition, and capital formation.

VI. Statutory Basis and Text of Proposed Amendments

These amendments to the Rules of Practice are being proposed pursuant to statutory authority granted to the Commission, including section 3 of the Sarbanes-Oxley Act of 2002, 15 U.S.C. 7202; section 19 of the Securities Act, 15 U.S.C. 77s; sections 4A, 19, and 23 of the Exchange Act, 15 U.S.C. 78d–1, 78s, and 78w; section 319 of the Trust Indenture Act of 1939, 15 U.S.C. 77sss; sections 38 and 40 of the Investment Company Act, 15 U.S.C. 80a–37 and 80a–39; and section 211 of the Investment Advisers Act, 15 U.S.C. 80b–11.

[52] *See* 15 U.S.C. 78w(a)(2).

List of Subjects in 17 CFR Part 201

Administrative practice and procedure.

Text of the Amendments

For the reasons set out in the preamble, 17 CFR part 201 is proposed to be amended as follows:

PART 201—RULES OF PRACTICE

■ 1. The authority citation for part 201, subpart D, continues to read as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77h-1, 77j, 77s, 77u, 77sss, 77ttt, 78c(b), 78d–1, 78d–2, 78*l,* 78m, 78n, 78o(d), 78o–3, 78s, 78u–2, 78u–3, 78v, 78w, 80a–8, 80a–9, 80a–37, 80a–38, 80a–39, 80a–40, 80a–41, 80a–44, 80b–3, 80b–9, 80b–11, 80b–12, 7202, 7215, and 7217.

■ 2. Section 201.141 is amended by revising paragraphs (a)(2)(iv) and (v) and (a)(3) to read as follows:

§ 201.141 Orders and decisions: Service of orders instituting proceedings and other orders and decisions.

(a) * * *

(2) * * *

(iv) *Upon persons in a foreign country.* Notice of a proceeding to a person in a foreign country may be made by any of the following methods:

(A) Any method specified in paragraph (a)(2) of this section that is not prohibited by the law of the foreign country; or

(B) By any internationally agreed means of service that is reasonably calculated to give notice, such as those authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents; or

(C) Any method that is reasonably calculated to give notice

(1) As prescribed by the foreign country's law for service in that country in an action in its courts of general jurisdiction; or

(2) As the foreign authority directs in response to a letter rogatory or letter of request; or

(3) Unless prohibited by the foreign country's law, by delivering a copy of the order instituting proceedings to the individual personally, or using any form of mail that the Secretary or the interested division addresses and sends to the individual and that requires a signed receipt; or

(D) By any other means not prohibited by international agreement, as the Commission or hearing officer orders.

(v) *In stop order proceedings.* Notwithstanding any other provision of paragraph (a)(2) of this section, in proceedings pursuant to Sections 8 or 10 of the Securities Act of 1933, 15 U.S.C. 77h or 77j, or Sections 305 or 307 of the Trust Indenture Act of 1939, 15 U.S.C. 77eee or 77ggg, notice of the institution of proceedings shall be made by personal service or confirmed telegraphic notice, or a waiver obtained pursuant to paragraph (a)(4) of this section.

* * * * *

(3) *Record of service.* The Secretary shall maintain a record of service on parties (in hard copy or computerized format), identifying the party given notice, the method of service, the date of service, the address to which service was made, and the person who made service. If a division serves a copy of an order instituting proceedings, the division shall file with the Secretary either an acknowledgement of service by the person served or proof of service consisting of a statement by the person who made service certifying the date and manner of service; the names of the persons served; and their mail or electronic addresses, facsimile numbers, or the addresses of the places of delivery, as appropriate for the manner of service. If service is made in person, the certificate of service shall state, if available, the name of the individual to whom the order was given. If service is made by U.S. Postal Service certified or Express Mail, the Secretary shall maintain the confirmation of receipt or of attempted delivery, and tracking number. If service is made to an agent authorized by appointment to receive service, the certificate of service shall be accompanied by evidence of the appointment.

* * * * *

■ 3. Section 201.161 is amended by revising paragraph (c)(2)(iii) to read as follows:

§ 201.161 Extensions of time, postponements and adjournments.

* * * * *

(c) * * *

(2) * * *

(iii) The granting of any stay pursuant to this paragraph (c) shall stay the timeline pursuant to § 201.360(a).

■ 4. Section 210.180 is amended by revising paragraphs (a)(1) introductory text, (a)(1)(i), and (a)(2) to read as follows:

§ 201.180 Sanctions.

(a) * * *

(1) *Subject to exclusion or suspension.* Contemptuous conduct by any person before the Commission or a hearing officer during any proceeding, including at or in connection with any conference, deposition or hearing, shall be grounds for the Commission or the hearing officer to:

(i) Exclude that person from such deposition, hearing or conference, or any portion thereof; and/or

* * * * *

(2) *Review procedure.* A person excluded from a deposition, hearing or conference, or a counsel summarily suspended from practice for the duration or any portion of a proceeding, may seek review of the exclusion or suspension by filing with the Commission, within three days of the exclusion or suspension order, a motion to vacate the order. The Commission shall consider such motion on an expedited basis as provided in § 201.500.

* * * * *

■ 5. Revise § 201.220 to read as follows:

§ 201.220 Answer to allegations.

(a) *When required.* In its order instituting proceedings, the Commission may require any respondent to file an answer to each of the allegations contained therein. Even if not so ordered, any respondent in any proceeding may elect to file an answer. Any other person granted leave by the Commission or the hearing officer to participate on a limited basis in such proceedings pursuant to § 201.210(c) may be required to file an answer.

(b) *When to file.* Except where a different period is provided by rule or by order, a respondent shall do so within 20 days after service upon the respondent of the order instituting proceedings. Persons granted leave to participate on a limited basis in the proceeding pursuant to § 201.210(c) may file an answer within a reasonable time, as determined by the Commission or the hearing officer. If the order instituting proceedings is amended, the Commission or the hearing officer may require that an amended answer be filed and, if such an answer is required, shall specify a date for the filing thereof.

(c) *Contents; effect of failure to deny.* Unless otherwise directed by the hearing officer or the Commission, an answer shall specifically admit, deny, or state that the party does not have, and is unable to obtain, sufficient information to admit or deny each allegation in the order instituting proceedings. When a party intends in good faith to deny only a part of an allegation, the party shall specify so much of it as is true and shall deny only the remainder. A statement of a lack of information shall have the effect of a denial. A respondent must affirmatively state in the answer any avoidance or affirmative defense, including but not limited to res judicata, statute of limitations or reliance. Any allegation not denied shall be deemed admitted.

(d) *Motion for more definite statement.* A respondent may file with an answer a motion for a more definite statement of specified matters of fact or law to be considered or determined. Such motion shall state the respects in which, and the reasons why, each such matter of fact or law should be required to be made more definite. If the motion is granted, the order granting such motion shall set the periods for filing such a statement and any answer thereto.

(e) *Amendments.* A respondent may amend its answer at any time by written consent of each adverse party or with leave of the Commission or the hearing officer. Leave shall be freely granted when justice so requires.

(f) *Failure to file answer: default.* If a respondent fails to file an answer required by this section within the time provided, such respondent may be deemed in default pursuant to § 201.155(a). A party may make a motion to set aside a default pursuant to § 201.155(b).

■ 6. Section 201.221 is amended by revising paragraph (c) to read as follows.

§ 201.221 Prehearing conference.

* * * * *

(c) *Subjects to be discussed.* At a prehearing conference consideration may be given and action taken with respect to any and all of the following:

(1) Simplification and clarification of the issues;

(2) Exchange of witness and exhibit lists and copies of exhibits;

(3) Timing of disclosure of expert witness disclosures and reports, if any;

(4) Stipulations, admissions of fact, and stipulations concerning the contents, authenticity, or admissibility into evidence of documents;

(5) Matters of which official notice may be taken;

(6) The schedule for exchanging prehearing motions or briefs, if any;

(7) The method of service for papers other than Commission orders;

(8) Summary disposition of any or all issues;

(9) Settlement of any or all issues;

(10) Determination of hearing dates;

(11) Amendments to the order instituting proceedings or answers thereto;

(12) Production of documents as set forth in § 201.230, and prehearing

production of documents in response to subpoenas duces tecum as set forth in § 201.232;

(13) Specification of procedures as set forth in § 201.202;

(14) Depositions to be conducted, if any, and date by which depositions shall be completed; and

(15) Such other matters as may aid in the orderly and expeditious disposition of the proceeding.

* * * * *

■ 7. Section 201.222 is amended by revising the section heading and paragraph (b) to read as follows:

§ 201.222 Prehearing submissions and disclosures.

* * * * *

(b) *Expert witnesses*—(1) *Information to be supplied; reports.* Each party who intends to call an expert witness shall submit, in addition to the information required by paragraph (a)(4) of this section, a statement of the expert's qualifications, a listing of other proceedings in which the expert has given expert testimony during the previous 4 years, and a list of publications authored or co-authored by the expert in the previous 10 years. Additionally, if the witness is one retained or specially employed to provide expert testimony in the case or one whose duties as the party's employee regularly involve giving expert testimony, then the party must include in the disclosure a written report—prepared and signed by the witness. The report must contain:

(i) A complete statement of all opinions the witness will express and the basis and reasons for them;

(ii) The facts or data considered by the witness in forming them;

(iii) Any exhibits that will be used to summarize or support them; and

(iv) A statement of the compensation to be paid for the study and testimony in the case.

(2) *Drafts and communications protected.* (i) Drafts of any report or other disclosure required under this section need not be furnished regardless of the form in which the draft is recorded.

(ii) Communications between a party's attorney and the party's expert witness who is identified under this section need not be furnished regardless of the form of the communications, except if the communications relate to compensation for the expert's study or testimony, identify facts or data that the party's attorney provided and that the expert considered in forming the opinions to be expressed, or identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed.

■ 8. Section 201.230 is amended by:

■ a. Revising the paragraph (b) subject heading;

■ b. Redesignating paragraph (b)(1)(iv) as paragraph (b)(1)(v) and adding new paragraph (b)(1)(iv);

■ c. Redesignating paragraph (b)(2) as paragraph (b)(3) and adding new paragraph (b)(2); and

■ d. In paragraph (c), removing the term ''(b)(1)(iv)'' and adding in its place ''(b)(1)(v)'' wherever it occurs.

The revision and additions read as follows:

§ 201.230 Enforcement and disciplinary proceedings: Availability of documents for inspection and copying.

* * * * *

(b) *Documents that may be withheld or redacted.*

(1) * * *

(iv) The document reflects only settlement negotiations between the Division of Enforcement and a person or entity who is not a respondent in the proceeding; or

* * * * *

(2) Unless the hearing officer orders otherwise upon motion, the Division of Enforcement may redact information from a document if:

(i) The information is among the categories set forth in paragraphs (b)(1)(i) through (v) of this section; or

(ii) The information consists of the following with regard to a person other than the respondent to whom the information is being produced:

(A) An individual's social-security number;

(B) An individual's birth date;

(C) The name of an individual known to be a minor; or

(D) A financial account number, taxpayer-identification number, credit card or debit card number, passport number, driver's license number, or state-issued identification number other than the last four digits of the number.

* * * * *

■ 9. Section 201.232 is amended by revising paragraphs (a), (c), (d), (e), and (f) to read as follows:

§ 201.232 Subpoenas.

(a) *Availability; procedure.* In connection with any hearing ordered by the Commission or any deposition permitted under § 201.233, a party may request the issuance of subpoenas requiring the attendance and testimony of witnesses at such depositions or at the designated time and place of hearing, and subpoenas requiring the production of documentary or other tangible evidence returnable at any designated time or place. Unless made on the record at a hearing, requests for issuance of a subpoena shall be made in writing and served on each party pursuant to § 201.150. A person whose request for a subpoena has been denied or modified may not request that any other person issue the subpoena.

* * * * *

(c) *Service.* Service shall be made pursuant to the provisions of § 201.150 (b) through (d). The provisions of this paragraph (c) shall apply to the issuance of subpoenas for purposes of investigations, as required by 17 CFR 203.8, as well as depositions and hearings.

(d) *Tender of fees required.* When a subpoena ordering the attendance of a person at a hearing or deposition is issued at the instance of anyone other than an officer or agency of the United States, service is valid only if the subpoena is accompanied by a tender to the subpoenaed person of the fees for one day's attendance and mileage specified by paragraph (f) of this section.

(e) *Application to quash or modify*—(1) *Procedure.* Any person to whom a subpoena or notice of deposition is directed, or who is an owner, creator or the subject of the documents that are to be produced pursuant to a subpoena, or any party may, prior to the time specified therein for compliance, but in no event more than 15 days after the date of service of such subpoena or notice, request that the subpoena or notice be quashed or modified. Such request shall be made by application filed with the Secretary and served on all parties pursuant to § 201.150. The party on whose behalf the subpoena or notice was issued may, within five days of service of the application, file an opposition to the application. If a hearing officer has been assigned to the proceeding, the application to quash shall be directed to that hearing officer for consideration, even if the subpoena or notice was issued by another person.

(2) *Standards governing application to quash or modify.* If compliance with the subpoena or notice of deposition would be unreasonable, oppressive, unduly burdensome or would unduly delay the hearing, the hearing officer or the Commission shall quash or modify the subpoena or notice, or may order a response to the subpoena, or appearance at a deposition, only upon specified conditions. These conditions may include but are not limited to a requirement that the party on whose behalf the subpoena was issued shall make reasonable compensation to the person to whom the subpoena was

addressed for the cost of copying or transporting evidence to the place for return of the subpoena.

(3) *Additional standards governing application to quash deposition notices or subpoenas filed pursuant to § 201.233(a).* The hearing officer or the Commission shall quash or modify a deposition notice or subpoena filed or issued pursuant to § 201.233(a) unless the requesting party demonstrates that the deposition notice or subpoena satisfies the requirements of § 201.233(a), and:

(i) The proposed deponent was a witness of or participant in any event, transaction, occurrence, act, or omission that forms the basis for any claim asserted by the Division of Enforcement, or any defense asserted by any respondent in the proceeding (this excludes a proposed deponent whose only knowledge of relevant facts about claims or defenses of any party arises from the Division of Enforcement's investigation or the proceeding);

(ii) The proposed deponent is a designated as an ''expert witness'' under § 201.222(b); provided, however, that the deposition of an expert who is required to submit a written report under § 201.222(b) may only occur after such report is served; or

(iii) The proposed deponent has custody of documents or electronic data relevant to the claims or defenses of any party (this excludes Division of Enforcement or other Commission officers or personnel who have custody of documents or data that was produced by the Division to the respondent).

(f) *Witness fees and mileage.* Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear. Except for such witness fees and mileage, each party is responsible for paying any fees and expenses of the expert witnesses whom that party designates under § 201.222(b), for appearance at any deposition or hearing.

■ 10. Section 201.233 is revised to read as follows:

§ 201.233 Depositions upon oral examination.

(a) *Depositions upon written notice.* In any proceeding under the 120-day timeframe under § 201.360(a)(2), except as otherwise set forth in these rules, and consistent with the prehearing conference and hearing officer's scheduling order:

(1) If the proceeding involves a single respondent, the respondent may file written notices to depose no more than three persons, and the Division of Enforcement may file written notices to depose no more than three persons. No other depositions shall be permitted, except as provided in paragraph (b) of this section;

(2) If the proceeding involves multiple respondents, the respondents collectively may file joint written notices to depose no more than five persons, and the Division of Enforcement may file written notices to depose no more than five persons. The depositions taken under this paragraph (a)(2) shall not exceed a total of five depositions for the Division of Enforcement, and five depositions for all respondents collectively. No other depositions shall be permitted except as provided in paragraph (b) of this section;

(3) A deponent's attendance may be ordered by subpoena issued pursuant to the procedures in § 201.232; and

(4) The Commission or hearing officer may rule on a motion by a party that a deposition shall not be taken upon a determination under § 201.232(e). The fact that a witness testified during an investigation does not preclude the deposition of that witness.

(b) *Depositions when witness is unavailable.* In addition to depositions permitted under paragraph (a) of this section, the Commission or the hearing officer may grant a party's request to file a written notice of deposition if the requesting party shows that the prospective witness will likely give testimony material to the proceeding; that it is likely the prospective witness, who is then within the United States, will be unable to attend or testify at the hearing because of age, sickness, infirmity, imprisonment, other disability, or absence from the United States, unless it appears that the absence of the witness was procured by the party requesting the deposition; and that the taking of a deposition will serve the interests of justice.

(c) *Service and contents of notice.* Notice of any deposition pursuant to this section shall be made in writing and served on each party pursuant to § 201.150, and shall be consistent with the prehearing conference and hearing officer's scheduling order. A notice of deposition shall designate by name a deposition officer. The deposition officer may be any person authorized to administer oaths by the laws of the United States or of the place where the deposition is to be held. A notice of deposition also shall state:

(1) The name and address of the witness whose deposition is to be taken;

(2) The scope of the testimony to be taken;

(3) The time and place of the deposition; provided that a subpoena for a deposition may command a person to attend a deposition only as follows:

(A) Within 100 miles of where the person resides, is employed, or regularly transacts business in person;

(B) Within the state where the person resides, is employed, or regularly transacts business in person, if the person is a party or a party's officer;

(C) At such other location that the parties and proposed deponent stipulate; or

(D) At such other location that the hearing officer or the Commission determines is appropriate; and

(4) The manner of recording and preserving the deposition.

(d) *Producing documents.* In connection with any deposition pursuant to § 201.233(a), a party may request the issuance of a subpoena duces tecum under § 201.232. The party conducting the deposition shall serve upon the deponent any subpoena duces tecum so issued. The materials designated for production, as set out in the subpoena, must be listed in the notice of deposition or in an attachment.

(e) *Method of recording*—(1) *Method stated in the notice.* The party who notices the deposition must state in the notice the method for recording the testimony. Unless the hearing officer or Commission orders otherwise, testimony may be recorded by audio, audiovisual, or stenographic means. The noticing party bears the recording costs. Any party may arrange to transcribe a deposition.

(2) *Additional method.* With prior notice to the deponent and other parties, any party may designate another method for recording the testimony in addition to that specified in the original notice. That party bears the expense of the additional record or transcript unless the hearing officer or the Commission orders otherwise.

(f) *By remote means.* The parties may stipulate—or the hearing officer or Commission may on motion order—that a deposition be taken by telephone or other remote means. For the purpose of this section, the deposition takes place where the deponent answers the questions.

(g) *Deposition officer's duties*—(1) *Before the deposition.* The deposition officer designated pursuant to paragraph (c) of this section must begin the

deposition with an on-the-record statement that includes:

(i) The deposition officer's name and business address;

(ii) The date, time, and place of the deposition;

(iii) The deponent's name;

(iv) The deposition officer's administration of the oath or affirmation to the deponent; and

(v) The identity of all persons present.

(2) *Conducting the deposition; Avoiding distortion.* If the deposition is recorded non-stenographically, the deposition officer must repeat the items in paragraphs (g)(1)(i) through (iii) of this section at the beginning of each unit of the recording medium. The deponent's and attorneys' appearance or demeanor must not be distorted through recording techniques.

(3) *After the deposition.* At the end of a deposition, the deposition officer must state on the record that the deposition is complete and must set out any stipulations made by the attorneys about custody of the transcript or recording and of the exhibits, or about any other pertinent matters.

(h) *Order and record of the examination*—(1) *Order of examination.* The examination and cross-examination of a deponent proceed as they would at the hearing. After putting the deponent under oath or affirmation, the deposition officer must record the testimony by the method designated under paragraph (e) of this section. The testimony must be recorded by the deposition officer personally or by a person acting in the presence and under the direction of the deposition officer. The witness being deposed may have counsel present during the deposition.

(2) *Form of objections stated during the deposition.* An objection at the time of the examination—whether to evidence, to a party's conduct, to the deposition officer's qualifications, to the manner of taking the deposition, or to any other aspect of the deposition—must be noted on the record, but the examination still proceeds and the testimony is taken subject to any objection. An objection must be stated concisely in a nonargumentative and nonsuggestive manner. A person may instruct a deponent not to answer only when necessary to preserve a privilege, to enforce a limitation ordered by the hearing officer or the Commission, or to present a motion to the hearing officer or the Commission for a limitation on the questioning in the deposition.

(i) *Waiver of objections*—(1) *To the notice.* An objection to an error or irregularity in a deposition notice is waived unless promptly served in writing on the party giving the notice.

(2) *To the deposition officer's qualification.* An objection based on disqualification of the deposition officer before whom a deposition is to be taken is waived if not made:

(i) Before the deposition begins; or

(ii) Promptly after the basis for disqualification becomes known or, with reasonable diligence, could have been known.

(3) *To the taking of the deposition*—(i) O*bjection to competence, relevance, or materiality.* An objection to a deponent's competence—or to the competence, relevance, or materiality of testimony—is not waived by a failure to make the objection before or during the deposition, unless the ground for it might have been corrected at that time.

(ii) *Objection to an error or irregularity.* An objection to an error or irregularity at an oral examination is waived if:

(A) It relates to the manner of taking the deposition, the form of a question or answer, the oath or affirmation, a party's conduct, or other matters that might have been corrected at that time; and

(B) It is not timely made during the deposition.

(4) *To completing and returning the deposition.* An objection to how the deposition officer transcribed the testimony—or prepared, signed, certified, sealed, endorsed, sent, or otherwise dealt with the deposition—is waived unless a motion to suppress is made promptly after the error or irregularity becomes known or, with reasonable diligence, could have been known.

(j) *Duration; cross-examination; motion to terminate or limit*—(1) *Duration.* Unless otherwise stipulated or ordered by the hearing officer or the Commission, a deposition is limited to one day of 6 hours, including cross-examination as provided in this subsection. In a deposition conducted by or for a respondent, the Division of Enforcement shall be allowed a reasonable amount of time for cross-examination of the deponent. In a deposition conducted by the Division, the respondents collectively shall be allowed a reasonable amount of time for cross-examination of the deponent. The hearing officer or the Commission may allow additional time if needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination.

(2) *Motion to terminate or limit*—(i) *Grounds.* At any time during a deposition, the deponent or a party may move to terminate or limit it on the ground that it is being conducted in bad faith or in a manner that unreasonably annoys, embarrasses, or oppresses the deponent or party. If the objecting deponent or party so demands, the deposition must be suspended for the time necessary to present the motion to the hearing officer or the Commission.

(ii) *Order.* The hearing officer or the Commission may order that the deposition be terminated or may limit its scope. If terminated, the deposition may be resumed only by order of the hearing officer or the Commission.

(k) *Review by the witness; changes*—(1) *Review; statement of changes.* On request by the deponent or a party before the deposition is completed, and unless otherwise ordered by the hearing officer or the Commission, the deponent must be allowed 14 days after being notified by the deposition officer that the transcript or recording is available, unless a longer time is agreed to by the parties or permitted by the hearing officer, in which:

(i) To review the transcript or recording; and

(ii) If there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) *Changes indicated in the deposition officer's certificate.* The deposition officer must note in the certificate prescribed by paragraph (l)(1) of this section whether a review was requested and, if so, must attach any changes the deponent makes during the 14-day period.

(*l*) *Certification and delivery; exhibits; copies of the transcript or recording*—(1) *Certification and delivery.* The deposition officer must certify in writing that the witness was duly sworn and that the deposition accurately records the witness's testimony. The certificate must accompany the record of the deposition. Unless the hearing officer orders otherwise, the deposition officer must seal the deposition in an envelope or package bearing the title of the action and marked ''Deposition of [witness's name]'' and must promptly send it to the attorney or party who arranged for the transcript or recording. The attorney or party must store it under conditions that will protect it against loss, destruction, tampering, or deterioration.

(2) *Documents and tangible things*—(i) *Originals and copies.* Documents and tangible things produced for inspection during a deposition must, on a party's request, be marked for identification and attached to the deposition. Any party may inspect and copy them. But if the person who produced them wants to keep the originals, the person may:

(A) Offer copies to be marked, attached to the deposition, and then

used as originals—after giving all parties a fair opportunity to verify the copies by comparing them with the originals; or

(B) Give all parties a fair opportunity to inspect and copy the originals after they are marked—in which event the originals may be used as if attached to the deposition.

(ii) *Order regarding the originals.* Any party may move for an order that the originals be attached to the deposition pending final disposition of the case.

(3) *Copies of the transcript or recording.* Unless otherwise stipulated or ordered by the hearing officer or Commission, the deposition officer must retain the stenographic notes of a deposition taken stenographically or a copy of the recording of a deposition taken by another method. When paid reasonable charges, the deposition officer must furnish a copy of the transcript or recording to any party or the deponent.

■ 11. Section 201.234 is amended by revising paragraphs (a) and (c) to read as follows:

§ 201.234 Depositions upon written questions.

(a) *Availability.* Any deposition permitted under § 201.232 may be taken and submitted on written questions upon motion of any party, for good cause shown, or as stipulated by the parties.

* * * * *

(c) *Additional requirements.* The order for deposition, filing of the deposition, form of the deposition and use of the deposition in the record shall be governed by paragraphs (c) through (l) of § 201.233, except that no cross-examination shall be made.

■ 12. Section 201.235 is amended by revising the section heading and paragraphs (a) introductory text, (a)(2), and (a)(5), and by adding paragraph (b) to read as follows:

§ 201.235 Introducing prior sworn statements or declarations.

(a) At a hearing, any person wishing to introduce a prior, sworn deposition taken pursuant to § 201.233 or § 201.234, investigative testimony, or other sworn statement or a declaration pursuant to 28 U.S.C. 1746, of a witness, not a party, otherwise admissible in the proceeding, may make a motion setting forth the reasons therefor. If only part of a statement or declaration is offered in evidence, the hearing officer may require that all relevant portions of the statement or declaration be introduced. If all of a statement or declaration is offered in evidence, the hearing officer may require that portions not relevant to the proceeding be excluded. A motion to introduce a prior sworn statement or declaration may be granted if:

* * * * *

(2) The witness is out of the United States, unless it appears that the absence of the witness was procured by the party offering the prior sworn statement or declaration;

* * * * *

(5) In the discretion of the Commission or the hearing officer, it would be desirable, in the interests of justice, to allow the prior sworn statement or declaration to be used. In making this determination, due regard shall be given to the presumption that witnesses will testify orally in an open hearing. If the parties have stipulated to accept a prior sworn statement or declaration in lieu of live testimony, consideration shall also be given to the convenience of the parties in avoiding unnecessary expense.

(b) *Sworn statement or declaration of party or agent.* An adverse party may use for any purpose a deposition taken pursuant to § 201.233 or § 201.234, investigative testimony, or other sworn statement or a declaration pursuant to 28 U.S.C. 1746, of a party or anyone who, when giving the sworn statement or declaration, was the party's officer, director, or managing agent.

■ 13. Section 201.320 is revised to read as follows:

§ 201.320 Evidence: Admissibility.

(a) Except as otherwise provided in this section, the Commission or the hearing officer may receive relevant evidence and shall exclude all evidence that is irrelevant, immaterial, unduly repetitious, or unreliable.

(b) Subject to § 201.235, evidence that constitutes hearsay may be admitted if it is relevant, material, and bears satisfactory indicia of reliability so that its use is fair.

■ 14. Section 201.360 is amended by revising paragraphs (a)(2) and (3) and (b) to read as follows:

§ 201.360 Initial decision of hearing officer.

(a) * * *

(2) *Time period for filing initial decision and for hearing*—(i) *Initial decision.* In the order instituting proceedings, the Commission will specify a time period in which the hearing officer's initial decision must be filed with the Secretary. In the Commission's discretion, after consideration of the nature, complexity, and urgency of the subject matter, and with due regard for the public interest and the protection of investors, this time period will be either 30, 75, or 120 days from the completion of post-hearing briefing, or if there is no in-person hearing, the completion of briefing on a dispositive motion (including but not limited to a motion for summary disposition or default) or the occurrence of a default under § 201.155(a).

(ii) *Hearing.* Under the 120-day timeline, the hearing officer shall issue an order scheduling the hearing to begin approximately 4 months (but no more than 8 months) from the date of service of the order instituting the proceeding, allowing parties approximately 2 months from the conclusion of the hearing to obtain the transcript and submit post-hearing briefs, and no more than 120 days after the completion of post-hearing or dispositive motion briefing for the hearing officer to file an initial decision. Under the 75-day timeline, the hearing officer shall issue an order scheduling the hearing to begin approximately 2½ months (but no more than 6 months) from the date of service of the order instituting the proceeding, allowing parties approximately 2 months from the conclusion of the hearing to obtain the transcript and submit post-hearing briefs, and no more than 75 days after the completion of post-hearing or dispositive motion briefing for the hearing officer to file an initial decision. Under the 30-day timeline, the hearing officer shall issue an order scheduling the hearing to begin approximately 1 month (but no more than 4 months) from the date of service of the order instituting the proceeding, allowing parties approximately 2 months from the conclusion of the hearing to obtain the transcript and submit post-hearing briefs, and no more than 30 days after the completion of post-hearing or dispositive motion briefing for the hearing officer to file an initial decision. These deadlines confer no substantive rights on respondents. If a stay is granted pursuant to § 201.161(c)(2)(i) or § 201.210(c)(3), the time period specified in the order instituting proceedings in which the hearing officer's initial decision must be filed with the Secretary, as well as any other time limits established in orders issued by the hearing officer in the proceeding, shall be automatically tolled during the period while the stay is in effect.

(3) *Certification of extension; motion for extension.* (i) In the event that the hearing officer presiding over the proceeding determines that it will not be possible to file the initial decision within the specified period of time, the hearing officer may certify to the Commission in writing the need to extend the initial decision deadline by up to 30 days for case management purposes. The certification must be issued no later than 30 days prior to the

expiration of the time specified for the issuance of an initial decision and be served on the Commission and all parties in the proceeding. If the Commission has not issued an order to the contrary within fourteen days after receiving the certification, the extension set forth in the hearing officer's certification shall take effect.

(ii) Either in addition to a certification of extension, or instead of a certification of extension, the Chief Administrative Law Judge may submit a motion to the Commission requesting an extension of the time period for filing the initial decision. First, the hearing officer presiding over the proceeding must consult with the Chief Administrative Law Judge. Following such consultation, the Chief Administrative Law Judge may determine, in his or her discretion, to submit a motion to the Commission requesting an extension of the time period for filing the initial decision. This motion may request an extension of any length but must be filed no later than 15 days prior to the expiration of the time specified in the certification of extension, or if there is no certification of extension, 30 days prior to the expiration of the time specified in the order instituting proceedings. The motion will be served upon all parties in the proceeding, who may file with the Commission statements in support of or in opposition to the motion. If the Commission determines that additional time is necessary or appropriate in the public interest, the Commission shall issue an order extending the time period for filing the initial decision.

(iii) The provisions of this paragraph (a)(3) confer no rights on respondents.

(b) *Content.* An initial decision shall include findings and conclusions, and the reasons or basis therefor, as to all the material issues of fact, law or discretion presented on the record and the appropriate order, sanction, relief, or denial thereof. The initial decision shall also state the time period, not to exceed 21 days after service of the decision, except for good cause shown, within which a petition for review of the initial decision may be filed. The reasons for any extension of time shall be stated in the initial decision. The initial decision shall also include a statement that, as provided in paragraph (d) of this section:

* * * * *

■ 15. Section 201.410 is amended by revising paragraph (b), redesignating paragraph (c) as paragraph (d), and adding new paragraph (c) to read as follows:

§ 201.410 Appeal of initial decisions by hearing officers.

* * * * *

(b) *Procedure.* The petition for review of an initial decision shall be filed with the Commission within such time after service of the initial decision as prescribed by the hearing officer pursuant to § 201.360(b) unless a party has filed a motion to correct an initial decision with the hearing officer. If such correction has been sought, a party shall have 21 days from the date of the hearing officer's order resolving the motion to correct to file a petition for review. The petition shall set forth a statement of the issues presented for review under § 201.411(b). In the event a petition for review is filed, any other party to the proceeding may file a cross-petition for review within the original time allowed for seeking review or within ten days from the date that the petition for review was filed, whichever is later.

(c) *Length limitation.* Except with leave of the Commission, the petition for review shall not exceed three pages in length. Incorporation of pleadings or filings by reference is not permitted. Motions to file petitions in excess of those limitations are disfavored.

* * * * *

■ 16. Section 201.411 is amended by revising paragraph (d) to read as follows:

§ 201.411 Commission consideration of initial decisions by hearing officers.

* * * * *

(d) *Limitations on matters reviewed.* Review by the Commission of an initial decision shall be limited to the issues specified in an opening brief that complies with § 201.450(b), or the issues, if any, specified in the briefing schedule order issued pursuant to § 201.450(a). Any exception to an initial decision not supported in an opening brief that complies with § 201.450(b) may, at the discretion of the Commission, be deemed to have been waived by the petitioner. On notice to all parties, however, the Commission may, at any time prior to issuance of its decision, raise and determine any other matters that it deems material, with opportunity for oral or written argument thereon by the parties.

* * * * *

■ 17. Section 201.420 is amended by adding a sentence to the end of paragraph (c) to read as follows:

§ 201.420 Appeal of determinations by self-regulatory organizations.

* * * * *

(c) * * * Any exception to a determination not supported in an opening brief that complies with § 201.450(b) may, at the discretion of the Commission, be deemed to have been waived by the applicant.

* * * * *

■ 18. Section 201.440 is amended by revising paragraph (b) to read as follows:

§ 201.440 Appeal of determinations by the Public Company Accounting Oversight Board.

* * * * *

(b) *Procedure.* An aggrieved person may file an application for review with the Commission pursuant to § 201.151 within 30 days after the notice filed by the Board of its determination with the Commission pursuant to 17 CFR 240.19d–4 is received by the aggrieved person applying for review. The applicant shall serve the application on the Board at the same time. The application shall identify the determination complained of, set forth in summary form a brief statement of alleged errors in the determination and supporting reasons therefor, and state an address where the applicant can be served. The application should not exceed two pages in length. The notice of appearance required by § 201.102(d) shall accompany the application. Any exception to a determination not supported in an opening brief that complies with § 201.450(b) may, at the discretion of the Commission, be deemed to have been waived by the applicant.

* * * * *

■ 19. Section 201.450 is amended by revising paragraphs (b), (c), and (d) to read as follows.

§ 201.450 Briefs filed with the Commission.

* * * * *

(b) *Contents of briefs.* Briefs shall be confined to the particular matters at issue. Each exception to the findings or conclusions being reviewed shall be stated succinctly. Exceptions shall be supported by citation to the relevant portions of the record, including references to the specific pages relied upon, and by concise argument including citation of such statutes, decisions and other authorities as may be relevant. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief, or by citation to the record. Reply briefs shall be confined to matters in opposition briefs of other parties; except as otherwise determined by the Commission in its discretion, any argument raised for the first time in a reply brief shall be deemed to have been waived.

(c) *Length limitation.* Except with leave of the Commission, opening and opposition briefs shall not exceed 14,000 words and reply briefs shall not exceed 7,000 words, exclusive of pages containing the table of contents, table of authorities, and any addendum that consists solely of copies of applicable cases, pertinent legislative provisions or rules, and exhibits. Incorporation of pleadings or filings by reference is not permitted. Motions to file briefs in excess of these limitations are disfavored.

(d) *Certificate of compliance.* An opening or opposition brief that does not exceed 30 pages in length, exclusive of pages containing the table of contents, table of authorities, and any addendum that consists solely of copies of applicable cases, pertinent legislative provisions, or rules and exhibits, is presumptively considered to contain no more than 14,000 words. A reply brief that does not exceed 15 pages in length, exclusive of pages containing the table of contents, table of authorities, and any addendum that consists solely of copies of applicable cases, pertinent legislative provisions, or rules and exhibits is presumptively considered to contain no more than 7,000 words. Any brief that exceeds these page limits must include a certificate by the party's representative, or an unrepresented party, stating that the brief complies with the requirements set forth in § 201.450(c) and stating the number of words in the brief. The person preparing the certificate may rely on the word count of the word-processing system used to prepare the brief.

■ 20. Section 201.900 is revised to read as follows:

§ 201.900 Informal Procedures and Supplementary Information Concerning Adjudicatory Proceedings.

(a) *Guidelines for the timely completion of proceedings.* (1) Timely resolution of adjudicatory proceedings is one factor in assessing the effectiveness of the adjudicatory program in protecting investors, promoting public confidence in the securities markets and assuring respondents a fair hearing. Establishment of guidelines for the timely completion of key phases of contested administrative proceedings provides a standard for both the Commission and the public to gauge the Commission's adjudicatory program on this criterion. The Commission has directed that:

(i) To the extent possible, a decision by the Commission on review of an interlocutory matter should be completed within 45 days of the date set for filing the final brief on the matter submitted for review.

(ii) To the extent possible, a decision by the Commission on a motion to stay a decision that has already taken effect or that will take effect within five days of the filing of the motion, should be issued within five days of the date set for filing of the opposition to the motion for a stay. If the decision complained of has not taken effect, the Commission's decision should be issued within 45 days of the date set for filing of the opposition to the motion for a stay.

(iii) Ordinarily, a decision by the Commission with respect to an appeal from the initial decision of a hearing officer, a review of a determination by a self-regulatory organization or the Public Company Accounting Oversight Board, or a remand of a prior Commission decision by a court of appeals will be issued within eight months from the completion of briefing on the petition for review, application for review, or remand order. If the Commission determines that the complexity of the issues presented in a petition for review, application for review, or remand order warrants additional time, the decision of the Commission in that matter may be issued within 10 months of the completion of briefing.

(iv) If the Commission determines that a decision by the Commission cannot be issued within the period specified in paragraph (a)(1)(iii), the Commission may extend that period by orders as it deems appropriate in its discretion. The guidelines in this paragraph (a) confer no rights or entitlements on parties or other persons.

(2) The guidelines in this paragraph (a) do not create a requirement that each portion of a proceeding or the entire proceeding be completed within the periods described. Among other reasons, Commission review may require additional time because a matter is unusually complex or because the record is exceptionally long. In addition, fairness is enhanced if the Commission's deliberative process is not constrained by an inflexible schedule. In some proceedings, deliberation may be delayed by the need to consider more urgent matters, to permit the preparation of dissenting opinions, or for other good cause. The guidelines will be used by the Commission as one of several criteria in monitoring and evaluating its adjudicatory program. The guidelines will be examined periodically, and, if necessary, readjusted in light of changes in the pending caseload and the available level of staff resources.

(b) *Reports to the Commission on pending cases.* The administrative law judges, the Secretary and the General Counsel have each been delegated authority to issue certain orders or adjudicate certain proceedings. See 17 CFR 200.30–1 *et seq.* Proceedings are also assigned to the General Counsel for the preparation of a proposed order or opinion which will then be recommended to the Commission for consideration. In order to improve accountability by and to the Commission for management of the docket, the Commission has directed that confidential status reports with respect to all filed adjudicatory proceedings shall be made periodically to the Commission. These reports will be made through the Secretary, with a minimum frequency established by the Commission. In connection with these periodic reports, if a proceeding pending before the Commission has not been concluded within 30 days of the guidelines established in paragraph (a) of this section, the General Counsel shall specifically apprise the Commission of that fact, and shall describe the procedural posture of the case, project an estimated date for conclusion of the proceeding, and provide such other information as is necessary to enable the Commission to make a determination under paragraph (a)(1)(iv) of this section or to determine whether additional steps are necessary to reach a fair and timely resolution of the matter.

(c) *Publication of information concerning the pending case docket.* Ongoing disclosure of information about the adjudication program caseload increases awareness of the importance of the program, facilitates oversight of the program and promotes confidence in the efficiency and fairness of the program by investors, securities industry participants, self-regulatory organizations and other members of the public. The Commission has directed the Secretary to publish in the first and seventh months of each fiscal year summary statistical information about the status of pending adjudicatory proceedings and changes in the Commission's caseload over the prior six months. The report will include the number of cases pending before the administrative law judges and the Commission at the beginning and end of the six-month period. The report will also show increases in the caseload arising from new cases being instituted, appealed or remanded to the Commission and decreases in the caseload arising from the disposition of proceedings by issuance of initial

decisions, issuance of final decisions issued on appeal of initial decisions, other dispositions of appeals of initial decisions, final decisions on review of self-regulatory organization determinations, other dispositions on review of self-regulatory organization determinations, and decisions with respect to stays or interlocutory motions. For each category of decision, the report shall also show the median age of the cases at the time of the decision, the number of cases decided within the guidelines for the timely completion of adjudicatory proceedings, and, with respect to appeals from initial decisions, reviews of determinations by self-regulatory organizations or the Public Company Accounting Oversight Board, and remands of prior Commission decisions, the median days from the completion of briefing to the time of the Commission's decision.

By the Commission.

Dated: September 24, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–24707 Filed 10–2–15; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 901

[SATS No. AL–078–FOR; Docket ID: OSM–2015–0005; S1D1S SS08011000 SX064A000 156S180110; S2D2S SS08011000 SX064A000 15XS501520]

Alabama Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing receipt of a proposed amendment to the Alabama regulatory program (Alabama program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Alabama proposes revisions to its Program by clarifying that the venue for appeals of Alabama Surface Mining Commission decisions resides in the Circuit Court of the county in which the agency maintains its principal office.

This document gives the times and locations that the Alabama program and proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4:00 p.m., c.d.t., November 4, 2015. If requested, we will hold a public hearing on the amendment on October 30, 2015. We will accept requests to speak at a hearing until 4:00 p.m., c.d.t. on October 20, 2015.

ADDRESSES: You may submit comments, identified by SATS No. AL–078–FOR by any of the following methods:

- *Mail/Hand Delivery:* Sherry Wilson, Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209
- *Fax:* (205) 290–7280
- *Federal eRulemaking Portal:* The amendment has been assigned Docket ID OSM–2015–0005. If you would like to submit comments go to *http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to review copies of the Alabama program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSMRE's Birmingham Field Office or the full text of the program amendment is available for you to review at *www.regulations.gov.*

Sherry Wilson, Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209, Telephone: (205) 290–7282, Email: *swilson@osmre.gov.*

In addition, you may review a copy of the amendment during regular business hours at the following location: Alabama Surface Mining Commission, 1811 Second Ave., P.O. Box 2390, Jasper, Alabama 35502–2390, Telephone: (205) 221–4130.

FOR FURTHER INFORMATION CONTACT: Sherry Wilson, Director, Birmingham Field Office. Telephone: (205) 290–7282. Email: *swilson@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Alabama Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, ''a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act . . . ; and rules and regulations consistent with regulations issued by the Secretary pursuant to this Act.'' See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Alabama program effective May 20, 1982. You can find background information on the Alabama program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Alabama program in the May 20, 1982, **Federal Register** (47 FR 22030). You can also find later actions concerning the Alabama program and program amendments at 30 CFR 901.10, 901.15 and 901.16.

II. Description of the Proposed Amendment

By letter dated June 12, 2015 (Administrative Record No. AL–0666), Alabama sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*) at its own initiative. Below is a summary of the changes proposed by Alabama. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

Code of Alabama Section 9–16–79 Hearing and Appeals; Procedures

Alabama proposes to add new language to clarify that procedures under this section shall take precedence over the Alabama Administrative Procedure Act, which shall in no respect apply to proceedings arising under this article.

Alabama, at Section 9–16–79(4)b., proposes to make edits and add new language, clarifying that the venue for appeals of Alabama Surface Mining Commission decisions resides in the Circuit Court of the county in which the agency maintains its principal office.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment

satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

Electronic or Written Comments

If you submit written comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.d.t. on *October 20, 2015.* If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSMRE for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 901

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 9, 2015.

William L. Joseph,

Acting Regional Director, Mid-Continent Region.

[FR Doc. 2015–25255 Filed 10–2–15; 8:45 am]

BILLING CODE 4310–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0510; FRL–9934–03–Region 9]

Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Antelope Valley Air Quality Management District (AVAQMD) portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from graphic arts facilities and aerospace assembly and component manufacturing operations. The EPA is proposing to approve local rules to regulate these emission sources under the Clean Air Act (CAA or the Act). These revisions also address rescission of two rules no longer required, and approval of administrative revisions to the emergency episode plan requirements.

DATES: Any comments on this proposal must arrive by November 4, 2015.

ADDRESSES: Submit comments, identified by docket number [EPA–R09–OAR–2015–0510, by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.

2. *Email: steckel.andrew@epa.gov.*

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to the EPA, your email address will be automatically captured and included as part of the public comment. If the EPA cannot read your

comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Vanessa Graham, EPA Region IX, (415) 947–4120, *graham.vanessa@epa.gov.*

SUPPLEMENTARY INFORMATION: This proposal addresses the following local rules: AVAQMD 701—Air Pollution Emergency Contingency Actions, rescission of AVAQMD 1110—Emissions from Stationary Internal Combustion Engines (Demonstration), AVAQMD 1124—Aerospace Assembly and Component Manufacturing Operations, rescission of AVAQMD 1128—Paper, Fabric and Film Coating Operations, and AVAQMD 1130—Graphic Arts. In the Rules and Regulations section of this **Federal Register**, the EPA is approving these local rules and rule rescissions in a direct final action without prior proposal because the EPA believes these SIP revisions are not controversial. If the EPA receives adverse comments, however, the EPA will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if the EPA receives adverse comment on an amendment, paragraph or section of this rule and if that provision may be severed from the remainder of the rule, the EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

The EPA does not plan to open a second comment period, so anyone interested in commenting should do so at this time. If the EPA does not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: September 1, 2015.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2015–25160 Filed 10–2–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0542; FRL–9933–53–Region 9]

Revision of Air Quality Implementation Plan; California; Feather River Air Quality Management District; Stationary Source Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a revision to the Feather River Air Quality Management District (FRAQMD) portion of the California State Implementation Plan (SIP). This revision concerns a permitting rule that regulates construction and modifications of major stationary sources of air pollution. The revisions correct deficiencies in FRAQMD Rule 10.1, New Source Review, previously identified by EPA in a final rule dated September 24, 2013. We are proposing to approve revisions that correct the identified deficiencies.

DATES: Any comments must arrive by November 4, 2015.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2015–0542, by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions.

2. *Email: R9airpermits@epa.gov.*

3. *Mail or deliver:* Gerardo Rios (Air-3), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *http://www.regulations.gov* or email. *http://www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: EPA has established a docket for this action under EPA–R09–OAR–2015–0542. Generally, documents in the docket for this action are available electronically at *http://www.regulations.gov* or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents are listed at *http://www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps, multi-volume reports), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Lornette Harvey, EPA Region IX, (415) 972–3498, *Harvey.lornette@epa.gov.*

SUPPLEMENTARY INFORMATION: This proposal addresses FRAQMD Rule 10.1, New Source Review. In the Rules and Regulations section of this **Federal Register**, we are approving this local rule in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in a subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: August 21, 2015.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2015–25140 Filed 10–2–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2015–0008; FRL–9934–10–Region 5]

Air Plan Approval; Illinois; Volatile Organic Compounds Definition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Under the Clean Air Act, the Environmental Protection Agency (EPA) is proposing to approve a revision to the Illinois State Implementation Plan. The revision amends the Illinois Administrative Code by updating the definition of volatile organic material or volatile organic compounds to exclude 2,3,3,3-tetrafluoropropene. This revision is in response to an EPA rulemaking in 2013 which exempted this compound from the Federal definition of volatile organic compounds on the basis that the compound makes a negligible contribution to tropospheric ozone formation.

DATES: Comments must be received on or before November 4, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2015–0008, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: blakley.pamela@epa.gov.*
3. *Fax:* (312) 692–2450.
4. *Mail:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Anthony Maietta, Environmental Protection Specialist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777 *maietta.anthony@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: September 8, 2015.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2015–25154 Filed 10–2–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[EPA–R03–OAR–2015–0594; FRL–9935–09–Region 3]

Clean Air Act Title V Operating Permit Program Revision; West Virginia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the West Virginia Title V Operating Permit Program submitted by the State of West Virginia on June 17, 2015. The West Virginia Title V Operating Permit Program is implemented through its ''Requirement for Operating Permits'' rule, codified at Title 45, Series 30 of the West Virginia Code of State Regulations (45CSR30). The June 17, 2015 revision amends West Virginia 45CSR30 to increase the annual Title V operating permit fees collected by the West Virginia Department of Environmental Protection (WVDEP). The Title V Operating Permit fees paid annually by individual Title V operating permit holders are used by the WVDEP to implement and oversee the West Virginia Title V Operating Permit Program. This action is being taken under section 502 of the Clean Air Act (CAA).

DATES: Written comments must be received on or before November 4, 2015.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2015–0594 by one of the following methods:

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

B. *Email: Campbell.Dave@epa.gov.*

C. *Mail:* EPA–R03–OAR–2015–0594, David Campbell, Associate Director, Office of Permits and State Programs, Mailcode 3AP10, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

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

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2015–0594. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI, or otherwise protected, through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM

you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

FOR FURTHER INFORMATION CONTACT: Paul Wentworth, (215) 814–2183, or by email at *wentworth.paul@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

EPA granted full approval of the West Virginia Title V Operating Permit Program effective November 19, 2001. *See* 66 FR 50325. Under 40 CFR 70.9(a) and (b), an approved state Title V operating permits program must require that the owners or operators of part 70 sources pay annual fees, or the equivalent over some other period, that are sufficient to cover the permit program costs and ensure that any fee required under 40 CFR 70.9 is used solely for permit program costs. The fee schedule must result in the collection and retention of revenues sufficient to cover the permit program implementation and oversight costs.

West Virginia's initial Title V permit emission fee, established in 1994 at 45CSR30.8, was $18 per ton of regulated pollutant as emitted by individual sources subject to the West Virginia Title V Operating Permit Program. Subject sources are not required to pay annual fees for emissions in excess of 4,000 tons per year. West Virginia's fee has been not been increased or adjusted since 1994.

West Virginia has determined that its Title V annual emission fee revenues collected are no longer sufficient to cover the cost of implementing and overseeing the West Virginia Title V Operating Permit Program. Installation of air pollution control technology over the past two decades on major stationary sources, the retirement or curtailment of operations by major sources, and the conversion at many major facilities from burning coal or oil to burning natural gas have resulted in significant reductions in the emission of regulated pollutants that are subject to annual emission fees. Thus, the amount of annual Title V Operating Permit fees West Virginia has collected has decreased dramatically.

Therefore, West Virginia amended its fee provisions at 45CSR30.8 to increase the annual emission fee from $18 per ton to $25 per ton of regulated pollutant as emitted by individual sources subject to the West Virginia Title V Operating Permit Program. Fees remain capped at 4,000 tons per year from an individual source. West Virginia has submitted this program revision for review and action by EPA.

II. Summary of Program Revision

In the June 17, 2015 program revision submittal, West Virginia included revisions to 45CSR30.8 which was amended to increase West Virginia's annual emission fees for its Title V Operating Permit Program. Annual fees are increased to $25 per ton of emissions of a regulated pollutant from an individual source subject to the West Virginia Title V Operating Permit Program. The previous rate was $18 per ton of regulated pollutant. Fees are capped at 4,000 tons per year from an individual source. The revised fee rate is designed to cover all reasonable costs required to implement and administer the West Virginia Title V Operating Permit Program as required by 40 CFR 70.9(a) and (b). These costs include those for activities such as: Reviewing and processing preconstruction and operating permits, conducting inspections, responding to complaints and pursuing enforcement actions, emissions and ambient air monitoring, preparing applicable regulations and guidance, modeling, analyses, demonstrations, emission inventories, and tracking emissions.

Without this fee increase, West Virginia anticipates funds will not be sufficient to adequately sustain its Title V Operating Permit Program in a manner that is consistent with state and Federal requirements. If funds were to become insufficient to sustain an adequate Title V program in West Virginia, EPA may determine that West Virginia has not taken ''significant action to assure adequate administration and enforcement of the Program'' and take subsequent action as required under 40 CFR 70.10(b) and (c) which could lead to EPA withdrawal of approval of the West Virginia Title V Operating Permit Program. Were that to occur, EPA would have the authority and obligation to implement a Federal Title V operating permit program in West Virginia pursuant to 40 CFR part 71. The withdrawal of program approval could also lead to the imposition of mandatory and discretionary sanctions under the CAA.

III. EPA Analysis of Program Revision

The June 17, 2015 Title V Operating Permit Program revision consists of amendments to West Virginia's rules which establish annual emission fees under Title V of the CAA. This rulemaking proposes approval of West Virginia's increase of the annual Title V fees paid by the owner or operator of a Title V facility in West Virginia from $18 per ton of regulated air pollutant to $25 per ton because the revision meets requirements in section 502 of the CAA and 40 CFR 70.9 for the collection of sufficient Title V fees to cover permit program implementation and oversight costs. The emission fees apply to emissions up to 4,000 tons of any regulated pollutant. The proposed revision does not establish a fee structure for carbon dioxide or other greenhouse gases (GHGs). EPA's rules do not mandate revisions to state Title V programs to account for GHG emissions.

IV. Proposed Action

Pursuant to 40 CFR 70.4(i)(2), EPA is proposing to approve a revision to the West Virginia Title V Operating Permit Program submitted on June 17, 2015 to increase the annual Title V fees paid by the owners or operators of all facilities required to obtain an operating permit under the West Virginia Title V Operating Permit Program. The revision meets the relevant requirements of section 502 of the CAA and 40 CFR 70.9. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

V. Statutory and Executive Order Reviews

This proposed action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office

of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

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

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

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

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

• Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

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

In addition, this proposed approval of the revision to West Virginia's Title V Operating Permit Program which increases permit fees does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the program is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, 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.

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

Dated: September 21, 2015.

Shawn M. Garvin,

Regional Administrator, Region III.

[FR Doc. 2015–25163 Filed 10–2–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket Nos. 11–42, 09–197 & 10–90; DA 15–1036]

Lifeline and Link Up Reform and Modernization; Telecommunications Carriers Eligible for Universal Service Support; Connect America Fund

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration; reopening of comment periods.

SUMMARY: In this document, the Federal Communications Commission (Commission) reopens the comment periods for oppositions and replies to oppositions to CTIA—The Wireless Association (CTIA)'s Petition for Partial Reconsideration of the Commission's Order on Reconsideration requiring Eligible Telecommunications Carriers (ETCs) to retain documentation demonstrating subscriber eligibility for the Lifeline Program.

DATES: The comment periods for the petition for reconsideration published on September 2, 2015 (80 FR 53088), are reopened. Opposition Filing Deadline is October 8, 2015. Replies to Opposition Filing Deadline is October 19, 2015.

ADDRESSES: You may submit oppositions, identified by WC Docket Nos. 11–42, 09–197 or 10–90, by any of the following methods:

• *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/*.

• *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

FOR FURTHER INFORMATION CONTACT: Christopher Cook, Wireline Competition Bureau at (202) 418–7400 or TTY (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Wireline Competition Bureau's document in WC Docket Nos. 11–42, 09–197 and 10–90; DA 15–1036, released September 16, 2015. The complete text of these documents are available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554 or at the following Internet address: *https://www.fcc.gov/document/ctia-recon-petition-extension-order-pn*.

1. On June 18, 2015, the Federal Communications Commission adopted an Order on Reconsideration (Order on Reconsideration) in which, among other matters, the Commission required eligible telecommunications carriers (ETCs) to retain documentation demonstrating subscriber eligibility for the Lifeline Program. On August 13, 2015, CTIA—The Wireless Association (CTIA) filed a Petition for Partial Reconsideration of the Commission's Order on Reconsideration.

2. On August 26, 2015, a Public Notice was issued announcing that any oppositions to the CTIA Petition must be filed within 15 days of public notice of the CTIA Petition in the **Federal Register**. Additionally, the Public Notice announced that any replies to oppositions to the CTIA Petition must be filed within 10 days after the time for filing oppositions has expired. On September 2, 2015, notice of the CTIA Petition was published in the **Federal Register**, which established a September 17, 2015 opposition filing deadline and September 28, 2015 reply to opposition filing deadline.

3. On September 9, 2015, the Center for Democracy & Technology, Free Press, New America Foundation's Open Technology Institute, and Public Knowledge (Requestors) jointly filed a motion to extend the established opposition filing deadline for the CTIA Petition by 30 days. In support of their motion, the Requestors point out that certain of the comments that were recently filed pursuant to the Commission's Second Further Notice of Proposed Rulemaking (Second FNPRM) in the above captioned proceeding specifically raise issues that are relevant to the CTIA Petition. The Requestors also argue that a 30-day extension is in the public interest because a number of reply comments may be filed on issues relevant to the CTIA Petition by the September 30th deadline. The Requestors also cite the Commission's recent IT-modernization efforts, which made some already-filed comments inaccessible to the public for several days, and intervening holidays as circumstances that help to justify an extension in this case.

4. The Commission does not routinely grant extensions of time. Here, however, the Requestors have pointed to a potential relationship between issues addressed in the CTIA Petition and

certain of the comments, and potentially the reply comments, filed pursuant to the Second FNPRM on or before September 30. Furthermore, the Commission's major IT-modernization efforts, making some relevant documents unavailable, occurred during the fifteen days that parties would normally have to prepare oppositions. Taken together, these special circumstances present a sufficiently unique situation to justify a longer period for oppositions than is typical. We also are persuaded that granting an extension to the opposition-filing deadline so that oppositions are due after the September 30th deadline for reply comments on the Second FNPRM will facilitate more thorough and deliberate consideration of the issues raised in the CTIA Petition. We therefore waive the 15-day deadline established in section 1.429(f) and will allow oppositions to be filed by October 8. Replies to those oppositions must be filed by October 19.

5. Accordingly, *it is ordered* that, pursuant to Section 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), (j), and Sections 0.91, 0.291, 1.3, 1.46, 1.415, and 1.429 of the Commission's Rules, 47 CFR 0.91, 0.291, 1.3, 1.46, 1.415, 1.429, the motion of the Center for Democracy & Technology, Free Press, New America Foundation's Open Technology Institute, and Public Knowledge *is granted* to the extent indicated herein and the deadline to file oppositions in response to the Petition for Partial Reconsideration filed by CTIA—The Wireless Association is reopened and will close on October 8, 2015, and the deadline to file replies to oppositions is reopened and will close on October 19, 2015.

Federal Communications Commission.

Ryan B. Palmer,

Chief, Telecommunications Access Policy Division, Wireline Competition Bureau.

[FR Doc. 2015–25094 Filed 10–2–15; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 80, No. 192

Monday, October 5, 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

Foreign Agricultural Service

Special Agricultural Safeguard Measures Pursuant to the Uruguay Round Agreements Act

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notification of invocation of special agricultural safeguard duty on imports of butter and fresh or sour cream containing over 45 percent by weight of butterfat.

SUMMARY: After reviewing the volume of butter imports (including fresh or sour cream containing over 45 percent by weight of butterfat), the Administrator of the Foreign Agricultural Service has determined that the yearly special safeguard trigger level has been met and a special safeguard duty on certain imports of butter and fresh or sour cream will be imposed effective from the date of this notification through December 31, 2015. This additional duty, as described in subheadings 9904.04.20 and 9904.04.21 of the Harmonized Tariff Schedule of the United States (HTS), will be applicable to butter and fresh or sour cream imported under HTS subheadings 0401.50.75, 0403.90.78, and 0405.10.20.

DATES: Effective October 5, 2015 through December 31, 2015.

FOR FURTHER INFORMATION CONTACT: Ron Lord, Import Policies and Export Reporting Division, Stop 1021, Foreign Agricultural Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250–1022, or telephone (202) 720–6939.

SUPPLEMENTARY INFORMATION: U.S. Notes 1 and 2 to Subchapter IV, Chapter 99, of the Harmonized Tariff Schedule of the United States (HTS) contain safeguard measures established pursuant to Article 5 of the World Trade Organization (WTO) Agreement on Agriculture, as approved pursuant to Section 101 of the Uruguay Round Agreements Act (Pub. L. 103–465). These safeguard measures include the imposition of additional duties based upon the volume of butter and fresh or sour cream imports into the United States. Subheadings 9904.04.20 and 9904.04.21 of the HTS provide for the imposition of additional safeguard duties for butter and fresh or sour cream upon notification in the **Federal Register** by the Secretary of Agriculture or the Secretary's delegee that a specific volume of imports has been exceeded. The 2015 trigger level for butter and fresh or sour cream is 9,414,976 kilograms (80 FR 36962, June 29, 2015). Specifically, HTS subheadings 9904.04.20 and 9904.04.21 provide for an additional duty of 54.9 cents per kilogram on imports entered under HTS subheadings 0401.50.75 and 0403.90.78, and an additional duty of 51.4 cents per kilogram on imports entered under HTS subheading 0405.10.20.

Section 405(a) of the Uruguay Round Agreements Act requires, among other things, that the President shall determine and cause to be published in the **Federal Register** the list of special safeguard agricultural goods and the applicable trigger prices and, on an annual basis, quantity trigger levels. Section 405(b) of that Act provides, in relevant part, that if the President determines with respect to a special safeguard agricultural good that it is appropriate to impose the volume-based safeguard, then the President shall determine the amount of the duty to be imposed, the period such duty shall be in effect, and any other terms and conditions applicable to the duty.

Further to the application of such special agricultural safeguard duties, the President proclaimed on December 23, 1994 (Presidential Proclamation No. 6763) the provisions of U.S. Notes 1 and 2 to Subchapter IV, Chapter 99, of the HTS as well as the automatically applicable safeguard duties set forth in such subchapter upon satisfaction of the requisite conditions. Such U.S. Notes 1 and 2 set forth the other terms and conditions for application of any such duty.

As also provided in Presidential Proclamation 6763, the President delegated to the Secretary of Agriculture the authority to make the determinations and effect the publications described in section 405(a) of the Uruguay Round Agreements Act. The Secretary of Agriculture has further delegated this authority to the Under Secretary for Farm and Foreign Agricultural Services (7 CFR 2.16(a)(3)(x1ii)), who has in turn further delegated the authority to determine the quantity trigger levels to the Administrator of the Foreign Agricultural Service (7 CFR 2.43(a)(42)). The Administrator determined that the 2015 trigger level for butter and fresh or sour cream is 9,414,976 kilograms (80 FR 36962, June 29, 2015).

Notice

The Administrator has determined that the amount of butter and fresh or sour cream imported during 2015 has exceeded the trigger level of 9,414,976 kilograms. In accordance with U.S. Notes 1 and 2, Subchapter IV, Chapter 99 of the HTS and HTS subheadings 9904.04.20 and 9904.04.21, an additional duty of 54.9 cents per kilogram shall apply to HTS subheadings 0401.50.75 and 0403.90.78, and an additional duty of 51.4 cents per kilogram shall apply to HTS subheading 0405.10.20, from the date of publication of this notice through December 31, 2015.

As provided in U.S. Note 1, goods of Canada, Mexico, Jordan, Singapore, Chile, Australia, Morocco, El Salvador, Honduras, Nicaragua, Guatemala, Bahrain, Dominican Republic, Costa Rica, Peru, Oman, Korea, Colombia, and Panama imported into the United States are not subject to such duty. As provided in U.S. Note 2, this duty shall not apply to any goods en route on the basis of a contract settled before the date of publication of this notice.

Issued at Washington, DC, this 25th day of September 2015.

Philip C. Karsting,

Administrator, Foreign Agricultural Services, U.S. Department of Agriculture.

[FR Doc. 2015–25235 Filed 10–2–15; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Forest Service

Pike & San Isabel Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Pike & San Isabel Resource Advisory Committee (RAC) will meet in Pueblo, Colorado. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. Additional RAC information, including the meeting agenda and the meeting summary/minutes can be found at the following Web site: *http://www.fs.usda.gov/goto/psicc/RAC*

DATES: The meeting will be held at 9:00 a.m. (MST) on November 12, 2015.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Pike & San Isabel National Forests, Cimarron & Comanche National Grasslands (PSICC) Supervisor's Office, 2840 Kachina Drive, Pueblo, Colorado. The public may access the meeting by attending a Video Teleconference (VTC) at the following U.S. Forest Service facilities in Colorado: Leadville, Salida, Fairplay and Ft. Collins.

Written comments may be submitted as described under *Supplementary Information.* All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at PSICC. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Barbara Timock, RAC Coordinator, by phone at 719–553–1415 or via email at *btimock@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is:

1. Review project proposals;
2. Vote and recommend projects;
3. Public comment; and
4. Elect Chairman and Vice Chairman

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by November 2, 2015 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Barbara Timock, RAC Coordinator, 2840 Kachina Drive, Pueblo, Colorado; by email to *btimock@fs.fed.us,* or via facsimile to 719–553–1416.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT.** All reasonable accommodation requests are managed on a case by case basis.

Dated: September 28, 2015.

Erin Conelly,

Forest and Grassland Supervisor.

[FR Doc. 2015–25231 Filed 10–2–15; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the Rural Utilities Service (RUS) invites comments on this information collection for which approval from the Office of Management and Budget (OMB) will be requested.

DATES: Comments on this notice must be received by December 4, 2015.

FOR FURTHER INFORMATION CONTACT: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, USDA–RUS, 1400 Independence Ave. SW., STOP 1522, Room 5164 South Building, Washington, DC 20250–1522. Telephone: (202) 690–4492. Fax: (202) 720–8435.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for extension. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, USDA–RUS, STOP 1522, 1400 Independence Ave. SW., Washington, DC 20250–1522. Fax: (202) 720–8435.

Title: 7 CFR part 1744–C, Advance and Disbursement of Funds—Telecommunications.

OMB Control Number: 0572–0023.

Type of Request: Extension of a currently approved information collection package.

Abstract: The RUS manages the Telecommunications loan program in accordance with the Rural Electrification Act (RE Act) of 1936, 7 U.S.C. 901 *et seq.,* as amended, and as prescribed by OMB Circular A–129, Policies for Federal Credit Programs and Non-Tax Receivables. In addition, the Farm Security and Rural Investment Act of 2002 (Pub. L. 101–171) amended the RE Act to add Title VI, Rural Broadband Access, to provide loans and loan guarantees to fund the cost of construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in eligible rural communities. RUS therefore requires Telecommunications and Broadband borrowers to submit Form 481, Financial Requirement Statement. This form implements certain provisions of the standard Rural Utilities Service loan documents by setting forth requirements and procedures to be followed by borrowers in obtaining advances and making disbursements of loan funds.

Estimate of Burden: Public reporting for this collection of information is estimated to average 1 hour per response.

Respondents: Business or other for profit, not-for-profit institutions.

Estimated Number of Respondents: 177.

Estimated Number of Responses per Respondent: 6.3.

Estimated Total Annual Burden on Respondents: 1,223 hours.

Dated: September 29, 2015.

Brandon McBride,

Administrator, Rural Utilities Service.

[FR Doc. 2015–25147 Filed 10–2–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the United States Department of Agriculture (USDA) Rural Development administers rural utilities programs through the Rural Utilities Service (RUS). The USDA Rural Development invites comments on the following information collections for which the Agency intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by December 4, 2015.

FOR FURTHER INFORMATION CONTACT: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, USDA Rural Development, 1400 Independence Ave. SW., STOP 1522, Room 5164, South Building, Washington, DC 20250–1522. Telephone: (202) 690–4492. Fax: (202) 720–8435.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8(d)]. This notice identifies information collections that RUS is submitting to OMB for extension. Comments are invited on: (a) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology. Comments may be sent to: Michele Brooks, Director, Program Development and Regulatory Analysis, USDA Rural Development, STOP 1522, 1400 Independence Ave. SW., Washington, DC 20250–1522. Fax: (202) 720–8435.

Title: Extensions of Payments of Principal and Interest.

OMB Control Number: 0572–0123.

Type of Request: Extension of a currently approved information collection.

Abstract: This collection of information describes information procedures which borrowers must follow in order to request extensions of principal and interest. Authority for these is contained in section 12 of the Rural Electrification Act of 1936 (REAct), as amended and in section 236 of the ''Disaster Relief Act of 1970'' (Pub. L. 91–606), as amended by the Department of Agriculture Reorganization Act of 1994 (Pub. L. 103–354). Eligible purposes include financial hardship, energy resource conservation (ERC) loans, renewable energy projects, distributed generation projects, and contribution-in-aid of construction. These procedures are codified at 7 CFR part 1721, subpart B.

Estimate of Burden: Public reporting for this collection of information is estimated to average 4.71 hours per response.

Respondents: Not-for-profit institutions.

Estimated Number of Respondents: 45.

Estimated Number of Responses per Respondent: 2.

Estimated Total Annual Burden on Respondents: 424 hours.

Dated: September 29, 2015.

Brandon McBride,

Administrator, Rural Utilities Service.

[FR Doc. 2015–25150 Filed 10–2–15; 8:45 am]

BILLING CODE P

BROADCASTING BOARD OF GOVERNORS

Government in the Sunshine Act Meeting Notice

DATE AND TIME: Thursday, October 8, 2015, 8:30 a.m.–11:15 a.m. EDT.

PLACE: Middle East Broadcasting Networks, Suite D, 7600 Boston Blvd., Springfield, VA 22153.

SUBJECT: Notice of Meeting of the Broadcasting Board of Governors.

SUMMARY: The Broadcasting Board of Governors (Board) will be meeting at the time and location listed above. The Board will vote on a consent agenda consisting of the minutes of its July 1, 2015 meeting, a resolution honoring the 65th anniversary of Radio Free Europe/Radio Liberty broadcasting in the Romanian language to Romania and Moldova, a resolution honoring the 60th anniversary of Voice of America's Khmer Service, a resolution on 2015 David Burke Distinguished Journalism Awards, and a resolution on BBG meeting dates in 2016. The Board will receive a report from Governor Matt Armstrong on his recent trip and a report from the Chief Executive Officer and Director of BBG. The Board will also receive a review of the Middle East Broadcasting Networks. The Board will convene a panel discussion featuring Under Secretary Richard Stengel and BBG Chief Executive Officer and Director John Lansing.

This meeting will be available for public observation via streamed webcast, both live and on-demand, on the agency's public Web site at *www.bbg.gov.* Information regarding this meeting, including any updates or adjustments to its starting time, can also be found on the agency's public Web site.

The public may also attend this meeting in person at the address listed above as seating capacity permits. Members of the public seeking to attend the meeting in person must register at *http://bbgboardmeetingoctober2015.eventbrite.com* by 12:00 p.m. (EDT) on October 7. For more information, please contact BBG Public Affairs at (202) 203–4400 or by email at *pubaff@bbg.gov.*

CONTACT PERSON FOR MORE INFORMATION: Persons interested in obtaining more information should contact Oanh Tran at (202) 203–4545.

Oanh Tran,

Director of Board Operations.

[FR Doc. 2015–25443 Filed 10–1–15; 4:15 pm]

BILLING CODE 8610–01–P

COMMISSION ON CIVIL RIGHTS

Advisory Committees Expiration

AGENCY: United States Commission on Civil Rights.

ACTION: Solicitation of applications.

SUMMARY: Because the terms of the members of the Mississippi Advisory Committee are expiring on January 23, 2016, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships are exclusively for the Mississippi Advisory Committee, and applicants must be residents of Mississippi to be considered. Letters of interest must be received by the Midwestern Regional Office of the U.S. Commission on Civil Rights no later than November 29, 2015. Letters of interest must be sent to the address listed below.

DATES: Letters of interest for membership on the Mississippi Advisory Committee should be received no later than November 29, 2015.

ADDRESSES: Send letters of interest for the Mississippi Advisory Committee to: U.S. Commission on Civil Rights, Midwestern Regional Office, 55 W. Monroe Street, Suite 410, Chicago, IL 60603. Letters can also be sent via email to *callen@usccr.gov.*

FOR FURTHER INFORMATION CONTACT: David Mussatt, Chief, Regional Programs Unit, 55 W. Monroe St., Suite 410, Chicago, IL 60603, (312) 353–8311. Questions can also be directed via email to *dmussatt@usccr.gov.*

SUPPLEMENTARY INFORMATION: The Mississippi Advisory Committee is a statutorily mandated federal advisory committee of the U.S. Commission on Civil Rights pursuant to 42 U.S.C. 1975a. Under the charter for the advisory committees the purpose is to provide advice and recommendations to the U.S. Commission on Civil Rights (Commission) on a broad range of civil rights matters in its respective state that pertain to alleged deprivations of voting rights or discrimination or denials of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or the administration of justice. Advisory committees also provide assistance to the Commission in its statutory obligation to serve as a national clearinghouse for civil rights information.

Each advisory committee consists of not more than 19 members, each of whom will serve a four-year term. Members serve as unpaid Special Government Employees who are reimbursed for travel and expenses. To be eligible to be on an advisory committee, applicants must be residents of the respective state or district, and have demonstrated expertise or interest in civil rights issues.

The Commission is an independent, bipartisan agency established by Congress in 1957 to focus on matters of race, color, religion, sex, age, disability, or national origin. Its mandate is to:

- Investigate complaints from citizens that their voting rights are being deprived,
- study and collect information about discrimination or denials of equal protection under the law,
- appraise federal civil rights laws and policies,
- serve as a national clearinghouse on discrimination laws,
- submit reports and findings and recommendations to the President and the Congress, and
- issue public service announcements to discourage discrimination.

The Commission invites any individual who is eligible to be appointed a member of the Mississippi Advisory Committee covered by this notice to send a letter of interest and a resume to the respective address above.

Dated September 30, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–25247 Filed 10–2–15; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Michigan Advisory Committee for a Meeting To Discuss Approval of a Project Proposal Regarding the Civil Rights Impact of Civil Forfeiture Practices in the State; Correction

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of meeting; correction.

SUMMARY: The U.S. Commission on Civil Rights published a document in the **Federal Register** of August 5, 2015, concerning a meeting of the Michigan Advisory Committee to discuss and vote on approval of a project proposal regarding the civil rights impact of civil forfeiture practices in the state. The time and date of this meeting has been changed.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, 312–353–8311.

Correction

In the **Federal Register** of August 5, 2015, in FR doc. 2015–19185, on page 46538, in the third column, correct the first sentence of the first paragraph to read:

Friday October 30th at 10 a.m. Eastern time.

Correction

In the **Federal Register** of August 5, 2015, in FR doc. 2015–19185, on page 46539, in the first column, correct **DATES** to read:

Friday October 30, 2015 at 10 a.m. Eastern time.

Dated September 30, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–25248 Filed 10–2–15; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Membership of the Departmental Performance Review Board

AGENCY: Department of Commerce.

ACTION: Notice of Membership on the Departmental Performance Review Board.

SUMMARY: In accordance with 5 U.S.C., 4314(c)(4), Department of Commerce (DOC) announces the appointment of persons to serve as members of the Departmental Performance Review Board (DPRB). The DPRB provides an objective peer review of the initial performance ratings, performance-based pay adjustments and bonus recommendations, higher-level review requests and other performance-related actions submitted by appointing authorities for Senior Executive Service (SES) members whom they directly supervise, and makes recommendations based upon its review. The term of the new members of the DPRB will expire December 31, 2017.

DATES: *Effective Date:* The effective date of service of appointees to the Departmental Performance Review Board is based upon publication of this notice.

FOR FURTHER INFORMATION CONTACT: Denise A. Yaag, Director, Office of Executive Resources, Office of Human Resources Management, Office of the Director, 14th and Constitution Avenue NW., Washington, DC 20230, (202) 482–3600.

SUPPLEMENTARY INFORMATION: The names and position titles of the members of the DPRB are set forth below by organization:

Departmental Performance Review Board 2015–2016

Pravina Raghavan, Senior Advisor for Policy and Program Integration, Office of the Deputy Secretary

Ian J. Kahn, Chief Data Officer, OS (non-career)
Theodore C.Z. Johnston, Director, Office of Business Liaison, OS (non-career)
Jennifer Ayers, Director, Office of the Secretary Financial Management, CFO/ASA
Benjamin P. Friedman, Associate General Counsel for Oversight, OGC
Richard Majauskus, Deputy Assistant Secretary for Export Enforcement, BIS
H. Philip Paradice, Jr., Regional Director, EDA
Kenneth A. Arnold, Deputy Under Secretary for Economic Affairs, ESA
Joanne Buenzli Crane, Associate Director for Administration and Chief Financial Officer, Census
Kurt Bersani, Deputy Chief Financial and Administrative Officer, ITA
Edith McCloud, Associate Director for Management, MBDA
Mark Seiler, Chief Financial Officer, NOAA
Leonard M. Bechtel, Chief Financial Officer and Director of Administration, NTIA
Mary Saunders, Associate Director for Management Resources, NIST
Alejandro Rodriguez, Chief of Staff, Office of the Deputy Secretary

Dated: September 22, 2015.

Denise A. Yaag,

Director, Office of Executive Resources.

[FR Doc. 2015–25073 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–BS–M

DEPARTMENT OF COMMERCE

Membership of the Office of the Secretary Performance Review Board

AGENCY: Department of Commerce.

ACTION: Notice of Membership on the Office of the Secretary Performance Review Board.

SUMMARY: In accordance with 5.U.S.C., 4314(c)(4), Department of Commerce (DOC) announces the appointment of persons to serve as members of the Office of the Secretary (OS) Performance Review Board (PRB). The OS PRB is responsible for reviewing performance ratings, pay adjustments and bonuses of Senior Executive Service (SES) members. The term of the new members of the OS PRB will expire December 31, 2017.

DATES: *Effective Date:* The effective date of service of appointees to the Office of the Secretary Performance Review Board is upon publication of this notice.

FOR FURTHER INFORMATION CONTACT: Denise A. Yaag, Director, Office of Executive Resources, Office of Human Resources Management, Office of the Director, 14th and Constitution Avenue NW., Washington, DC 20230, (202) 482–3600.

SUPPLEMENTARY INFORMATION: The names, position titles, and type of appointment of the members of the OS/PRB are set forth below by organization:

Office of the Secretary Performance Review Board 2015–2016

Members

Lisa A. Casias, Director for Financial Management Deputy Chief Financial Officer, CFO/ASA
Pravina Raghavan, Senior Advisor for Policy and Program Integration, Office of the Deputy Secretary
Rafael Madan, Acting Assistant General Counsel for Administration, U.S. Department of Justice
Tinisha L. Agramonte, Director, Office of Civil Rights, CFO/ASA
Theresa Christopher, Senior Advisor for Gulf Restoration, Office of the Deputy Secretary (Noncareer)
Theodore C.Z. Johnston, Director, Office of Business Liaison, OS (Noncareer)
Stephen D. Kong, Chief Counsel for Economic Development, Office of the General Counsel
Theodore E. Lecompte, Deputy Chief of Staff, Office of the Secretary
Carol M. Rose, Chief Financial Officer and Director of Administration, Bureau of Industry and Security

Alternates

Barry K. Robinson, Chief Counsel for Economic Affairs. Office of the General Counsel
Gordon T. Alston, Director, Financial Reporting and Internal Controls, CFO/ASA
Ethan Corson, Director, Executive Secretariat, OS (Noncareer)
Lauren Leonard, Director, Office of White House Liaison (Noncareer)

Dated: September 22, 2015.

Denise A. Yaag,

Director, Office of Executive Resources.

[FR Doc. 2015–25071 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–DBS–M

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

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

Agency: U.S. Census Bureau.

Title: Current Population Survey, Annual Social and Economic Supplement.

OMB Control Number: 0607–0354.

Form Number(s): There are no forms. We conduct all interviews on computers.

Type of Request: Extension of a currently approved collection.

Number of Respondents: 78,000.

Average Hours per Response: 0.41667.

Burden Hours: 32,500.

Needs and Uses: The income data from the ASEC are used by social planners, economists, government officials, and market researchers to gauge the economic well-being of the country as a whole, and selected population groups of interest. Government planners and researchers use these data to monitor and evaluate the effectiveness of various assistance programs. Market researchers use these data to identify and isolate potential customers. Social planners use these data to forecast economic conditions and to identify special groups that seem to be especially sensitive to economic fluctuations. Economists use ASEC data to determine the effects of various economic forces, such as inflation, recession, recovery, and so on, and their differential effects on various population groups.

The Census Bureau is considering an option to include an experiment whereby a portion of the March ASEC sample would receive different income and health insurance coverage questions than the remaining sample in March. The questions will differ in that they will consist of the 2013 version of income and health insurance coverage questions, rather than the redesigned questions that began in 2014. To minimize the risk with implementation, we are choosing only one of the five data collection instruments that make up the ASEC collection (March) to include these questions. A final decision to exercise this option may come as late as January 2016, whereupon the Census Bureau may elect not to do so.

Affected Public: Individuals or Households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Sections 8(b), 141, 182; and Title 29, United States Code, Sections 1–9.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed

information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202)395–5806.

Dated: September 30, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–25236 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

Renewable Energy and Energy Efficiency Advisory Committee

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

ACTION: Notice of an open conference call.

SUMMARY: The Renewable Energy and Energy Efficiency Advisory Committee (RE&EEAC) will hold a conference call on Thursday, October 15, 2015 at 2 p.m. The call is open to the public and interested parties are requested to contact the U.S. Department of Commerce in advance to receive dial-in instructions.

DATES: October 15, 2015, from approximately 2:00 p.m. to 3:00 p.m. Daylight Saving Time (DST). Members of the public wishing to participate must notify Andrew Bennett at the contact information below by 5:00 p.m. DST on Wednesday, October 14, 2015, in order to pre-register.

For All Further Information, Please Contact: Andrew Bennett, Office of Energy and Environmental Industries (OEEI), International Trade Administration, U.S. Department of Commerce at (202) 482–5235; email: *Andrew.Bennett@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Secretary of Commerce established the RE&EEAC pursuant to his discretionary authority and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) on July 14, 2010. The RE&EEAC was re-chartered on June 12, 2014. The RE&EEAC provides the Secretary of Commerce with consensus advice from the private sector on the development and administration of programs and policies to enhance the international competitiveness of the U.S. renewable energy and energy efficiency industries.

During the October 15th conference call, committee members will consider and potentially approve recommendations and/or input for the Secretary of Commerce.

A limited amount of time before the close of the meeting will be available for pertinent oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two to five minutes per person (depending on the number of public participants). Individuals wishing to reserve additional speaking time during the meeting must contact Mr. Bennett and submit a brief statement of the general nature of the comments, as well as the name and address of the proposed participant by 5:00 p.m. DST on Monday, October 12, 2015. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the teleconference, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to submit a copy of their oral comments by email to Mr. Bennett for distribution to the participants in advance of the teleconference.

Any member of the public may submit pertinent written comments concerning the RE&EEAC's affairs at any time before or after the meeting. Comments may be submitted to the Renewable Energy and Energy Efficiency Advisory Committee, c/o: Andrew Bennett, Office of Energy and Environmental Industries, U.S. Department of Commerce, Mail Stop: 4053, 1401 Constitution Avenue NW., Washington, DC 20230. All public comments made at REEEAC meetings or submitted to the REEEAC at any time will be distributed to all Committee members and posted on the Committee Web site.

Copies of RE&EEAC meeting minutes will be available within 30 days following the meeting.

Dated: September 29, 2015.

Man Cho,

Acting Director, Office of Energy and Environmental Industries.

[FR Doc. 2015–25189 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–947]

Certain Steel Grating From the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order

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

SUMMARY: As a result of this sunset review, the Department of Commerce (''the Department'') finds that revocation of the antidumping duty order on certain steel grating (''steel grating'') from the People's Republic of China (''PRC'') would likely lead to continuation or recurrence of dumping, at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: *Effective Date:* October 5, 2015.

FOR FURTHER INFORMATION CONTACT: Erin Kearney, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0167.

SUPPLEMENTARY INFORMATION:

Background

On July 23, 2010, the Department published the antidumping duty order on steel grating from the PRC.[1] On June 1, 2015, the Department initiated a sunset review of the antidumping duty order on steel grating from the PRC pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act'').[2] On June 15, 2015, the Department received a timely notice of intent to participate in the sunset review from the Metal Grating Coalition, consisting of individual members Alabama Metal Industries Corporation; Fisher & Ludlow, Inc.; Harsco Industrial IKG; Interstate Gratings, LLC; and Ohio Gratings, Inc., domestic interested parties, pursuant to 19 CFR 351.218(d)(1)(i). On July 1, 2015, the Metal Grating Coalition filed a timely substantive response with the Department pursuant to 19 CFR 351.218(d)(3)(i). The Department did not receive a substantive response from any respondent interested party. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited sunset review of the *Order.*

Scope of the Order

The merchandise subject to this *CVD Order* is steel grating. Imports of merchandise included within the scope of this order are currently classifiable under subheading 7308.90.7000 of the Harmonized Tariff Schedule of the United States. The Decision Memorandum, which is hereby adopted

[1] *See Certain Steel Grating from the People's Republic of China: Antidumping Duty Order,* 75 FR 43143 (July 23, 2010) (''*Order*'').

[2] *See Initiation of Five-year (''Sunset'') Review,* 80 FR 31012 (June 1, 2015).

by this notice, provides a full description of the scope of the order.[3]

The Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/*. The signed Decision Memorandum and the electronic version of the Decision Memorandum are identical in content.

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Decision Memorandum. The issues discussed in the Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the *Order* were to be revoked.

Final Results of Sunset Review

Pursuant to Section 752(c)(3) of the Act, the Department determines that revocation of the *Order* would likely lead to continuation or recurrence of dumping at weighted-average dumping margins up to 145.18 percent.

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

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

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–25301 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–DS–P

[3] For a full description of the scope of the order, including exclusions, see the ''Issues and Decision Memorandum for the Expedited Sunset Review of the Antidumping Duty Order on Certain Steel Grating from the People's Republic of China'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with, and hereby adopted by, this notice (''Decision Memorandum'').

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–948]

Certain Steel Grating From the People's Republic of China: Final Results of Expedited First Sunset Review of the Countervailing Duty Order

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

SUMMARY: The Department of Commerce (Department) finds that revocation of the countervailing duty (CVD) order on certain steel grating (steel grating) from the People's Republic of China (PRC) would be likely to lead to continuation or recurrence of a countervailable subsidy at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: *Effective Date:* October 5, 2015.

FOR FURTHER INFORMATION CONTACT: Toni Page, Office VII, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–1398.

SUPPLEMENTARY INFORMATION:

Background

On July 23, 2010, the Department published the *CVD Order* on steel grating from the PRC.[1] On June 1, 2015, the Department published a notice of initiation of the first sunset review of the *CVD Order* on steel grating from the PRC pursuant to section 751(c)(2) of the Tariff Act of 1930, as amended (the Act).[2] On June 15, 2015, Metal Grating Coalition and its individual members, Alabama Metal Industries Corporation, Fisher & Ludlow, Inc., Harsco Industrial IKG, Interstate Gratings, LLC, and Ohio Gratings, Inc. (collectively, MGC) filed a notice of intent to participate in the review.[3] Metal Grating Corporation claimed interested party status under section 771(9)(F) of the Act, as an association of domestic producers of the domestic like product.[4] The domestic producers comprising the association claimed interested party status pursuant to section 771(9)(C) of the Act.

The Department received an adequate substantive response from the domestic industry within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). The Department did not receive a response from the Government of the PRC (GOC) or any respondent interested party to the proceeding. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(l)(ii)(B)(2) and (C)(2), the Department conducted an expedited review of this *CVD Order* on steel grating.

Scope of the Order

The merchandise subject to this *CVD Order* is steel grating. Imports of merchandise included within the scope of this order are currently classifiable under subheading 7308.90.7000 of the Harmonized Tariff Schedule of the United States. The Issues and Decision Memorandum, which is hereby adopted by this notice, provides a full description of the scope of the order.[5]

The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/*. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum. The issues discussed include the likelihood of continuation

[1] *See Certain Steel Grating from the People's Republic of China: Countervailing Duty Order*, 75 FR 43144 (July 23, 2010) (*CVD Order*).

[2] *See Initiation of Five-Year ''Sunset'' Reviews*, 80 FR 31012 (June 1, 2015).

[3] *See* Letter to the Department, ''Certain Steel Grating from the People's *Republic of China:* Notice of Intent to Participate in Sunset Review, Entry of Appearance, and APO Application,'' (June 15, 2015).

[4] *See* Letter to the Department, ''Certain Steel Grating from the People's Republic of China: Substantive Response to Notice Initiating Sunset Review,'' (July 1, 2015) (MGC's Substantive Response).

[5] *See* Department Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Review of the Countervailing Duty Order on Certain Steel Grating from the People's Republic of China,'' dated concurrently with this notice.

or recurrence of a countervailable subsidy and the net countervailable subsidy rate likely to prevail if the *CVD Order* were revoked.

Final Results of Sunset Review

Pursuant to sections 752(b)(1) and (3) of the Act, we determine that revocation of the *CVD Order* on steel grating from the PRC would be likely to lead to continuation or recurrence of a net countervailable subsidy at the rates listed below:

Manufacturers/ Exporters/ Producers	Net countervailable subsidy (percent)
Ningbo Jiulong Machinery Manufacturing Co., Ltd	62.46
All Others	62.46

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

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

Dated: September 28, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–25296 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–963]

Potassium Phosphate Salts From the People's Republic of China: Final Results of Expedited First Sunset Review of the Countervailing Duty Order

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

SUMMARY: The Department of Commerce (the Department) finds that revocation of the countervailing duty (CVD) order on potassium phosphate salts (Salts) from the People's Republic of China (PRC) would be likely to lead to continuation or recurrence of a countervailable subsidy at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: *Effective Date:* October 5, 2015.

FOR FURTHER INFORMATION CONTACT: Jacqueline Arrowsmith, Office VII, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–5255.

SUPPLEMENTARY INFORMATION:

Background

On July 22, 2010, the Department published the CVD order on Salts from the PRC.[1] On June 1, 2015, the Department published a notice of initiation of the first sunset review of the *CVD Order* on Salts from the PRC pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On June 11, 2015, ICL Performance Products, LP and Prayon, Inc. (collectively, Petitioners) filed a notice of intent to participate in the review.[3] Petitioners claimed interested party status under section 771(9)(C) of the Act, as domestic producers of the domestic like product.[4]

The Department received an adequate substantive response from the domestic industry within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). The Department did not receive a response from the Government of the People's Republic of China (GOC) or any respondent interested party to the proceeding. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(l)(ii)(B)(2) and (C)(2), the Department conducted an expedited sunset review of this *CVD Order* on Salts.

Scope of the Order

The merchandise subject to this *CVD Order* is Salts. Imports of merchandise included within the scope of this order are currently classifiable under subheadings 2835.24.0000 and 2835.39.1000 of the Harmonized Tariff Schedule of the United States. The Issues and Decision Memorandum, which is hereby adopted by this notice, provides a full description of the scope of the order.[5]

The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum. The issues discussed include the likelihood of continuation or recurrence of a countervailable subsidy and the net countervailable subsidy rate likely to prevail if the *CVD Order* were revoked.

Final Results of Sunset Review

Pursuant to sections 752(b)(1) and (3) of the Act, we determine that revocation of the *CVD Order* on Salts from the PRC would be likely to lead to continuation or recurrence of a net countervailable subsidy at the rates listed below:

Manufacturers/ exporters/ producers	Net countervailable subsidy (percent)
Lianyungang Mupro Import Export Co Ltd	109.11
Mianyang Aostar Phosphate Chemical Industry Co. Ltd	109.11
Shifang Anda Chemicals Co. Ltd	109.11
All Others	109.11

[1] *See Certain Potassium Phosphate Salts from the People's Republic of China: Amended Countervailing Duty Determination and Countervailing Duty Order,* 75 FR 42682 (July 22, 2010) (*CVD Order*).

[2] *See Initiation of Five-Year ''Sunset'' Reviews,* 80 FR 31012 (June 1, 2015).

[3] *See* Letter to the Department, ''Potassium Phosphate Salts from the People's Republic of China: Notice of Intent to Participate and APO application,'' dated June 11, 2015.

[4] On July 1, 2015, ICL Performance Products, LP and Prayon, Inc. both claimed to be domestic producers of phosphate salts. *See* Letter to the Department, ''Potassium Phosphate Salts from the People's Republic of China: Substantive Response to Notice of Initiation of Five Year (First Sunset) Review of the Antidumping Duty and Countervailing Duty Orders,'' dated July 1, 2015, (Petitioners' Substantive Response).

[5] *See* Department Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Review of the Countervailing Duty Order on Potassium Phosphate Salts from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice.

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

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

Dated: September 28, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–25303 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–962]

Certain Potassium Phosphate Salts From the People's Republic of China: Final Results of Expedited First Sunset Review of the Antidumping Duty Order

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

SUMMARY: On June 1, 2015, the Department of Commerce (''Department'') published the notice of initiation of the first five-year (''sunset'') review of the antidumping duty order on certain potassium phosphate salts (''salts'') from the People's Republic of China (''PRC'') pursuant to section 751(c) of the Tariff Act of 1930, as amended (the ''Act'').[1] As a result of this sunset review, the Department finds that revocation of the antidumping duty order on salts from the PRC would be likely to lead to continuation or recurrence of dumping. The magnitude of the dumping margins likely to prevail is indicated in the ''Final Results of Review'' section of this notice.

DATES: *Effective date:* October 5, 2015.

FOR FURTHER INFORMATION CONTACT: Katie Marksberry or Ryan Mullen, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–7906 or (202) 482–5260, respectively.

SUPPLEMENTARY INFORMATION:

Background

As noted above, on June 1, 2015, the Department published the initiation of the first sunset review of salts from the PRC.[2] On June 11, 2015, ICL Performance Products, LP and Prayon, Inc. (collectively, ''Petitioners'') timely notified the Department of their intent to participate within the deadline specified in 19 CFR 351.218(d)(1)(i), claiming domestic interested party status under section 771(9)(C) of the Act.[3] On July 1, 2015, the Department received an adequate substantive response from Petitioners within the deadline specified in 19 CFR 351.218(d)(3)(i).[4] We received no responses from respondent interested parties. As a result, the Department conducted an expedited (120-day) sunset review of the order, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).

Scope of the Order

The phosphate salts covered by the scope of the order include anhydrous Dipotassium Phosphate (DKP) and Tetrapotassium Pyrophosphate (TKPP), whether anhydrous or in solution (collectively ''phosphate salts'').

TKPP, also known as normal potassium pyrophosphate, Diphosphoric acid or Tetrapotassium salt, is a potassium salt with the formula $K_4P_2O_7$. The CAS registry number for TKPP is 7320–34–5. TKPP is typically 18.7 percent phosphorus and 47.3 percent potassium. It is generally greater than or equal to 43.0 percent P_2O_5 content. TKPP is classified under heading 2835.39.1000, HTSUS.

DKP, also known as Dipotassium salt, Dipotassium hydrogen orthophosphate or Potassium phosphate, dibasic, has a chemical formula of K_2HPO_4. The CAS registry number for DKP is 7758–11–4. DKP is typically 17.8 percent phosphorus, 44.8 percent potassium and 40 percent P_2O_5 content. DKP is classified under heading 2835.24.0000 HTSUS.

The products covered by this order include the foregoing phosphate salts in all grades, whether food grade or technical grade. The products covered by this order also include anhydrous DKP without regard to the physical form, whether crushed, granule, powder or fines. Also covered are all forms of TKPP, whether crushed, granule, powder, fines or solution.

For purposes of the order, the narrative description is dispositive, and not the tariff heading, American Chemical Society, CAS registry number or CAS name, or the specific percentage chemical composition identified above.

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum.[5] The issues discussed in the Issues and Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the order were to be revoked. Parties may find a complete discussion of all issues raised in the review and the corresponding recommendations in this public memorandum which is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''). ACCESS is available to registered users at *http://access.trade.gov*, and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Final Results of Review

Pursuant to section 752(c) of the Act, the Department determines that revocation of the order would be likely to lead to continuation or recurrence of dumping at weighted-average margins up to 95.40 percent.

Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an

[1] *See Initiation of Five-Year (''Sunset'') Review*, 80 FR 31012 (June 1, 2015).

[2] *Id.*

[3] *See* Petitioners' June 11, 2015, submission.

[4] *See* Petitioners' July 1, 2015, submission.

[5] *See* Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, Re: Issues and Decision Memorandum for the Expedited First Sunset Review of the Antidumping Duty Order on Certain Potassium Phosphate Salts from the People's Republic of China, dated concurrently with this notice.

APO is a violation which is subject to sanction.

We are publishing these final results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act.

Dated: September 25, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–25295 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE204

Endangered Species; File No. 19621

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Mike Arendt, South Carolina Department of Natural Resources, Marine Resources Division, 217 Fort Johnson Road, Charleston, SC 29412, has applied in due form for a permit to take loggerhead (*Caretta caretta*), Kemp's ridley (*Lepidochelys kempii*), green (*Chelonia mydas*), and leatherback (*Dermochelys coraicea*) sea turtles for purposes of scientific research.

DATES: Written, telefaxed, or email comments must be received on or before November 4, 2015.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov*, and then selecting File No. 19621 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov*. Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Malcolm Mohead, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq*.) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant requests a five-year permit to assess the distribution, relative abundance, demographic structure, and health of foraging sea turtles in the waters of Florida, Georgia and South Carolina. Researchers would capture by trawl or tangle net; annual requested take numbers per species vary by year and project. Turtles would have the following procedures performed before release: Measure, flipper tag; passive integrated transponder tag; photograph/video; tumor, scute, blood, fecal, and tissue sampling; cloacal swab; ultrasound; weigh; carapace marking; and epibiota removal. A subset of animals would receive an epoxy-attached transmitter before release. A subset of 20 Kemp's ridleys annually would be temporarily transported to a facility for laparoscopy to validate testosterone radioimmunoassay thresholds for assigning sex. The applicant also requests a limited number of mortalities due to capture over the life of the permit: 5 loggerheads, 2 Kemp's ridley, 2 greens, and 2 leatherbacks.

Dated: September 29, 2015.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–25215 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice; public hearings.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold twelve public hearings/workshops and two webinars to solicit public comments on Amendment 39—Regional Management of Recreational Red Snapper, Amendment 41—Charter for-hire Red Snapper Management, and Amendment 42—Headboat Reef Fish Management.

DATES: The meetings will be held October 19–November 3, 2015. The meetings will begin at 6 p.m. and will conclude no later than 9 p.m. For specific dates and times see **SUPPLEMENTARY INFORMATION**. Written public comments must be received on or before 5 p.m. e.s.t., Friday, November 6, 2015.

ADDRESSES: The public documents can be obtained by contacting the Gulf of Mexico Fishery Management Council, 2203 N. Lois Avenue, Suite 1100, Tampa, FL 33607; (813) 348–1630 or on their Web site at *www.gulfcouncil.org*.

Meeting addresses: The meetings will be held in Corpus Christi, San Antonio, Houston, and League City, TX; Gulfport, MS; Mobile and Orange Beach/Gulf Shores, AL; Destin, Clearwater and St. Petersburg, FL; Baton Rouge and Houma, LA, and two webinars. For specific locations, see **SUPPLEMENTARY INFORMATION**.

Public comments: Comments may be submitted online through the Gulf Council's public portal by visiting *www.gulfcouncil.org* and clicking on ''CONTACT US''.

FOR FURTHER INFORMATION CONTACT: Douglas Gregory, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The agenda for the following twelve hearings/workshops and two webinars are as follows: Council staff will brief the public on the respective amendment(s) for each meeting, including Amendment 39—Regional Management of Recreational Red Snapper, Amendment 41—Charter for-hire Red Snapper Management, and Amendment 42—Headboat Reef Fish Management. Staff will then open the meeting for questions and public comments. The schedule is as follows:

Locations, Schedules, and Agendas

Monday, October 19, 2015, from 6–9 p.m.; Amendments 39, 41 and 42— Courtyard Marriott Gulfport Beachfront, 1600 East Beach Boulevard, Gulfport, MS 39501; telephone: (228) 864–4310; *Amendment 39*—Hilton Garden Inn, 6717 South Padre Island Drive, Corpus Christi, TX 78412; telephone: (361) 991–8200.

Tuesday, October 20, 2015, from 6–9 p.m.; Amendment 39—Renaissance Mobile Riverview Plaza Hotel, 64 South Water Street, Mobile, AL 36602; telephone: (251) 438–4000; *Amendment 39*—Embassy Suites San Antonio, 10110 US Highway 281 North, San Antonio, TX 78216; telephone: (210) 525–9999.

Wednesday, October 21, 2015, from 6–9 p.m.; Amendment 39—Hampton Inn and Suites, 2320 Gulf Freeway South, League City, TX 77573; telephone: (281) 614–5437; *Amendments 41 and 42*—Adult Activity Center; 26251 Canal Road, Orange Beach, AL; (251) 981–3440.

Thursday, October 22, 2015, from 6–9 p.m.; Amendments 39, 41 and 42—Embassy Suites, 570 Scenic Gulf Drive, Destin, FL 32550; telephone: (850) 337–7000; *Amendments 41 and 42*—Hilton Galveston Island, 5400 Seawall Boulevard, Galveston, TX 77551; telephone: (409) 744–5000.

Monday, October 26, 2015, from 6–9 p.m.; Amendments 41 and 42—Marriott Clearwater Beach on Sand Key, 1201 Gulf Boulevard, Clearwater Beach, FL 33767; telephone: (727) 596–1100.

Tuesday, October 27, 2015, from 6–9 p.m.; Amendment 39—Hilton St. Petersburg Carillon Park, 950 Lake Carillon Drive, St. Petersburg, FL 33716; telephone: (727) 540–0050.

Wednesday, October 28, 2015, from 6–9 p.m.; Webinar public hearing for *Amendment 39,* register to participate at *https://attendee.gotowebinar.com/register/6937796694781610242 . Thursday, October 29, 2015, from 6–9 p.m.;* Webinar workshop for *Amendments 41 and 42,* register to participate *https://attendee.gotowebinar.com/register/3438241399083407617.*

Monday, November 2, 2015, from 6–9 p.m.; for *Amendment 39*—DoubleTree, 4964 Constitution Avenue, Baton Rouge, LA 70808; telephone: (225) 925–1005.

Tuesday, November 3, 2015, from 6–9 p.m.; for *Amendments 41 and 42*—Courtyard Marriott, 142 Library Drive, Houma, LA 70360; telephone: (985) 223–8996.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira (see **ADDRESSES**), at least 5 working days prior to the meeting date.

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

Dated: September 29, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–25139 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE211

Atlantic Highly Migratory Species; Advisory Panel for Atlantic Highly Migratory Species Southeast Data, Assessment, and Review Workshops

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

ACTION: Notice; nominations for Advisory Panel.

SUMMARY: NMFS solicits nominations for the ''SEDAR Pool,'' also known as the Advisory Panel for Atlantic Highly Migratory Species (HMS) Southeast Data, Assessment, and Review (SEDAR) Workshops. The SEDAR Pool is comprised of a group of individuals who may be selected to consider data and advise NMFS regarding the scientific information, including but not limited to data and models, used in stock assessments for oceanic sharks in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. Nominations are being sought for a 5-year appointment (2016–2021). Individuals with definable interests in the recreational and commercial fishing and related industries, environmental community, academia, and non-governmental organizations will be considered for membership on the SEDAR Pool.

DATES: Nominations must be received on or before November 4, 2015.

ADDRESSES: You may submit nominations and request the SEDAR Pool Statement of Organization, Practices, and Procedures by any of the following methods:

- *Email: SEDAR.pool@noaa.gov.*
- *Mail:* Karyl Brewster-Geisz, Highly Migratory Species Management Division, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Include on the envelope the following identifier: ''SEDAR Pool Nomination.''
- *Fax:* 301–713–1917.

Additional information on SEDAR and the SEDAR guidelines can be found at *http://www.sefsc.noaa.gov/sedar/.* The terms of reference for the SEDAR Pool, along with a list of current members, can be found at *http://www.nmfs.noaa.gov/sfa/hms/SEDAR/SEDAR.htm.*

FOR FURTHER INFORMATION CONTACT: Delisse Ortiz or Karyl Brewster-Geisz, (301) 425–8503.

SUPPLEMENTARY INFORMATION:

Background

Section 302(g)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.,* states that each Council shall establish such advisory panels as are necessary or appropriate to assist it in carrying out its functions under the Act. For the purposes of this section, NMFS applies the above Council provision to the HMS Management Division (See Section 304(g)(1) of the Magnuson-Stevens Act, which provides that the Secretary will prepare fishery management plans for HMS and consult with Advisory Panels under section 302(g) for such FMPs). As such, NMFS has established the SEDAR Pool under this section. The SEDAR Pool currently consists of 33 individuals, each of whom may be selected to review data and advise NMFS regarding the scientific information, including but not limited to data and models, used in stock assessments for oceanic sharks in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. While the SEDAR Pool was created specifically for Atlantic oceanic sharks, it may be expanded to include other HMS, as needed.

The primary purpose of the individuals in the SEDAR Pool is to review, at SEDAR workshops, the scientific information (including but not limited to data and models) used in stock assessments that are used to advise NMFS, as a delegate to the Secretary of Commerce (Secretary), about the conservation and management of the Atlantic HMS, specifically but not limited to, Atlantic sharks. Individuals in the SEDAR Pool, if selected, may participate in the various data, assessment, and review workshops during the SEDAR process of any HMS stock assessment. In order to ensure that the peer review is unbiased, individuals who participated in a data and/or assessment workshop for a particular stock assessment will not be allowed to serve as reviewers for the same stock assessment. However, these individuals may be asked to attend the review workshop to answer specific questions from the reviewers concerning the data and/or assessment workshops. Members of the SEDAR Pool may serve as members of other Advisory Panels concurrent with, or following, their service on the SEDAR Pool.

Procedures and Guidelines

A. Participants

The SEDAR Pool is comprised of individuals representing the commercial and recreational fishing communities for Atlantic sharks, the environmental community active in the conservation and management of Atlantic sharks, and the academic community that have relevant expertise either with sharks and/or stock assessment methodologies for marine fish species. Also, individuals who may not necessarily work directly with sharks, but who are involved in fisheries with similar life history, biology and fishery issues may be part of the SEDAR panel. Members of the SEDAR Pool must have demonstrated experience in the fisheries, related industries, research, teaching, writing, conservation, or management of marine organisms. The distribution of representation among the interested parties is not defined or limited.

Additional members of the SEDAR Pool may also include representatives from each of the five Atlantic Regional Fishery Management Councils, each of the 18 Atlantic states, both the U.S. Virgin Islands and Puerto Rico, and each of the interstate commissions: The Atlantic States Marine Fisheries Commission and the Gulf States Marine Fisheries Commission.

If NMFS requires additional members to ensure a diverse pool of individuals for data or assessment workshops, NMFS may request individuals to become members of the SEDAR Pool outside of the annual nomination period.

Panel members serve at the discretion of the Secretary. Not all members will attend each SEDAR workshop. Rather, NMFS will invite certain members to participate at specific stock assessment workshops dependent on their ability to participate, discuss, and recommend scientific decisions regarding the species being assessed.

NMFS is not obligated to fulfill any requests (*e.g.,* requests for an assessment of a certain species) that may be made by the SEDAR Pool or its individual members. Members of the SEDAR Pool who are invited to attend stock assessment workshops will not be compensated for their services but may be reimbursed for their travel-related expenses to attend such workshops.

B. Nomination Procedures for Appointments to the SEDAR Pool

Member tenure will be for 5 years. Nominations are sought for terms beginning early in 2016 and expiring in 2021. Nomination packages should include:

1. The name, address, phone number, and email of the applicant or nominee;
2. A description of his/her interest in Atlantic shark stock assessments or the Atlantic shark fishery;
3. A statement of background and/or qualifications; and
4. A written commitment that the applicant or nominee shall participate actively and in good faith in the tasks of the SEDAR Pool, as requested.

C. Meeting Schedule

Individual members of the SEDAR Pool meet to participate in stock assessments at the discretion of the Office of Sustainable Fisheries, NMFS. Stock assessment timing, frequency, and relevant species will vary depending on the needs determined by NMFS and SEDAR staff. In 2016, NMFS intends to update the dusky shark stock assessment. In 2017, NMFS anticipates updating the Gulf of Mexico blacktip shark stock assessment. During an assessment year, meetings and meeting logistics will be determined according to the SEDAR Guidelines. All meetings are open for observation by the public.

Dated: September 30, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–25223 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE212

Endangered and Threatened Species; Recovery Plans

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

ACTION: Notice of availability; request for comments.

SUMMARY: NOAA's National Marine Fisheries Service (NMFS) announces the availability of a public draft of the Endangered Species Act Coastal Multispecies Recovery Plan for the California Coastal Chinook salmon (*Oncorhynchus tshawytscha*) Evolutionarily Significant Unit (ESU), the Northern California steelhead (*O. mykiss*) Distinct Population Segment (DPS), and the Central California Coast steelhead (*O. mykiss*) DPS. These species spawn and rear in streams and rivers along the central and northern California coast, and in tributaries to San Francisco Bay. NMFS is soliciting review and comment from the public and all interested parties on the Public Draft Recovery Plan, and will consider all substantive comments received during the review period before submitting the Recovery Plan for final approval.

DATES: Comments on the Public Draft Recovery Plan must be received by close of business on December 4, 2015.

ADDRESSES: You may submit comments on the Public Draft Recovery Plan by the following methods:

- *Electronic Submissions:* Submit all electronic public comments via: *WCR_CMSRecoveryplan.comments@noaa.gov*.
- *Mail:* Recovery Team, National Marine Fisheries Service, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404.
- *Public Workshops:* Written comments will be accepted.

Instructions: Comments must be submitted by one of the above methods to ensure comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Electronic copies of the Public Draft Recovery Plan are available online at: *http://www.westcoast.fisheries.noaa.gov/protected_species/salmon_steelhead/recovery_planning_and_implementation/north_central_california_coast/north_central_california_coast_salmon_recovery_domain.html.* A CD–ROM of these documents can be obtained by emailing a request to *Andrea.Berry@noaa.gov* or by writing to: Recovery Team, National Marine Fisheries Service, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404.

FOR FURTHER INFORMATION CONTACT: Korie Schaeffer, (707) 575–6087, *Korie.Schaeffer@noaa.gov*, or Erin Seghesio, (707) 578–8515, *Erin.Seghesio@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*) requires we develop and implement recovery plans for the conservation and survival of threatened and endangered species under our jurisdiction, unless it is determined that such plans would not promote the conservation of the species. The Public Draft Recovery Plan was developed for

three salmon and steelhead species: The California Coastal (CC) Chinook salmon ESU, and the Northern California (NC) and Central California Coast (CCC) steelhead DPSs. Between 1997 and 2000, NMFS listed the CCC steelhead DPS (62 FR 43937; August 18, 1997), the CC Chinook salmon ESU (64 FR 50394; September 16, 1999), and the NC steelhead DPS (65 FR 36074; June 7, 2000), as threatened under the ESA due to the precipitous and ongoing declines in their populations.

Our goal is to restore the threatened CC Chinook salmon, and NC and CCC steelhead to the point where they are self-sustaining populations within their ecosystems and no longer need the protections of the ESA.

A series of public workshops will be held to help inform interested parties on the Public Draft Recovery Plan. Written comments will be accepted at the workshops. These include:

- UKIAH—October 14, 2015, UC Cooperative Extension Mendocino, 890 N. Bush Street, Ukiah, CA 95482, from 6–8 p.m.
- ARCATA—October 15, 2015, Humboldt Area Foundation, 363 Indianola Road, Bayside, CA 95524, from 6–8 p.m.
- SANTA CRUZ—October 20, 2015, Southwest Fisheries Science Center, 110 Shaffer Road, Santa Cruz, CA 95060, from 3–5 p.m.
- OAKLAND—November 3, 2015 Elihu M Harris State Building, 1515 Clay St., Oakland, CA 94612, from 1–3 p.m.
- SANTA ROSA—November 5 2015, Sonoma County Water Agency, 404 Aviation Blvd., Santa Rosa, CA 95403 from 1–3 p.m.

The Public Draft Recovery Plan

The ESA requires recovery plans incorporate, to the maximum extent practicable: (1) Objective, measurable criteria which, when met, would result in a determination that the species is no longer threatened or endangered; (2) site-specific management actions necessary to achieve the plan's goal for the conservation and survival of the species; and (3) estimates of the time required and costs to implement recovery actions.

The Public Draft Recovery Plan provides background on the natural history, population trends and the potential threats to the viability of CC Chinook salmon, and NC and CCC steelhead. The Public Draft Recovery Plan lays out a recovery strategy to address conditions and threats based on the best available science and incorporates objective, measurable criteria for recovery. The Public Draft Recovery Plan is not regulatory, but presents guidance for use by agencies and interested parties to assist in the recovery of CC Chinook salmon, and NC and CCC steelhead. The Public Draft Recovery Plan identifies actions needed to achieve recovery by improving population and habitat conditions and addressing threats to the species; links management actions to a research and monitoring program intended to fill data gaps and assess effectiveness of actions; incorporates an adaptive management framework by which management actions and other elements may evolve as we gain information through research and monitoring; and describes agency guidance on time lines for reviews of the status of species and recovery plans. To address threats related to the species, the Public Draft Recovery Plan references many of the significant efforts already underway to restore salmon and steelhead access to high quality habitat and to improve habitat previously degraded.

Recovery of CC Chinook salmon, and NC and CCC steelhead will require a long-term effort in cooperation and coordination with Federal, state, tribal and local government agencies, and the community. Consistent with the Recovery Plan, we will implement relevant actions for which we have authority, work cooperatively on implementation of other actions, and encourage other Federal and state agencies to implement recovery actions for which they have responsibility and authority.

In compliance with the requirements of the ESA section 4(f), NMFS is providing public notice and an opportunity to review and comment on the Public Draft Recovery Plan for CC Chinook salmon, and NC and CCC steelhead prior to its final approval.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: September 30, 2015.

Angela Somma,

Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–25203 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE201

Notice of Availability of a *Deepwater Horizon* Oil Spill; Draft Programmatic Damage Assessment and Restoration Plan (PDARP) and Draft Programmatic Environmental Impact Statement (PEIS)

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of a Draft Programmatic Damage Assessment and Restoration Plan and Draft Programmatic Environmental Impact Statement; request for comments.

SUMMARY: In accordance with the Oil Pollution Act of 1990 (OPA) and the National Environmental Policy Act (NEPA), the *Deepwater Horizon* Federal and State natural resource trustee agencies (Trustees) have prepared a Draft Programmatic Damage Assessment and Restoration Plan and Draft Programmatic Environmental Impact Statement (Draft PDARP/PEIS). As required by OPA, in this Draft PDARP/PEIS, the *Deepwater Horizon* Trustees present the assessment of impacts of the *Deepwater Horizon* oil spill on natural resources in the Gulf of Mexico and on the services those resources provide, and determine the restoration needed to compensate the public for these impacts. The Draft PDARP/PEIS describes the Trustees' programmatic alternatives considered to restore natural resources, ecological services, and recreational use services injured or lost as a result of the *Deepwater Horizon* oil spill. The Trustees evaluate these alternatives under criteria set forth in the OPA natural resource damage assessment regulations, and also evaluate the environmental consequences of the restoration alternatives in accordance with NEPA. The purpose of this notice is to inform the public of the availability of the Draft PDARP/PEIS and to seek public comments on the document.

DATES: The Trustees will consider public comments received on or before December 4, 2015.

Public Meetings: The Trustees will host a series of public meetings to facilitate public review and comment on the Draft PDARP/PEIS. Both written and verbal public comments will be taken at each public meeting. The Trustees will hold an open house for each meeting followed by a formal meeting. Each public meeting will include a

presentation of the Draft PDARP/PEIS. Public meetings will be held between October 19th and November 18th. The full public meeting schedule is listed in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: *Obtaining Documents:* You may download the Draft PDARP/PEIS at *http://www.gulfspillrestoration.noaa.gov.* Alternatively, you may request a CD of the Draft PDARP/PEIS (see **FOR FURTHER INFORMATION CONTACT**). You may also view the document at any of the public facilities listed at *http://www.gulfspillrestoration.noaa.gov.* The Draft PDARP/PEIS also will be available for download at *http://www.justice.gov/enrd/deepwater-horizon.*

Submitting Comments: You may submit comments on the Draft PDARP/PEIS by one of following methods:

- Via the Web: *http://www.gulfspillrestoration.noaa.gov* and
- U.S. Mail: U.S. Fish and Wildlife Service, P.O. Box 49567, Atlanta, GA 30345. Please note that mailed comments must be received on or before the comment deadline of December 4, 2015 to be considered.

FOR FURTHER INFORMATION CONTACT: Courtney Groeneveld at *gulfspill.restoration@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Introduction

On April 20, 2010, the *Deepwater Horizon* mobile drilling unit exploded, caught fire, and eventually sank in the Gulf of Mexico, resulting in a massive release of oil and other substances from BP's Macondo well. Tragically, 11 workers were killed and 17 injured by the explosion and fire. Initial efforts to cap the well following the explosion were unsuccessful, and for 87 days after the explosion, the well continuously and uncontrollably discharged oil and natural gas into the northern Gulf of Mexico. Approximately 3.19 million barrels (134 million gallons) of oil were released into the ocean, by far the largest offshore oil spill in the history of the United States.

Oil spread from the deep ocean to the surface and nearshore environment, from Texas to Florida. The oil came into contact with and injured natural resources as diverse as deep-sea coral, fish and shellfish, productive wetland habitats, sandy beaches, birds, endangered sea turtles, and protected marine life. The oil spill prevented people from fishing, going to the beach, and enjoying their typical recreational activities along the Gulf. Extensive response actions, including, use of dispersants, cleanup activities, and actions to try to prevent the oil from reaching sensitive resources, were undertaken to try to reduce harm to people and the environment. However, many of these response actions had collateral impacts on the environment. The oil and other substances released from the well in combination with the extensive response actions together make up the *Deepwater Horizon* incident.

The Trustees are conducting the natural resource damage assessment for the *Deepwater Horizon* incident under the Oil Pollution Act 1990 (OPA; 33 U.S.C. 2701 *et seq.*). Pursuant to OPA, Federal and State agencies act as trustees on behalf of the public to assess natural resource injuries and losses and to determine the actions required to compensate the public for those injuries and losses. OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship, including the loss of use of those resources and the loss of services they provide from the time of injury until the time of restoration to baseline (the resource quality and conditions that would exist if the spill had not occurred) is complete.

The Trustees [1] are as follows:

- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce;
- U.S. Department of the Interior (DOI), as represented by the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management;
- U.S. Department of Agriculture (USDA);
- U.S. Environmental Protection Agency (USEPA);
- State of Louisiana Coastal Protection and Restoration Authority, Oil Spill Coordinator's Office, Department of Environmental Quality, Department of Wildlife and Fisheries, and Department of Natural Resources;
- State of Mississippi Department of Environmental Quality;
- State of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;
- State of Florida Department of Environmental Protection and Fish and Wildlife Conservation Commission; and
- For the State of Texas: Texas Parks and Wildlife Department, Texas General Land Office, and Texas Commission on Environmental Quality.

[1] Although a trustee under OPA by virtue of the proximity of its facilities to the *Deepwater Horizon* oil spill, the U.S. Department of Defense (DOD) is not a member of the Trustee Council and did not participate in development of this Draft PDARP/PEIS.

Background

On February 17, 2011, the Trustees initiated a 90-day formal scoping and public comment period for this Draft PDARP/PEIS (76 FR 9327) through a Notice of Intent (NOI) to Begin Restoration Scoping and Prepare a Gulf Spill Restoration Planning PEIS. The Trustees conducted the scoping in accordance with OPA (15 CFR 990.14(d)), NEPA (40 CFR 1501.7), and State authorities. That NOI requested public input to identify and evaluate a range of restoration types that could be used to fully compensate the public for the environmental and recreational use damages caused by the spill, as well as develop procedures to select and implement restoration projects that will compensate the public for the natural resource damages caused by the spill. As part of the scoping process, the Trustees hosted public meetings across all the Gulf States during Spring 2011.

Overview of the Draft PDARP/PEIS

The Draft PDARP/PEIS is being released in accordance with the OPA, the Natural Resources Damage Assessment (NRDA) regulations found in the Code of Federal Regulations (CFR) at 15 CFR part 990, and the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*).

In the Draft PDARP/PEIS, the Deepwater Horizon Trustees present to the public their findings on the extensive injuries to multiple habitats, biological species, ecological functions, and geographic regions across the northern Gulf of Mexico that occurred as a result of the Deepwater Horizon incident, as well as their programmatic plan for restoring those resources and the services they provide. The Draft PDARP/PEIS proposes four programmatic alternatives evaluated in accordance with OPA and NEPA. The *Deepwater Horizon* Trustees decided to fulfill NEPA requirements by conducting a PEIS that evaluates broad (as opposed to project-specific) restoration alternatives. As the Draft PDARP/PEIS shows, the injuries caused by the *Deepwater Horizon* incident cannot be fully described at the level of a single species, a single habitat type, or a single region. Rather, the injuries affected such a wide array of linked resources over such an enormous area that the effects of the *Deepwater Horizon* incident constitute an ecosystem-level injury. Consequently, the Trustees' preferred alternative for a restoration plan employs a comprehensive, integrated ecosystem approach to best address these ecosystem-level injuries. The Trustees'

evaluation determines this alternative is best, among several other alternatives, at compensating the public for the losses to natural resources and services caused by the *Deepwater Horizon* incident.

The four alternatives under the Draft PDARP/PEIS are as follows:

- Alternative A (Preferred Alternative): Comprehensive Integrated Ecosystem Restoration Plan based on the programmatic Trustee goals;
- Alternative B: Resource-Specific Restoration Plan based on the programmatic Trustee goals;
- Alternative C: Continued Injury Assessment and Defer Comprehensive Restoration Plan; and
- Alternative D: No Action/Natural Recovery.

The Trustees have jointly examined and assessed the extent of injury and the restoration alternatives. In the Draft PDARP/PEIS, the Trustees present to the public their findings on the extensive injuries to multiple habitats, biological species, ecological functions, and geographic regions across the northern Gulf of Mexico that occurred as a result of the *Deepwater Horizon* incident, as well as the programmatic plan for restoring those resources. In particular, they considered restoration types and approaches to restore, replace, rehabilitate, or acquire the equivalent of the injured natural resources and services. The Trustees believe that the preferred alternative in this Draft PDARP/PEIS is most appropriate for addressing the injuries to natural resources.

The Trustees' proposed decision is to select a comprehensive restoration plan to guide and direct subsequent restoration planning and implementation during the coming decades. The Draft PDARP/PEIS is programmatic; it describes the framework by which subsequent project specific restoration plans will be identified and developed, and sets forth the types of projects the Trustees will consider in each of several described restoration areas. The subsequent restoration plans would identify, evaluate, and select specific restoration projects for implementation that are consistent with the restoration framework laid out by the PDARP/PEIS. The Trustees are considering this programmatic restoration planning decision in light of the proposed settlement among BP, the United States and the States of Louisiana, Mississippi, Alabama, Florida, and Texas to resolve BP's liability for natural resource damages associated with the *Deepwater Horizon* incident. Under this proposed settlement, BP would pay a total of $8.1 billion for restoration to address natural resource injuries (this includes $1 billion already committed for early restoration), plus up to an additional $700 million to respond to natural resource damages unknown at the time of the settlement and/or to provide for adaptive management. As noted below, the proposed Consent Decree for the proposed settlement is the subject of a separate public notice and comment process.

Next Steps

The public is encouraged to review and comment on the Draft PDARP/PEIS. As described above, public meetings are scheduled to facilitate the public review and comment process. After the close of the public comment period, the Trustees will consider and address the comments received before issuing a Final PDARP/PEIS. A summary of comments received and the Trustees' responses will be included in the final document. After issuing the Final PDARP/PEIS, the Trustees will prepare a Record of Decision that formally selects an alternative.

The public is also encouraged to review and comment on the proposed Consent Decree through a separate process managed by the Department of Justice. A link for the proposed Consent Decree and directions for comment to the Department of Justice is available at *www.gulfspillrestoration.noaa.gov.*

PUBLIC MEETING SCHEDULE

Date	Time (local times)	Location
Mon., Oct. 19, 2015	5 p.m. Open House 6 p.m. Public Meeting	Courtyard by Marriott—Houma, Versailles Parlour, 142 Liberty Boulevard, Houma, LA 70360.
Tues., Oct. 20, 2015	5 p.m. Open House 6 p.m. Public Meeting	University of Southern Mississippi, Long Beach FEC Auditorium, 730 East Beach Boulevard, Long Beach, MS 39560.
Thurs., Oct. 22, 2015	5 p.m. Open House 6 p.m. Public Meeting	Hilton Garden Inn, New Orleans Convention Center, Garden Ballroom, 10001 South Peters Street, New Orleans, LA 70130.
Mon., Oct. 26, 2015	6 p.m. Open House 7 p.m. Public Meeting	The Battle House, Renaissance Mobile Hotel & Spa, Moonlight Ballroom A, 26 North Royal Street, Mobile, AL 36602.
Tues., Oct. 27, 2015	6 p.m. Open House 7 p.m. Public Meeting	Pensacola Bay Center, 201 E Gregory Street, Pensacola, FL 32502.
Thurs., Oct. 29, 2015	6 p.m. Open House 7 p.m. Public Meeting	Hilton St. Petersburg, Bayfront, Salon AB, 333 1st Street South, St. Petersburg, FL 33701.
Tues., Nov. 10, 2015	6 p.m. Open House 7 p.m. Public Meeting	Hilton Galveston Island Resort, Crystal Ballroom, 5400 Seawall Boulevard, Galveston, TX 77551.
Wed., Nov. 18, 2015	6 p.m. Open House 7 p.m. Public Meeting	DoubleTree by Hilton Hotel, Washington DC, Terrace Ballroom, 1515 Rhode Island, Avenue NW., Washington, DC 20005.

Invitation to Comment

The Trustees seek public review and comment on the Draft PDARP/PEIS. 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 publicly available at any time.

Administrative Record

The documents included in the Administrative Record can be viewed electronically at the following location: *http://www.doi.gov/deepwaterhorizon/adminrecord.* The Trustees opened a publicly available Administrative Record for the NRDA for the Deepwater Horizon oil spill, including restoration planning activities, concurrently with publication of the 2011 NOI (pursuant to 15 CFR 990.45).

Authority: The authority of this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*) and the implementing NRDA regulations found at 15 CFR part 990.

Dated: September 28, 2015.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2015–24913 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE226

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) Summer Flounder, Scup, and Black Sea Bass Advisory Panel will hold a public meeting.

DATES: The meeting will be held on Thursday, October 22, 2015, from 2 p.m. until 5 p.m.

ADDRESSES: The meeting will be held via webinar with a telephone-only connection option. Details on webinar registration and telephone-only connection details will be available at: *http://www.mafmc.org.*

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.*

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

SUPPLEMENTARY INFORMATION: The Council's Summer Flounder, Scup, and Black Sea Bass Advisory Panel (AP) will meet jointly with the Atlantic States Marine Fisheries Commission's (ASMFC's) Summer Flounder, Scup, and Black Sea Bass AP. The purpose of this meeting is to solicit advisor input on specific commercial management measures for summer flounder, scup, and black sea bass. These include, but are not limited to, the commercial minimum fish size, trawl mesh size requirements, seasonal possession limits triggering the minimum mesh size requirements (*i.e.*, incidental possession limits), other possession limits, other gear requirements, and exemption programs for all three species. The Council and the ASMFC will consider the input from the AP in December when reviewing recommendations on commercial measures from the Summer Flounder, Scup, and Black Sea Bass Monitoring and Technical Committees.

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 30, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–25239 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC667

Application for a Permit Modification: Endangered Species; File No. 17304

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

ACTION: Notice; receipt of application for a permit modification.

SUMMARY: Notice is hereby given that Kristen Hart, Ph.D., U.S. Geological Survey, 3205 College Ave., Davie, FL 33314, has requested a modification to scientific research Permit No. 17304–01.

DATES: Written, telefaxed, or email comments must be received on or before November 4, 2015.

ADDRESSES: The modification request and related documents are available for review by selecting ''Records Open for Public Comment'' from the Features box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 17304 Mod 2 from the list of available applications. These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Carrie Hubard, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject modification to Permit No. 17304, issued on September 20, 2013 (78 FR 59657) is requested under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

Permit No. 17304–01 authorizes researchers to capture 100 green, 100 loggerhead, 90 Kemp's ridley, and 20 hawksbill sea turtles annually by hand or using nets in the northern Gulf of Mexico. Alternative to direct capture, researchers may obtain sea turtles for study that are legally captured during relocation trawling for the U.S. Army Corps of Engineers. Sea turtles may have the following types of procedures performed before release: Morphometrics, marking, photograph/video, tagging, biological sampling, and/or attachment of transmitters and subsequent tracking. The permit is valid through September 30, 2018. Dr. Hart is seeking to modify the permit to (1) authorize trawling as a capture method, and (2) increase the annual number of loggerhead and Kemp's ridley sea turtles taken by 200 and 210 turtles, respectively. This work would be used to (1) provide density and abundance data to managers for these species in Louisiana waters and associated federal waters, and (2) establish the feasibility of sea turtle monitoring in the Gulf of Mexico by trawl.

Dated: September 29, 2015.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–25209 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE228

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Research Steering Committee (RSC) to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday October 22, 2015 at 9:30 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn, 700 Myles Standish Boulevard, Taunton, MA 02780; telephone: (508) 823–0490; fax: (508) 880–6483.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Research Steering Committee will meet to review several cooperative research projects, which include Scallop RSA projects that address gray meats in the scallop fishery. The RSC may also review other cooperative research projects, which may include a 2012 Monkfish RSA project. In addition, the Research Steering Committee may discuss the outcome of the Cooperative Research & Cooperative Management Review White Paper. The Research Steering Committee may also discuss other topics at the meeting as it pertains to cooperative research. Other business may be discussed.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: September 30, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–25241 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE220

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of telephonic meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Charter Implementation Committee will meet by teleconference October 21, 2015.

DATES: The meeting will be held on Wednesday October 21, 2015, from 1 p.m. to 5 p.m.

ADDRESSES: The meeting will be held telephonically at the North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252. Teleconference line is (907) 271–2896.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252; telephone: (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: Steve MacLean, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

Wednesday, October 21, 2015

The agenda is to identify a range of potential management measures for the Area 2C and Area 3A charter halibut fisheries in 2016, using the management measures in place for 2015 as a baseline. For Area 2C, the baseline management measure is a daily limit of one fish less than or equal to 42 inches or greater than or equal to 80 inches in length. For Area 3A, the baseline management measure is a daily limit of two fish, one fish of any size, and a second fish which must be 29 inches or less in length. Committee recommendations will be incorporated into an analysis for Council review in December 2015. The Council will recommend preferred management measures for consideration by the International Pacific Halibut Commission at its January 2016 meeting, for implementation in 2016.

The Agenda is subject to change, and the latest version will be posted at *http://www.npfmc.org/*.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shannon Gleason at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: September 30, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–25238 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE218

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Salmon Subcommittee of the Scientific and Statistical Committee will hold a joint methodology review meeting with the Salmon Technical Team and Model Evaluation Workgroup.

DATES: The joint methodology review meeting will be held Tuesday, October 20, 2015, from 1 p.m. to 5 p.m., Wednesday, October 21, 2015, from 9 a.m. to 5 p.m., and Thursday, October 22, 2015, from 9 a.m. to noon, or until business is completed.

ADDRESSES: The meetings will be held in the Concourse Room of the Radisson Hotel Portland Airport, 6233 NE 78th Ct., Portland, OR 97218; telephone: (503) 251–2000.

Council address: Pacific Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Burner, Pacific Council; telephone: (503) 820–2414.

SUPPLEMENTARY INFORMATION: The purpose of the methodology review meeting is to discuss and review proposed changes to analytical methods used in salmon management. Methodology review topics were adopted by the Council at their September 9–16, 2015 meeting in Sacramento, CA and are posted on the Pacific Council's Web page (*www.pcouncil.org*). Recommendations from this methodology review meeting will be presented at the November 13–19, 2015 Council meeting in Garden Grove, CA where the Council is scheduled to take final action on the proposals.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2425 at least 5 days prior to the meeting date.

Dated: September 30, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–25237 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE229

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Council will hold a meeting of its Scientific and Statistical Committee (SSC) in N. Charleston, SC. See **SUPPLEMENTARY INFORMATION**.

DATES: The SSC will meet 1 p.m.–5 p.m., Tuesday, October 20, 2015; 8:30 a.m.–5 p.m., Wednesday, October 21, 2015; and 8:30 a.m.–3 p.m., Thursday, October 22, 2015.

ADDRESSES: The meeting will be held at the Crowne Plaza Airport Hotel, 4831 Tanger Outlet Boulevard, North Charleston, SC 29418; phone: (800) 503–5762 or (843) 744–4422; fax: (843) 744–4472.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366 or toll free (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The following items will be discussed and considered by the SSC during this meeting:

1. Review South Atlantic landings and Annual Catch Limits (ACLs)
2. Consider units for fishing level recommendations
3. Review final Southeast headboat survey data evaluation
4. Southeast Data, Assessment and Review (SEDAR) projects update, including report on the Data Best Practices Workshop and September 2015 Steering Committee meeting
5. Council Citizen Science update
6. Review Snapper-Grouper Amendments 36, 37, and Regulatory Amendment 16
7. Review the Council's System Management Plan
8. Report on recreational catch estimation for rare species
9. SSC Acceptable Biological Catch (ABC) Control Rule revision progress report
10. Review the Council's Research Priorities Plan
11. Review NOAA Fisheries' Stock Prioritization Tool
12. Consider the Blueline Tilefish stock assessment and fishing levels
13. Review Hogfish projections and fishing level recommendations
14. Receive progress reports on ongoing fishery management plans and amendments

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Written comment on SSC agenda topics is to be distributed to the Committee through the Council office, similar to all other briefing materials. Written comment to be considered by the SSC shall be provided to the Council office no later than one week prior to an SSC meeting. For this meeting, the deadline for submission of written comment is 12 p.m., Tuesday, April 21, 2015. Two opportunities for comment on agenda items will be provided during SSC meetings and noted on the agenda. The first will be at the beginning of the meeting, and the second near the conclusion, when the SSC reviews its recommendations.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 10 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: September 30, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–25242 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XZ31

Issuance of Permit Amendment: Marine Mammals; File No. 14603

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

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that Charles Mayo, Ph.D., Senior Scientist and Director, Right Whale Program—Center for Coastal Studies, 115 Bradford St., Provincetown, MA 02657 has been

issued a minor amendment to Scientific Permit No. 14603.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Brendan Hurley or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The original permit (No. 14603), issued on September 9, 2010 (75 FR 61135) authorizes Dr. Mayo to study North Atlantic right whales (*Eubalaena glacialis*) off Massachusetts, New Hampshire, Maine, Rhode Island, Connecticut, New York, and New Jersey. The permitted activities include photo-identification, aerial and shipboard surveys, suction-cup tagging, photo-identification, sonar for prey mapping, passive acoustic recording, and behavioral observation (by vessel and aerial). Whales of all ages may be harassed during surveys. The permit also authorizes incidental harassment of unidentified baleen whales during research activities, and is authorized through September 30, 2015. The minor amendment (No. 14603–01) extends the duration of the permit through September 30, 2016 but does not change any other terms or conditions of the permit.

Dated: September 29, 2015.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–25210 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Intent To Conduct Scoping and To Prepare a Draft Environmental Impact Statement for the Proposed Wisconsin—Lake Michigan National Marine Sanctuary

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of intent to conduct scoping, hold public scoping meetings and to prepare a draft environmental impact statement and management plan.

SUMMARY: In accordance with section 304(a) of the National Marine Sanctuaries Act, as amended, (NMSA) (16 U.S.C. 1431 *et seq.*), and based on the resources and boundaries described in the community-based nomination submitted to NOAA on December 2, 2014 (*www.nominate.noaa.gov/nominations*), NOAA is initiating a process to consider designating an area of Wisconsin's Lake Michigan as a national marine sanctuary. The designation process, as required by the NMSA, will be conducted concurrently with a public process under the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*). This notice also informs the public that NOAA will coordinate its responsibilities under section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470) with its ongoing NEPA process, pursuant to 36 CFR 800.8(a), including the use of NEPA documents and public and stakeholder meetings to also meet the requirements of section 106. The public scoping process is intended to solicit information and comments on the range of issues and the significant issues to be analyzed in depth in an environmental impact statement related to designating this area as a national marine sanctuary. The results of this scoping process will assist NOAA in moving forward with the designation process and in formulating alternatives for the draft environmental impact statement and proposed regulations, including developing national marine sanctuary boundaries. It will also inform the initiation of any consultations with federal, state, or local agencies and other interested parties, as appropriate.

DATES: Comments must be received by January 15, 2016. Public scoping meetings will be held as detailed below:

(1) Manitowoc, WI

Date: November 17, 2015.
Location: Wisconsin Maritime Museum.
Address: 75 Maritime Drive, Manitowoc, WI.
Time: 6:30–8:30 p.m.

(2) Port Washington, WI

Date: November 18, 2015.
Location: Wilson House.
Address: 200 N. Franklin St., Port Washington, WI.
Time: 6:30–8:30 p.m.

(3) Sheboygan, WI

Date: November 19, 2015.
Location: University of Wisconsin-Sheboygan, Main Building, Wombat Room (Room 2114).
Address: 1 University Drive, Sheboygan, WI.
Time: 6:30–8:30 p.m.

ADDRESSES: Comments may be submitted by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov//#!docketDetail;D=NOAA-NOS-2015-0112,* click the ''Comment Now!'' icon, complete the required fields and enter or attach your comments.
- *Mail:* Ellen Brody, Great Lakes Regional Coordinator, 4840 S. State Road, Ann Arbor, MI 48108–9719.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NOAA. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (for example, name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily submitted by the commenter will be publicly accessible. NOAA will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Ellen Brody, Great Lakes Regional Coordinator, 734–741–2270, *ellen.brody@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The NMSA authorizes the Secretary of Commerce (Secretary) to designate and protect as national marine sanctuaries areas of the marine environment that are of special national significance due to their conservation, recreational,

ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities. Day-to-day management of national marine sanctuaries has been delegated by the Secretary to ONMS. The primary objective of the NMSA is to protect the biological and cultural resources of the sanctuary system, such as coral reefs, marine animals, historic shipwrecks, historic structures, and archaeological sites.

The area being considered for designation as a national marine sanctuary is a region that includes 875 square miles of Lake Michigan waters and bottomlands adjacent to Manitowoc, Sheboygan, and Ozaukee counties and the cities of Port Washington, Sheboygan, Manitowoc, and Two Rivers. It includes 80 miles of shoreline and extends 9 to 14 miles from the shoreline. The area contains an extraordinary collection of submerged maritime heritage resources as demonstrated by the listing of 15 shipwrecks on the National Register of Historic Places. The area includes 39 known shipwrecks, 123 reported vessel losses, numerous other historic maritime-related features, and is adjacent to communities that have embraced their centuries-long relationship with Lake Michigan.

This collection of shipwrecks is nationally significant because of the architectural and archaeological integrity of the shipwrecks, the representative nature of the sample of vessels, their location on one of the nation's most important transportation corridors, and the potential for the discovery of other shipwrecks and submerged pre-contact cultural sites. The historic shipwrecks are representative of the vessels that sailed and steamed this corridor, carrying grain and raw materials east as other vessels came west loaded with coal. Many of the shipwrecks retain an unusual degree of architectural integrity, with 15 vessels that are intact. NOAA encourages the public to review the full nomination at *www.nominate.noaa.gov/nominations.*

II. Need for action

Wisconsin Governor Scott Walker, on behalf of the State of Wisconsin; the Cities of Two Rivers, Manitowoc, Sheboygan, and Port Washington; the Counties of Manitowoc, Sheboygan, and Ozaukee submitted a nomination to NOAA on December 2, 2014 through the Sanctuary Nomination Process (SNP) (79 FR 33851) asking NOAA to consider designating this area of Wisconsin's Lake Michigan waters as a national marine sanctuary. The State of Wisconsin's selection of this geographic area for the nomination drew heavily from a 2008 report conducted by the Wisconsin History Society and funded by the Wisconsin Coastal Management Program (*Wisconsin's Historic Shipwrecks: An Overview and Analysis of Locations for a State/Federal Partnership with the National Marine Sanctuary Program,* 2008). This report analyzed all Wisconsin shipwrecks in both Lake Superior and Lake Michigan, concluding that the 875-square-mile area in the nomination had the best potential for a national marine sanctuary designation based on the national significance of the shipwrecks. The nomination also identified opportunities for NOAA to strengthen and expand on resource protection, education, and research programs by state of Wisconsin agencies and in the four communities along the Lake Michigan coast.

NOAA is initiating the process to designate this area as a national marine sanctuary based on the nomination submitted to the agency as part of the SNP. NOAA's review of the nomination against the criteria and considerations of the SNP, including the requirement for broad-based community support indicated strong merit in proposing this area as a national marine sanctuary. NOAA completed its review of the nomination on February 5, 2015, and added the area to the inventory of nominations that are eligible for designation. Designation under the NMSA would allow NOAA to supplement and complement work by the State of Wisconsin and other federal agencies to protect this collection of nationally significant shipwrecks.

III. Process

The process for designating the Wisconsin—Lake Michigan area as a national marine sanctuary includes the following stages:

1. Public Scoping Process—Information collection and characterization, including the consideration of public comments received during scoping;

2. Preparation and release of draft designation documents including a draft environmental impact statement (DEIS) that identifies boundary alternatives, a draft management plan (DMP), as well as a notice of proposed rulemaking (NPRM) to define proposed sanctuary regulations. Draft documents would be used to initiate consultations with federal, state, or local agencies and other interested parties, as appropriate;

3. Public review and comment on the DEIS, DMP and NPRM;

4. Preparation and release of a final environmental impact statement, final management plan, including a response to public comments, with a final rule and regulations, if appropriate.

With this notice, NOAA is initiating a public scoping process to:

1. Gather information and public comments from individuals, organizations, and government agencies on the designation of the Wisconsin—Lake Michigan area as a national marine sanctuary based on the community-based nomination of December 2014, especially: (a) The spatial extent of the proposed boundary; and (b) the resources that would be protected;

2. Help determine the scope and significance of issues to be addressed in the preparation of an environmental analysis under NEPA including socioeconomic impacts of designation, effects of designation on cultural and biological resources, and threats to resources within the proposed area;

3. Help determine the proposed action and possible alternatives pursuant to NEPA and to conduct any appropriate consultations.

IV. Consultation Under Section 106 of the National Historic Preservation Act

This notice confirms that NOAA will fulfill its responsibility under section 106 of the National Historic Preservation Act (NHPA) through the ongoing NEPA process, pursuant to 36 CFR 800.8(a) including the use of NEPA documents and public and stakeholder meetings to meet the section 106 requirements. The NHPA specifically applies to any agency undertaking that may affect historic properties. Pursuant to 36 CFR 800.16(1)(1), historic properties includes: ''any prehistoric or historic district, site, building, structure or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. The term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.'' In fulfilling its responsibility under the NHPA and NEPA, NOAA intends to identify consulting parties; identify historic properties and assess the effects of the undertaking on such properties; initiate formal consultation with the State Historic Preservation Officer, the Advisory Council of Historic Preservation, and other consulting parties; involve the public in accordance with NOAA's NEPA procedures, and develop in consultation

with identified consulting parties alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects on historic properties and describe them in any environmental assessment or draft environmental impact statement.

Authority: 16 U.S.C. 1431 *et seq.*

Dated: September 30, 2015.

John Armor,

Acting Director for the Office of National Marine Sanctuaries.

[FR Doc. 2015–25398 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Joint Skate Advisory Panel and Committee Meeting to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, October 21, 2015 at 9:30 a.m.

ADDRESSES: The meeting will be held at the Radisson Airport Hotel, 2081 Post Road, Warwick, RI 02886; telephone: (401) 739–3000; fax: (401) 732–9309.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Skate Committee and Advisory Panel will begin work on a framework adjustment. The Committee and Advisory Panel will consider updated status determinations for the Northeast Skate Complex, recommendations for the Skate Allowable Biological Catch (ABC), and associated possession limits. The Committee and Advisory Panel will review PDT discussion of potential restructuring of the Northeast Skate Complex FMP. They will also discuss priorities for 2016 and any other business. Other business may be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: September 29, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–25138 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE227

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 (MAFMC) Summer Flounder, Scup, and Black Sea Bass Monitoring Committee will hold a public meeting.

DATES: The meeting will be held on Tuesday, October 27, 2015, from 10 a.m. to 5 p.m., and on Wednesday, October 28, 2015, from 8:30 a.m. to 1 p.m.

ADDRESSES: The meeting will be held at the Courtyard by Marriott Baltimore BWI Airport, 1671 West Nursery Road, Linthicum, MD 21090; telephone: (410) 859–8855.

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.*

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

SUPPLEMENTARY INFORMATION: The MAFMC's Summer Flounder, Scup, and Black Sea Bass Monitoring Committee, with the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Technical Committee, will hold a workshop to review methods, datasets, and considerations for recommending and evaluating recreational management measures for these three species. The meeting will focus on specific technical methods for calculating adjustments to bag limits, size limits, and seasonal limits, as well as current and potential supporting recreational datasets, tools, and models. The objective of the meeting is for the Committees to identify potential improvements to the current processes and methods for recommending and evaluating recreational measures. A detailed agenda will be posted at *www.mafmc.org* prior to the meeting.

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 30, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–25240 Filed 10–2–15; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Market Risk Advisory Committee

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of meeting.

SUMMARY: The Commodity Futures Trading Commission (CFTC) announces that on November 2, 2015, from 10:00 a.m. to 1:30 p.m., the Market Risk Advisory Committee (MRAC) will hold a public meeting at the CFTC's Washington, DC, headquarters. The MRAC will be presented with and discuss the CCP Risk Management Subcommittee's recommendations to the MRAC regarding how the CCP default plans presented at the April 2,

2013 meeting of the MRAC can better reflect market conditions in the case of the default of a significant clearing member.

DATES: The meeting will be held on November 2, 2015 from 10:00 a.m. to 1:30 p.m. Members of the public who wish to submit written statements in connection with the meeting should submit them by November 16, 2015.

ADDRESSES: The meeting will take place in the Conference Center at the CFTC's headquarters, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581. Written statements should be submitted by mail to: Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581, attention: Office of the Secretary; or by electronic mail to: *secretary@cftc.gov*. Please use the title ''Market Risk Advisory Committee'' in any written statement you submit. Any statements submitted in connection with the committee meeting will be made available to the public, including publication on the CFTC Web site, *www.cftc.gov*.

FOR FURTHER INFORMATION CONTACT: Petal Walker, MRAC Designated Federal Officer, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581; (202) 418–5794.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public with seating on a first-come, first-served basis. Members of the public may also listen to the meeting by telephone by calling a domestic toll-free telephone or international toll or toll-free number to connect to a live, listen-only audio feed. Call-in participants should be prepared to provide their first name, last name, and affiliation.

Domestic Toll Free: 1–866–844–9416.

International Toll and Toll Free: Will be posted on the CFTC's Web site, *http://www.cftc.gov*, on the page for the meeting, under Related Documents.

Pass Code/Pin Code: CFTC.

After the meeting, a transcript of the meeting will be published through a link on the CFTC's Web site, *http://www.cftc.gov*. All written submissions provided to the CFTC in any form will also be published on the CFTC's Web site. Persons requiring special accommodations to attend the meeting because of a disability should notify the contact person above.

(**Authority:** 5 U.S.C. app. 2 § 10(a)(2)).

Dated: September 29, 2015.

Christopher J. Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2015–25191 Filed 10–2–15; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Guidelines for Carrying Out Section 221(a) (4) of the Flood Control Act of 1970, as Amended.

AGENCY: United States Army Corps of Engineers, Department of Defense.

ACTION: Notice; extension of comment period.

SUMMARY: The U.S. Army Corps of Engineers (Corps) has updated the existing guidance for providing in-kind credit under Section 221(a)(4) of the Flood Control Act of 1970, as further amended by Section 1018 of the Water Resources Reform and Development Act of 2014. In response to requests to extend the comment period, we are extending the comment period by 30 days.

DATES: Written comments must be submitted on or before October 28, 2015.

ADDRESSES: You may submit comments, identified by docket number COE–2015–0013 by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov . Follow the instructions for submitting comments.

Email: Janice.E.Rasgus@usace.army.mil. Include the docket number, COE–2015–0013, in the subject line of the message.

Mail: U.S. Army Corps of Engineers, Attn: CECW–CE, Janice.E.Rasgus, 441 G Street NW., Washington, DC 20314–1000.

Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier.

Instructions: Direct your comments to docket number COE–2015–0013. All comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov,* including any personal information provided, unless the commenter indicates that the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI, or otherwise protected, through regulations.gov or email. The regulations.gov Web site is an anonymous access system, which means we will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to the Corps without going through regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, we recommend that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If we cannot read your comment because of technical difficulties and cannot contact you for clarification, we may not be able to consider your comment. Electronic comments should avoid the use of any special characters, any form of encryption, and be free of any defects or viruses.

Docket: For access to the docket to read background documents or comments received, go to *www.regulations.gov* . All documents in the docket are listed. Although listed in the index, some information is not publicly available, such as CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.

FOR FURTHER INFORMATION CONTACT: Janice E. Rasgus, Planning and Policy Division, Washington, DC at 202–761–7674.

SUPPLEMENTARY INFORMATION: None.

Dated: September 29, 2015.

Bruce D. Carlson,

Deputy Chief, Planning and Policy Division, Directorate of Civil Works.

[FR Doc. 2015–25284 Filed 10–2–15; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0117]

Agency Information Collection Activities; Comment Request; Student Assistance General Provisions—Readmission for Servicemembers

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before December 4, 2015.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please

use *http://www.regulations.gov* by searching the Docket ID number ED–2015–ICCD–0117. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Student Assistance General Provisions—Readmission for Servicemembers.

OMB Control Number: 1845–0095.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Individuals or Households, Private Sector, State, Tribal and Local Governments.

Total Estimated Number of Annual Responses: 5,460.

Total Estimated Number of Annual Burden Hours: 1,829.

Abstract: The Department of Education is requesting an extension of the current information collection. These regulations identify the requirements under which institutions must readmit service members with the same academic status they held at the institutions when they last attended or where accepted for attendance. The regulations require institutions to charge readmitted service members, for the first academic year of their return, the same institutions charges they were charged for the academic year during which they left the institution to fulfill a service requirement in the uniformed services.

Dated: September 30, 2015.

Kate Mullan,

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

[FR Doc. 2015–25279 Filed 10–2–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Orders Granting Authority To Import and Export Natural Gas, To Import and Export Liquefied Natural Gas, Amending Authority, Vacating Prior Authority, and Errata During March 2015

	FE Docket Nos.
DOWNEAST LNG, INC	14–172–LNG
AMERICAN LNG MARKETING LLC	14–209–LNG
LAKE CHARLES LNG EXPORT COMPANY, LLC (formerly known as TRUNKLINE LNG EXPORT LLC)	13–04–LNG
CENTRA GAS MANITOBA INC	15–12–NG
AECO GAS STORAGE PARTNERSHIP	15–15–NG
PACIFICORP	15–16–NG
JUST ENERGY NEW YORK CORP	15–17–NG
JUST ENERGY ONTARIO L.P	15–18–NG
GULF LNG ENERGY, L.L.C	15–21–LNG
PLANET ENERGY CORP	15–22–NG
HUDSON ENERGY SERVICES, LLC	15–24–NG
ST. LAWRENCE GAS COMPANY, INC	15–26–NG
SPARK ENERGY CANADA CORP	15–27–NG
UNITED STATES GYPSUM COMPANY	15–29–NG
DIVERSE–NRG, LLC	15–30–LNG
EXCELERATE ENERGY GAS MARKETING, LIMITED PARTNERSHIP	15–32–LNG
NEXTERA ENERGY POWER MARKETING, LLC	15–34–NG
SPARK ENERGY CANADA CORP	15–27–NG
HARTREE PARTNERS, L.P. (formerly HESS ENERGY TRADING COMPANY, LLC)	15–31–NG
EL PASO MARKETING COMPANY, L.L.C	15–41–NG
MARITIMES & NORTHEAST PIPELINE, L.L.C	15–43–NG

AGENCY: Office of Fossil Energy, Department of Energy (DOE).

ACTION: Notice of orders.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during March 2015, it issued orders granting authority to import and export natural gas, to import and export liquefied natural gas (LNG), amending authority, vacating prior authority and errata. These orders are summarized in the attached appendix and may be found on the FE Web site at *http://energy.gov/fe/downloads/listing-doefe-authorizationsorders-issued-2015.* They are also available for inspection and copying in the Office of Fossil Energy, Office of Oil and Gas Global Security and Supply, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8:00 a.m. and

4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on September 29, 2015.

John A. Anderson,

Director, Office of Oil and Gas Global Security and Supply, Office of Oil and Natural Gas.

APPENDIX—DOE/FE ORDERS GRANTING IMPORT/EXPORT AUTHORIZATIONS

3600	14–172–LNG	03/06/15	Downeast LNG, Inc	Order granting long-term Multi-contract authority to export LNG by vessel from the proposed Downeast LNG Terminal in Robbinston, Maine to Free Trade Agreement Nations.
3601	14–209–LNG	03/16/15	American LNG Marketing LLC	Order granting long-term, Multi-contract authority to Export LNG in ISO Containers loaded at the proposed Hialeah Facility in Medley, Florida, and exported by vessel to Free Trade Agreement Nations.
3252–A	13–04–LNG	03/18/15	Lake Charles LNG Export Company, LLC (formerly known as Trunkline LNG Export, LLC).	Order granting request to amend DOE/FE Order No. 3252 and pending application to reflect corporate name change.
3602	15–12–NG	03/19/15	Centra Gas Manitoba Inc	Order granting blanket authority to import/export natural gas from/to Canada.
3603	15–15–NG	03/19/15	AECO Gas Storage Partnership	Order granting blanket authority to import/export natural gas from/to Canada.
3604	15–16–NG	03/19/15	Pacificorp	Order granting blanket authority to import/export natural gas from/to Canada.
3605	15–17–NG	03/19/15	Just Energy New York Corp	Order granting blanket authority to import/export natural gas from/to Canada.
3606	15–18–NG	03/19/15	Just Energy Ontario L.P	Order granting blanket authority to import/export natural gas from/to Canada.
3607	15–21–LNG	03/19/15	Gulf LNG Energy, L.L.C	Order granting blanket authority to import LNG from various international sources.
3608	15–22–NG	03/19/15	Planet Energy Corp	Order granting blanket authority to import natural gas from Canada.
3609	15–24–NG	03/19/15	Hudson Energy Services LLC	Order granting blanket authority to import/export natural gas from/to Canada.
3610	15–26–NG	03/19/15	St. Lawrence Gas Company Inc	Order granting blanket authority to export natural gas to Canada.
3611	15–27–NG	03/19/15	Spark Energy Canada Corp	Order granting blanket authority to import/export natural gas from/to Canada.
3612	15–29–NG	03/19/15	United States Gypsum Company	Order granting blanket authority to import natural gas from Canada.
3613	15–30–LNG	03/19/15	Diverse-NRG, LLC	Order granting blanket authority to import/export LNG from/to Mexico by truck.
3614	15–32–LNG	03/19/15	Excelerate Energy Gas Marketing, Limited Partnership.	Order granting blanket authority to import LNG from various international sources by vessel.
3615	15–34–NG	03/19/15	NextEra Energy Power Marketing, LLC.	Order granting blanket authority to import/export natural gas from/to Canada.
Errata	15–27–NG	03/26/15	Spark Energy Power Canada Corp	Errata correcting the effective date in DOE/FE Order No. 3611 in Ordering Paragraph A issued 3/19/15.
3616	15–31–NG	03/26/15	Hartree Partners, L.P. (formerly Hess Energy Trading Company, LLC).	Order granting blanket authority to import/export natural gas from/to Canada and vacating prior authority.
3617	15–41–NG	03/26/15	El Paso Marketing Company L.L.C	Order granting blanket authority to import/export natural gas from/to Canada/Mexico.
3618	15–43–NG	03/26/15	Maritimes & Northeast Pipeline, L.L.C.	Order granting blanket authority to import/export natural gas from/to Canada.

[FR Doc. 2015–25230 Filed 10–2–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Orders Granting Authority To Import and Export Natural Gas, To Import and Export Liquefied Natural Gas, Vacating Prior Authorization, and Errata During February 2015

	FE Docket Nos.
ALPHA GAS AND ELECTRIC, LLC	14–195–NG
ENN CANADA CORPORATION	14–197–LNG
ENCANA NATURAL GAS INC	13–152–LNG
TOTAL GAS & POWER NORTH AMERICA, INC	15–02–NG
PROGAS USA INC	15–04–NG

	FE Docket Nos.
SELKIRK COGEN PARTNERS L.P	15–09–NG
SOCIETE GENERALE ENERGY INC	15–10–NG
PUGET SOUND ENERGY, INC	15–11–LNG
SABINE PASS LIQUEFACTION, LLC	14–92–LNG
SABINE PASS LIQUEFACTION, LLC	14–92–LNG
FORTISBC ENERGY INC	14–196–NG
CITIGROUP ENERGY CANADA ULC	15–03–NG
SEQUENT ENERGY CANADA CORP	15–05–NG
GAS NATURAL APROVISIONAMIENTOS SDG, S.A	15–07–NG

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of orders.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during February 2015, it issued orders granting authority to import and export natural gas, to import and export liquefied natural gas (LNG), vacating prior authorization, and errata. These orders are summarized in the attached appendix and may be found on the FE Web site at *http://energy.gov/fe/downloads/listing-doefe-authorizationsorders-issued-2015.*

They are also available for inspection and copying in the Office of Fossil Energy, Office of Oil and Gas Global Security and Supply, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on September 29, 2015.

John A. Anderson,

Director, Office of Oil and Gas Global Security and Supply, Office of Oil and Natural Gas.

APPENDIX—DOE/FE ORDERS GRANTING IMPORT/EXPORT AUTHORIZATIONS

3588	14–195–NG	02/04/15	Alpha Gas and Electric, LLC	Order granting blanket authority to import/export natural gas from/to Canada.
3589	14–197–LNG	02/04/15	ENN Canada Corporation	Order granting blanket authority to export LNG to Canada by truck.
3378–A	13–152–LNG	02/12/15	Encana Natural Gas Inc.	Order vacating authority to import/export natural gas from/to Canada.
3590	15–02–NG	02/12/15	Total Gas & Power North America, Inc.	Order granting blanket authority to import/export natural gas from/to Canada/Mexico, and to import LNG from various international sources.
3591	15–04–NG	02/12/15	ProGas USA Inc	Order granting blanket authority to import/export natural gas from/to Canada.
3592	15–09–NG	02/12/15	Selkirk Cogen Partners L.P	Order granting blanket authority to import natural gas from Canada.
3593	15–10–NG	02/12/15	Societe Generale Energy Inc	Order granting blanket authority to import/export natural gas from/to Canada/Mexico, to import LNG from Canada/Mexico by truck, to export LNG to Canada/Mexico by vessel/truck, and to import LNG from various international sources by vessel.
3594	15–11–LNG	02/12/15	Puget Sound Energy, Inc	Order granting blanket authority to import LNG from Canada by truck.
3595	14–92–LNG	02/12/15	Sabine Pass Liquefaction, LLC	Order granting long-term Multi-contract authority to export LNG by vessel from the Sabine Pass LNG Terminal in Cameron Parish, Louisiana, to Free Trade Agreement nations.
Errata	14–92–LNG	02/24/15	Sabine Pass Liquefaction, LLC	Modification of Order 3595.
3596	14–196–NG	02/26/15	FortisBC Energy Inc	Order granting blanket authority to import/export natural gas from/to Canada.
3597	15–03–NG	02/26/15	Citigroup Energy Canada ULC	Order granting blanket authority to import/export natural gas from/to Canada.
3598	15–05–NG	02/26/15	Sequent Energy Canada Corp	Order granting blanket authority to import/export natural gas from/to Canada.
3599	15–07–NG	02/26/15	Gas Natural Aprovisionamientos SDG, S.A.	Order granting blanket authority to import LNG from various international sources by vessel.

[FR Doc. 2015–25228 Filed 10–2–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice and Request for Comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years, an information collection request with the Office of Management and Budget (OMB). The information collection request, Historic Preservation for Energy Efficiency Programs, was initially approved on December 1, 2010 under OMB Control No. 1910–5155 and will expire on September 30, 2015. The extension will allow DOE to continue data collection on the status of Weatherization Assistance Program (WAP), State Energy Program (SEP) and Energy Efficiency and Conservation Block Grant (EECBG)

Program activities to ensure compliance with Section 106 of the National Historic Preservation Act (NHPA). Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before December 4, 2015. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Written comments may be sent to: Christine Platt Patrick, EE–2K, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, Email: *Christine.Platt@ee.doe.gov*.

FOR FURTHER INFORMATION CONTACT: Christine Platt Patrick, EE–2K, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585, Email: *Christine.Platt@ee.doe.gov*.

Additional information and reporting guidance concerning the Historic Preservation reporting requirement for the WAP, SEP and EECBG Program are available for review at the following Web site:*http://www1.eere.energy.gov/wip/historic_preservation.html*.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) OMB No. 1910–5155; (2) Information Collection Request Title: Historic Preservation for Energy Efficiency Programs; (3) Type of Review: Extension; (4) Purpose: To collect data on the status of the WAP, SEP, and EECBG Program activities to ensure compliance with Section 106 of the NHPA; (5) Annual Estimated Number of Respondents: 2,473; (6) Annual Estimated Number of Total Responses: 2,473; (7) Annual Estimated Number of Burden Hours: 5,264; (8) Annual Estimated Reporting and Recordkeeping Cost Burden: 0.

Statutory Authority: (Pub. L. 89–665)

Issued in Washington, DC, on August 25, 2015.

Kathleen B. Hogan,

Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 2015–25225 Filed 10–2–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Orders Granting Authority To Import and Export Natural Gas, To Import and Export Liquefied Natural Gas, Amending Authorization, and Errata During January 2015

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of orders.

	FE Docket Nos.
STABILIS ENERGY SERVICES LLC	14–84–LNG
MPOWER ENERGY LLC	14–175–NG
TECHGEN S.A. DE C.V	14–94–NG
ENI USA GAS MARKETING LLC	14–201–LNG
CARGILL, INCORPORATED	14–180–NG
MERRILL LYNCH COMMODITIES CANADA, ULC	14–198–NG
IRVING OIL TERMINALS INC	14–200–NG
CHENIERE MARKETING, LLC	14–186–NG
TRANSALTA ENERGY MARKETING CORP	14–202–NG
MANSFIELD POWER AND GAS, LLC	15–01–NG
NORTH DAKOTA LNG, LLC	14–203–LNG
GAS NATURAL PUERTO RICO, INC	14–205–LNG
JD IRVING LIMITED	14–207–NG
MARITIMES NG SUPPLY LIMITED PARTNERSHIP	14–208–NG
DYNEGY MARKETING AND TRADE, LLC	15–06–NG
SOCIETE GENERALE ENERGY LLC	14–08–NG
SEMPRA LNG MARKETING, LLC	14–177–LNG

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during January 2015, it issued orders granting authority to import and export natural gas (NG), to import and export liquefied natural gas (LNG), amending authorization, and errata. These orders are summarized in the attached appendix and may be found on the FE Web site at *http://energy.gov/fe/downloads/listing-doefe-authorizationsorders-issued-2015*. They are also available for inspection and copying in the Office of Fossil Energy, Office of Oil and Gas Global Security and Supply, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

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

John A. Anderson,

Director, Office of Oil and Gas Global Security and Supply, Office of Oil and Natural Gas.

APPENDIX—DOE/FE ORDERS GRANTING IMPORT/EXPORT AUTHORIZATIONS

Errata	01/05/15	14–84–LNG ..	Stabilis Energy Services	Modification to include Agency Rights.
Errata	01/08/15	14–175–NG ..	MPower Energy LLC	Modification to increase requested authority.
Errata	01/08/15	14–94–NG	Techgen S.A. de C.V	Amending authorization.
3574	01/15/15	14–201–LNG	ENI USA Gas Marketing LLC	Order granting blanket authority to import LNG from various international sources by vessel.

APPENDIX—DOE/FE ORDERS GRANTING IMPORT/EXPORT AUTHORIZATIONS—Continued

3575	01/08/15	14–180–NG	Cargill, Incorporated	Order granting blanket authority to import/export natural gas from/to Canada/Mexico, to import LNG from Canada/Mexico by truck, to export LNG to Canada/Mexico by vessel, and to import LNG from various sources by vessel.
3576	01/08/15	14–198–NG	Merrill Lynch Commodities Canada, ULC.	Order granting blanket authority export natural gas to Canada.
3577	01/08/15	14–200–NG	Irving Oil Terminals Inc	Order granting blanket authority to export natural gas to Canada.
3578	01/08/15	14–186–NG	Cheniere Marketing, LLC	Order granting blanket authority to import/export natural gas from/to Canada/Mexico, to export LNG to Canada/Mexico, and to import LNG from various international sources.
3579	01/15/15	14–202–NG	TransAlta Energy Marketing Corp	Order granting blanket authority to import/export natural gas from/to Canada.
3580	01/15/15	15–01–NG	Mansfield Power and Gas, LLC	Order granting blanket authority to import/export natural gas from/to Mexico.
3581	01/29/15	14–203–LNG	North Dakota LNG, LLC	Order granting blanket authority to export LNG to Canada by truck.
3582	01/29/15	14–205–LNG	Gas Natural Puerto Rico, Inc	Order granting blanket authority to import LNG from various international sources by vessel.
3583	01/29/15	14–207–NG	JD Irving Limited	Order granting blanket authority to export natural gas to Canada.
3584	01/29/15	14–208–NG	Maritimes NG Supply Limited Partnership.	Order granting blanket authority to export natural gas to Canada.
3585	01/29/15	15–06–NG	Dynegy Marketing and Trade LLC	Order granting blanket authority import/export natural gas from/to Canada.
3586	01/29/15	14–08–NG	Societe Generale Energy LLC	Order granting blanket authority to Import/Export Natural Gas from/to Canada/Mexico, to Import LNG from Canada/Mexico by Truck, to Export LNG to Canada/Mexico by Vessel/Truck, and to Import LNG from Various Sources by Vessel.
3587	01/30/15	14–177–LNG	Sempra LNG Marketing, LLC	Order granting blanket authority to export Previously Imported LNG by vessel.

[FR Doc. 2015–25227 Filed 10–2–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Orders Granting Authority To Import And Export Natural Gas, To Import and Export Liquefied Natural Gas and To Vacate Prior Authorization During December 2014

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of orders.

	FE DOCKET NOS.
SEAONE PASCAGOULA, LLC	14–83–CGL
BP ENERGY COMPANY	14–160–NG
VITOL INC	14–166–NG
DIRECT ENERGY BUSINESS MARKETING, INC	14–170–NG
ALASKA PIPELINE COMPANY	14–182–NG
ARIZONA PUBLIC SERVICE COMPANY	14–184–NG
STAND ENERGY CORPORATION	14–185–NG
H.Q. ENERGY SERVICES (U.S.) INC	13–20–NG
SPRAGUE OPERATING RESOURCES LLC	14–168–NG
MPOWER ENERGY LLC	14–175–NG
COMISION FEDERAL DE ELECTRICIDAD	14–183–NG
INTEGRYS ENERGY SERVICES, INC	14–187–NG
SCT&E LNG, INC	14–89–LNG
FREEPORT LNG EXPANSION, L.P. AND FLNG LIQUEFACTION, LLC, FLNG LIQUEFACTION, LLC 2), FLNG LIQUEFACTION, LLC 3.	11–161–LNG
CHEVRON U.S.A. INC	14–119–LNG
UGI ENERGY SERVICES, LLC	14–158–NG
POWEREX CORP	14–188–NG
HUSKY MARKETING AND SUPPLY COMPANY	14–189–NG
FERUS NATURAL GAS FUELS (CNG) LLC	14–190–NG
DOMINION COVE POINT LNG, LP	14–192–LNG
ROYAL BANK OF CANADA	14–193–NG

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during December 2014, it issued orders granting authority to import and export natural gas (NG), to import and export liquefied natural gas (LNG) and to vacate prior authority. These orders are summarized in the attached appendix and may be found on the FE Web site at*http://energy.gov/fe/downloads/listing-doefe-authorizationsorders-issued-2014.*

They are also available for inspection and copying in the Office of Fossil Energy, Office of Oil and Gas Global Security and Supply, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

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

John A. Anderson,

Director, Office of Oil and Gas Global Security and Supply, Office of Oil and Natural Gas.

APPENDIX—DOE/FE ORDERS GRANTING IMPORT/EXPORT AUTHORIZATIONS

3555	12/02/14	14–83–CGL	SeaOne Pascagoula, LLC	Order granting long-term Multi-contract authority to export by vessel natural gas contained in or mixed with Compressed Gas Liquid from the proposed Pascagoula Compressed Gas Liquid Export Facility to be located at the Port of Pascagoula, Mississippi, to Free Trade Agreement Nations in the Caribbean Basin and Gulf of Mexico.
3556	12/04/14	14–160–NG	BP Energy Company	Order granting blanket authority to import/export natural gas from/to Canada/Mexico.
3557	12/04/14	14–166–NG	Vitol Inc	Order granting blanket authority to import/export natural gas from/to Canada.
3558	12/04/14	14–170–NG	Direct Energy Business Marketing, LLC.	Order granting blanket authority to import/export natural gas from/to Canada.
3559	12/04/14	14–182–NG	Alaska Pipeline Company	Order granting blanket authority to import natural gas from Canada.
3560	12/04/14	14–184–NG	Arizona Public Service Company	Order granting blanket authority to import/export natural gas from/to Mexico.
3561	12/04/14	14–185–NG	Stand Energy Corporation	Order granting blanket authority to import/export natural gas from/to Canada/Mexico.
3250–A	12/11/14	13–20–NG	H.Q. Energy Services (U.S.) Inc	Order vacating blanket authority to import/export natural gas from/to Canada/Mexico.
3562	12/11/14	14–168–NG	Sprague Operating Resources LLC	Order granting blanket authority to import natural gas from Canada.
3563	12/11/14	14–175–NG	MPower Energy LLC	Order granting blanket authority to import natural gas from Canada.
3564	12/11/14	14–183–NG	Comision Federal de Electricidad	Order granting blanket authority to import/export natural gas from/to Mexico and vacating prior authorization.
3565	12/11/14	14–187–NG	Integrys Energy Services, Inc	Order granting blanket authority to import/export natural gas from/to Canada.
3566	12/15/14	14–89–LNG	SCT&E LNG, LLC	Order granting long-term Multi-contract authority to export LNG by vessel from the proposed SCT&E LNG Terminal in Cameron Parish, Louisiana, to Free Trade Agreement Nations.
Unnumbered	12/22/14	11–161–LNG	Freeport LNG Expansion L.P. and FLNG Liquefaction, LLC FLNG Liquefaction 2, LLC FLNG Liquefaction 3, LLC.	Tolling Order granting Request for Rehearing and Motion for Leave to Answer for the Purpose of Further Consideration.
3567	12/22/14	14–119–LNG	Chevron U.S.A. Inc	Order granting blanket authority to export previously imported LNG by vessel.
3568	12/31/14	14–158–NG	UGI Energy Services, LLC	Order granting blanket authority to import natural gas from Canada, and to import LNG from Canada by truck.
3569	12/31/14	14–188–NG	Powerex Corp.	Order granting blanket authority to import/export natural gas from/to Mexico.
3570	12/31/14	14–189–NG	Husky Marketing and Supply Company.	Order granting blanket authority to import/export natural gas from/to Canada.
3571	12/31/14	14–190–NG	Ferus Natural Gas Fuels (CNG) LLC.	Order granting blanket authority to import/export natural gas from/to Canada.
3572	12/31/14	14–192–LNG	Dominion Cove Point LNG, LP	Order granting blanket authority to import LNG from various international sources by vessel.
3573	12/31/14	14–193–NG	Royal Bank of Canada	Order granting blanket authority to import/export natural gas from/to Canada.

[FR Doc. 2015–25226 Filed 10–2–15; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9023–3]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www2.epa.gov/nepa*.

Receipt of Environmental Impact Statements (EISs) Filed 09/28/2015 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at:*https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search*.

EIS No. 20150283, Draft, NOAA, LA, PROGRAMMATIC—Deepwater Horizon Oil Spill: Draft Programmatic Damage Assessment and Restoration Plan, Comment Period Ends: 12/04/2015, Contact: Courtney Groeneveld 301–427–8666

Dated: September 28, 2015.

Karin Leff,

Acting Director,NEPA Compliance Division,Office of Federal Activities.

[FR Doc. 2015–24929 Filed 10–2–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW_2008–0719; FRL–9935–28–OW]

Proposed Information Collection Requests; Comment Requests

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit three information collection requests (ICRs): ''Information Collection Request for Cooling Water Intake Structures New Facility Final Rule (Renewal)'' (EPA ICR No. 1973.06, OMB Control No. 2040–0241); ''ICR Supporting Statement Information Collection Request: National Pretreatment Program'' (EPA ICR No. 0002.15, OMB Control No. 2040–0009); and ''ICR Supporting Statement Information Collection Request for National Pollutant Discharge Elimination System (NPDES) Program (Renewal)'' (EPA ICR No. 0229.21, OMB Control No. 2040–0004) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collections as described below. This is a proposed extension of the three ICRs, which are currently approved through December 31, 2015. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before December 4, 2015.

ADDRESSES: Submit your comments, referencing the Docket ID numbers provided for each item in the text online using *www.regulations.gov* (our preferred method), by email to *ow-docket@epa.gov* (Identify Docket ID No. EPA–HQ–OW–2008–0719 in the subject line), 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: Amelia Letnes, State and Regional Branch, Water Permits Division, OWM Mail Code: 4203M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–5627; fax number: (202) 564 9544; email address: *letnes.amelia@epa.gov*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

A. List of ICRS Planned To Be Submitted

(1) ''Information Collection Request for Cooling Water Intake Structures New Facility Final Rule (Renewal)'' (EPA ICR No. 1973.06, OMB Control No. 2040–0241), expiration date: December 31, 2015. Docket Number: EPA–HQ–OW_2008–0719

(2) ''ICR Supporting Statement Information Collection Request for National Pretreatment Program'' (EPA ICR No. 0002.15, OMB Control No. 2040–0009), expiration date: December 31, 2015. Docket Number: EPA–HQ–OW_2008–0719

(3) ''ICR Supporting Statement Information Collection Request for National Pollutant Discharge Elimination System (NPDES) Program (Renewal)'' (EPA ICR No. 0229.21, OMB Control No. 2040–0004), expiration date: December 31, 2015. Docket Number: EPA–HQ–OW_2008–0719

B. Individual ICRS

(1) Information Collection Request for Cooling Water Intake Structures New Facility Final Rule (Renewal) (EPA ICR No. 1973.06, OMB Control No. 2040–0241), expiration date: December 31, 2015

Abstract: Section 316(b) of the Clean Water Act (CWA) provides that ''[a]ny standard established pursuant to [CWA section 301] or [CWA section 306] and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.'' The section 316(b) New Facility Rule (66 FR 65256; December 18, 2001) and minor amendments (68 FR 36749; June 19, 2003) implement section 316(b) of the

CWA as it applies to new facilities that use cooling water intake structures (CWISs). The rule requires new facilities to submit several distinct types of information as part of their NPDES permit application. In addition, the rule requires new facilities to maintain monitoring and reporting data as outlined by the Director in their NPDES permits. The information requirements in this ICR are necessary to ensure that new facilities are complying with the rule's provisions, and thereby minimizing adverse environmental impact resulting from impingement and entrainment losses due to the withdrawal of cooling water.

Applications for an NPDES permit may contain confidential business information. However, EPA does not consider the specific information being requested by the final rule to be typical of confidential business or personal information. If a respondent does consider this information to be of a confidential nature, the respondent may request that such information be treated as confidential. All confidential data will be handled in accordance with 40 CFR 122.7, 40 CFR part 2, and EPA's Security Manual part III, chapter 9, dated August 9, 1976.

Form Numbers: None.

Respondents/affected entities: Respondents affected include any new industrial facility that operates a cooling water intake structure that withdraws greater than 2 MGD of surface water and uses 25% or more of this water for cooling purposes. While respondents for this ICR would include any new facilities that meet the applicable requirements of the rule, EPA estimates that there are six primary industrial sectors that account for more than 99 percent of all cooling water used in the United States: (1) Traditional steam electric utilities, (2) nonutility power producers, (3) manufacturers in SIC Major Group 26 (paper and allied products), (4) manufacturers in SIC Major Group 28 (chemicals and allied products), (5) manufacturers in SIC Major Group 29 (petroleum and coal products, and (6) manufacturers in SIC Major Group 33 (primary metals). A detailed description of the SIC (and NAICS) codes can be found at 66 FR 65257.

Respondent's obligation to respond: Mandatory—Section 316(b) New Facility Rule (66 FR 65256; December 18, 2001) and minor amendments (68 FR 36749; June 19, 2003).

Estimated number of respondents: The estimated number of respondents is 145 (total).

Frequency of response: The frequency of response varies depending on the specific response activity and can range between monthly and once every 5 years.

Total estimated burden: 151,789 hours (per year). Burden is defined at 5 CFR 1320.03(b).

T*otal estimated cost:* $11,817,460 (per year), includes $2,267,728 annualized capital or operation & maintenance costs.

Changes in Estimates: There is a net increase of 13,367 hours (10%) in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is primarily due to the addition of the newly built facilities and an increase in the number of facilities are entering the renewal phase of the permitting process.

(2) ICR Supporting Statement Information Collection Request: National Pretreatment Program'' (EPA ICR No. 0002.15, OMB Control No. 2040–0009), expiration date: December 31, 2015.

Abstract: This ICR calculates the burden and costs associated with managing and implementing the National Pretreatment Program as mandated under sections 402(a) and (b) and 307(b) of the Clean Water Act (CWA or the Act). This ICR includes all existing tasks under the National Pretreatment Program, as amended by the U.S. Environmental Protection Agency's (EPA) Streamlining Rule. Section 402(b) of CWA requires EPA to develop national pretreatment standards to control industrial discharges into sewage systems. The purpose of these standards is to prevent pollutants from passing through the treatment plant or interfering with treatment plant operations, possibly resulting in damage to the environment or a threat to public health.

Reporting requirements may contain CBI, proprietary information, or information containing compromising trade secrets. In such cases, the respondent has the right to request that the information be treated as CBI. If a respondent does consider this information to be of a confidential nature, the respondent may request that such information be treated as confidential. All confidential data will be handled in accordance with 40 CFR 122.7, 40 CFR part 2, and EPA's Security Manual part III, chapter 9, dated August 9, 1976.

Form Numbers: None.

Respondents/affected entities: Various industrial categories, publicly owned treatment works (POTWs), Local and State governments.

Respondent's obligation to respond: Mandatory—Sections 402(a) and (b) and 307(b) of the CWA.

Estimated number of respondents: The estimated number of respondents is 23,571 (total).

Frequency of response: The frequency of response varies depending on the specific response activity and can range between monthly and once every 5 years.

Total estimated burden: 1,744,406 hours (per year). Burden is defined at 5 CFR 1320.03(b).

T*otal estimated cost:* $77,907,187 (per year), includes $2,515,470 annualized capital or operation & maintenance costs.

Changes in Estimates: There is a net decrease of 62,110 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This change is primarily the result of revised estimates of the number of SIUs, including facilities that closed, facilities that were downgraded from CIU or SIU status, and the addition of facilities that opened or are newly permitted. The reduction also reflects a reduction in the number of POTWs projected to develop a pretreatment program during the three-year ICR period.

(3) ICR Supporting Statement Information Collection Request for National Pollutant Discharge Elimination System (NPDES) Program (Renewal) (EPA ICR No. 0229.21, OMB Control No. 2040–0004), expiration date: December 31, 2015.

Abstract: This consolidated ICR calculates the burden and costs associated with the NPDES program, identifies the types of activities regulated under the NPDES program, describes the roles and responsibilities of state governments and the Agency, and presents the program areas that address the various types of regulated activities. It is an update of the 2011 Information Collection Request for the NPDES Program (OMB Control Number: 2040–0004; EPA ICR Number: 0229.20) that consolidated the burden and costs associated with activities previously reported in ten of the 15 NPDES program or NPDES-related ICRs administered by EPA's Water Permits Division. This renewal includes the addition of the burden and costs for the Airport Deicing Category, which were previously contained in a separate ICR.

Permit applications and other respondent reports may contain confidential business information. If a respondent does consider this information to be of a confidential nature, the respondent may request that such information be treated as confidential. All confidential data will be handled in accordance with 40 CFR 122.7, 40 CFR part 2, and EPA's

Security Manual part III, chapter 9, dated August 9, 1976.

Form Numbers: OMB No. 2040–0086; OMB No. 2040–0250; OMB No. 2040–0188, OMB No. 2040–0211; OMB No. 1004–0189; and OMB No. 2040–0004.

Respondents/affected entities: Any industrial point source discharger of pollutants, including but not limited to publicly owned and privately owned treatment works (POTWs and PrOTWs), sewage sludge management and disposal operations, small and large vessels, airports with deicing operations, dischargers of stormwater, construction sites, municipalities, local and state governments.

Respondent's obligation to respond: Mandatory. Sections 301, 302, 304, 306, 307, 308, 401, 402, 403, 405, and 510 of the CWA; the 1987 Water Quality Act (WQA) revisions to CWA section 402(p); 40 (CFR) Parts 122, 123, 124, and 125 (and Parts 501 and 503 for Biosolids); and the Great Lakes Critical Programs Act (CPA).

Estimated number of respondents: 532,523 total (321,205 facilities, 210,681 vessels, and 637 States/Tribes/Territories).

Frequency of response: The frequency of response varies depending on the specific response activity and can range from ongoing and monthly to once every 5 years.

Total estimated burden: 21,038,480 hours (per year). Burden is defined at 5 CFR 1320.03(b).

T*otal estimated cost:* $1,035,773,445 (per year), includes $20,453,959 annualized capital or operation & maintenance costs.

Changes in Estimates: There is a net decrease of 286,261 (1.3%) hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is primarily due to a reduction in the estimate of the number of respondents. This net reduction included an increase in burden related to: The addition of the burden associated with the airport deicing category; changes in the burden associated with agency actions related to changes in the VGP; and addition of burden associated with the issuance of the small vessels general permit (sVGP).

Dated: September 24, 2015.

Andrew D. Sawyers,

Director, Office of Wastewater Management.

[FR Doc. 2015–25345 Filed 10–2–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–SFUND–2005–0007, FRL–9935–26–OSWER; EPA ICR Number 1426.11, OMB Control Number 2050–0105]

Agency Information Collection Activities; Proposed Collection; Comment Request; EPA Worker Protection Standards for Hazardous Waste Operations and Emergency Response (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that Environmental Protection Agency (EPA) is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on December 31, 2015. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before December 4, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–SFUND–2005–0007 by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: superfund.docket@epa.gov.*
- *Mail:* 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 and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Sella M. Burchette, U.S. Environmental Response Team, MS 101, Building 205, Edison, NJ 08837, telephone number: 732–321–6726; fax number: 732–321–6724; email address: *burchette.sella@epa.gov*.

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Section 126(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) requires EPA to set worker protection standards for State and local employees engaged in hazardous waste operations and emergency response in the 27 States that do not have Occupational Safety and Health Administration approved State plans. The EPA coverage, as cited in 40 CFR 311, required to be identical to the OSHA standards, extends to three categories of employees: Those engaged in clean-ups at uncontrolled hazardous waste sites, including corrective actions at Treatment, Storage and Disposal (TSD) facilities regulated under the Resource Conservation and recovery Act (RCRA); employees working on routine hazardous waste operations at RCRA TSD facilities; and employees involved in emergency response operations without regard to location. This ICR renews existing mandatory record keeping collection of ongoing activities including monitoring of any potential employee exposure at uncontrolled hazardous waste sites, maintaining

records of employee training, refresher training, medical exams and reviewing emergency response plans.

Form Numbers: None.

Respondents/Affected Entities: Entities potentially affected by this action are those State and local employees engaged in hazardous waste operations and emergency response in the 27 States that do not have Occupational Health & Safety Administration (OSHA) approved State plans.

Respondent's Obligation To Respond: 40 CFR part 311 has no reporting requirements. There are record keeping requirements by inference in Section (e) and by statue in Section (f)[8] of OSHA's 29 CFR 1910.120.

Estimated Total Number of Respondents: 24,000.

Frequency of Response: Annually recordkeeping. No response required to Agency.

Estimated Total Annual Burden Hours: 255,427 hours.

Estimated Total Annual Costs: $3,528,888, which is entirely for labor. There are no capital investment or maintenance and operational costs.

Changes in Estimates: These burden estimates reflect what is currently approved by OMB, without change. EPA will provide revised burden estimates when the second comment period for this ICR is opened. However, as the universe and regulations have not changed, EPA does not anticipate any substantive changes to the burden figures.

Dated: September 24, 2015.

James E. Woolford,

Director, Office of Superfund Remediation and Technology Innovation.

[FR Doc. 2015–25323 Filed 10–2–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10033, Suburban Federal Savings Bank Crofton, Maryland

NOTICE IS HEREBY GIVEN that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Suburban Federal Savings Bank, Crofton, Maryland (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Suburban Federal Savings Bank on January 30, 2009. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Federal Deposit Insurance Corporation.

Dated: September 30, 2015.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–25253 Filed 10–2–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10239, Southwest Community Bank, Springfield, Missouri

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Southwest Community Bank, Springfield, Missouri (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Southwest Community Bank on May 14, 2010. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: September 29, 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–25143 Filed 10–2–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Extension

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

ACTION: Notice.

SUMMARY: The FTC intends to ask the Office of Management and Budget (''OMB'') to extend for an additional three years the current Paperwork Reduction Act (''PRA'') clearance [1] for the information collection requirements in the FTC Red Flags, Card Issuers, and Address Discrepancies Rules [2] (''Rules''). That clearance expires on December 31, 2015.[3]

DATES: Comments must be submitted by November 4, 2015.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Red Flags Rule, PRA Comment, Project No. P095406'' on your comment. File your comment online at *https://ftcpublic.commentworks.com/ftc/RedFlagsPRA2* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

[1] OMB Control No. 3084–0137.

[2] 16 CFR 681.1; 16 CFR 681.2; 16 CFR part 641.

[3] The related preceding **Federal Register** Notice, 80 FR 42806 (Jul. 20, 2015) (''July 20, 2015 Notice''), erroneously stated that existing clearance expires November 30, 2015.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be addressed to Steven Toporoff, Attorney, Bureau of Consumer Protection, (202) 326–2252, Federal Trade Commission, 600 Pennsylvania Avenue, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Title: Red Flags Rule, 16 CFR 681.1; Card Issuers Rule, 16 CFR 681.2; Address Discrepancy Rule, 16 CFR part 641

OMB Control Number: 3084–0137

Type of Review: Extension of currently approved collection

Abstract: The Red Flags Rule requires financial institutions and certain creditors to develop and implement written Identity Theft Prevention Programs. The Card Issuers Rule requires credit and debit card issuers to assess the validity of notifications of address changes under certain circumstances. The Address Discrepancy Rule provides guidance on what users of consumer reports must do when they receive a notice of address discrepancy from a nationwide consumer reporting agency. Collectively, these three anti-identity theft provisions are intended to prevent impostures from misusing another person's personal information for a fraudulent purpose.

The Rules implement sections 114 and 315 of the Fair Credit Reporting Act (''FCRA''), 15 U.S.C. 1681 *et seq.,* to require businesses to undertake measures to prevent identity theft and increase the accuracy of consumer reports.

The Commission received no relevant public comments on the Rules' information collection requirements and FTC staff's associated PRA burden analysis and estimates that appeared in the July 20, 2015 **Federal Register** Notice. That Notice discusses in greater detail staff's methodology behind the estimates restated here in summary form, while also providing an overview of the Rules' and the statutes that underlie them.

Pursuant to the OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501 *et seq.,* the FTC is providing a second opportunity for the public to comment on: (1) Whether the disclosure requirements are necessary, including whether the information will be practically useful; (2) the accuracy of our burden estimates, including whether the methodology and assumptions used are valid; (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.

Estimated Annual Burden

A Section 114: Red Flags and Card Issuers Rules:
(1) Red Flags:
(a) Estimated Number of Respondents: 162,302[4]
(i) High-Risk Entities [5] 101,328
(ii) Low-Risk Entities: 60,974 [6]
(b) Estimated Hours Burden:[7]
(i) High-Risk Entities: 1,317,264 hours.
(ii) Low-Risk Entities: 37,601 hours.
(2) Card Issuers Rule:
(a) Estimated Number of Respondents: 16,301 [8]
(b) Estimated Hours Burden: 65,204 hours.
(3) Combined Labor Cost Burden: $76,683,726.
B. Section 315—Address Discrepancy Rule: [9]
(1) Estimated Number of Respondents
(a) Customer Verification: 1,875,275.
(b) Address Verification: 10,000.
(2) Estimated Hours Burden.
(a) Customer Verification: 875,128 hours.
(b) Address Verification: 1,667 hours.
(3) Estimated Labor Cost Burden: $15,782,310.
C. Capital/Non-Labor Costs for Sections 114 and 315

FTC staff believes that the Rules impose negligible capital or other non-labor costs, as the affected entities are likely to have the necessary supplies and/or equipment already (*e.g.,* offices and computers) for the information collections described herein.

Request for Comment

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before November 4, 2015. Write ''Red Flags Rule, PRA2, Project No. P095406'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment doesn't include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment doesn't include any sensitive health information, like medical records or other individually identifiable health information. In addition, don't include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential,'' as provided in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, don't include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[10] Your comment will be kept confidential only if the FTC General Counsel grants your request in

[4] This figure comprises 6,298 financial institutions and 156,004 creditors (95,030 high-risk entities, excluding financial institutions + 60,974 low-risk creditors). Due both to prior math error and mistakenly incorporating the tally of financial institutions with creditors, the July 20, 2015 Notice misstated the number of creditors as 162,295, instead of 156,004. The total number of financial institutions draws from FTC staff analysis of state credit unions and insurers within the FTC's jurisdiction using 2012 Census data (''County Business Patterns,'' U.S.) and other online industry data. The total number of creditors draws from FTC staff analysis of 2012 Census data and industry data for businesses or organizations that market goods and services to consumers or other businesses or organizations subject to the FTC's jurisdiction, reduced by entities not likely to: (1) Obtain credit reports, report credit transactions, or advance loans; and (2) entities not likely to have covered accounts under the Rule.

[5] High-risk entities include, for example, financial institutions within the FTC's jurisdiction and utilities, motor vehicle dealerships, telecommunications firms, colleges and universities, and hospitals.

[6] Low-risk entities include, for example, public warehouse and storage firms, nursing and residential care facilities, automotive equipment rental and leasing firms, office supplies and stationery stores, fuel dealers, and financial transactions processing firms.

[7] See the July 20, 2015 Notice, 80 FR at 42808, for details underlying the Red Flags hours burden estimates.

[8] FTC staff estimates that the Rule affects as many as 16,301 card issues within the FTC's jurisdiction. This includes, for example, state credit unions, general retail merchandise stores, colleges and universities, and telecoms.

[9] See the July 20, 2015 Notice, 80 FR at 42809, for details underlying Section 315 and the Card Issuer Rule population and burden estimates.

[10] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c), 16 CFR 4.9(c).

accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/RedFlagsPRA2* by following the instructions on the web-based form. When this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Red Flags Rule, PRA Comment, Project No. P095406,'' on your comment and on the envelope. You can mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before November 4, 2015. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *http://www.ftc.gov/ftc/privacy.htm.* For supporting documentation and other information underlying the PRA discussion in this Notice, see *http://www.reginfo.gov/public/jsp/PRA/praDashboard.jsp.*

Comments on the information collection requirements subject to review under the PRA should additionally be submitted to OMB. If sent by U.S. mail, they should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail, however, are subject to delays due to heightened security precautions. Thus, comments instead should be sent by facsimile to (202) 395–5806.

David C. Shonka,

Principal Deputy General Counsel.

[FR Doc. 2015–25257 Filed 10–2–15; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–OGP–2015–01; Docket 2015–0002; Sequence 17]

Federal Management Regulation; Redesignation of Federal Building

AGENCY: Office of Government-wide Policy (OGP), General Services Administration.

ACTION: Notice of a bulletin.

SUMMARY: The attached bulletin announces the redesignation of a Federal building.

DATES: This bulletin expires April 5, 2016. The building redesignation remains in effect until canceled or superseded by another bulletin.

FOR FURTHER INFORMATION CONTACT: General Services Administration, Office of Government-wide Policy (OGP), Attn: Carolyn Austin-Diggs, 1800 F Street NW., Washington, DC 20405, at 202–219–1800, or by email at *carolyn.austin-diggs@gsa.gov.*

SUPPLEMENTARY INFORMATION: This bulletin announces the redesignation of a Federal building. Public Law 114–16, 129 STAT. 200, dated May 22, 2015, designated the United States Customs and Border Protection Port of Entry located at First Street and Pan American Avenue in Douglas, Arizona, as the ''Raul Hector Castro Port of Entry.''

Dated: September 28, 2015.

Denise Turner Roth,

Administrator of General Services.

General Services Administration

Redesignation of Federal Building

OGP–2015–01

TO: Heads of Federal Agencies

SUBJECT: Redesignation of Federal Building

1. *What is the purpose of this bulletin*? This bulletin announces the redesignation of a Federal building.

2. *When does this bulletin expire*? This bulletin announcement expires April 5, 2016. The building designation remains in effect until canceled or superseded by another bulletin.

3. *Redesignation.* The former and new name of the redesignated building is as follows:

Former name	New name
United States Customs and Border Protection Port of Entry ..... First Street and Pan American Avenue, Douglas, Arizona	Raul Hector Castro Port of Entry. First Street and Pan American Avenue, Douglas, Arizona.

4. *Who should we contact for further information regarding redesignation of this Federal building*? U.S. General Services Administration, Office of Government-wide Policy (OGP), Attn: Carolyn Austin-Diggs, 1800 F Street NW., Washington, DC 20405, telephone number: 202–219–1800, or email at *Carolyn.austin-diggs@gsa.gov.*

Denise Turner Roth,

Administrator of General Services.

[FR Doc. 2015–25152 Filed 10–2–15; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Healthcare Infection Control Practices Advisory Committee (HICPAC)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), the Centers for Disease Control and Prevention (CDC) announce the following meeting for the aforementioned committee:

Times and Dates

9:00 a.m.–5:00 p.m., November 5, 2015

9:00 a.m.–12:00 p.m., November 6, 2015

Place: Centers for Disease Control and Prevention Global Communications Center, Building 19, Auditorium B, 1600 Clifton Rd., Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available. Please register for the meeting at *www.cdc.gov/hicpac.*

Purpose: The Committee is charged with providing advice and guidance to the Director, Division of Healthcare Quality Promotion, the Director, National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), the Director, CDC, the Secretary, Health and Human Services regarding (1) the

practice of healthcare infection prevention and control; (2) strategies for surveillance, prevention, and control of infections, antimicrobial resistance, and related events in settings where healthcare is provided; and (3) periodic updating of CDC guidelines and other policy statements regarding prevention of healthcare-associated infections and healthcare-related conditions.

Matters for Discussion: The agenda will include updates on CDC's activities for prevention and control of healthcare associated infections (HAIs), updates on hospital antimicrobial stewardship activities, improving reprocessing of medical devices in healthcare settings, infection control practice improvements.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Erin Stone, M.S., HICPAC, Division of Healthcare Quality Promotion, NCEZID, CDC, 1600 Clifton Road NE., Mailstop A–07, Atlanta, Georgia 30333. Telephone (404) 639–4045. Email: *hicpac@cdc.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 2015–25213 Filed 10–2–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–0949]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov*. Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Occupational Safety and Health Program Elements in the Wholesale Retail Trade Sector—Extension—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

For the current study, the National Institute for Occupational Safety and Health (NIOSH) and the Ohio Bureau of Workers Compensation (OBWC) have been collaborating to examine the association between survey-assessed Occupational Safety and Health (OSH) program elements (organizational policies, procedures, practices) and workers compensation (WC) injury/illness outcomes in a stratified sample of OBWC-insured wholesale/retail trade (WRT) firms. Crucial OSH program elements with particularly high impact on WC losses will be identified in this study and disseminated to the WRT sector.

There are expected to be up to 4,404 participants per year. Surveys are being administered twice to the same firms in successive years (*e.g.* from January–December 2014 and again from January–December 2015). An individual responsible for the OSH program at each firm is being asked to complete a survey that includes a background section related to respondent and company demographics and a main section where individuals are being asked to evaluate organizational metrics related to their firm's OSH program. The firm-level survey data will be linked to five years of retrospective injury and illness WC claims data and two years of prospective injury and illness WC claims data from OBWC to determine which organizational metrics are related to firm-level injury and illness WC claim rates. A nested study is asking multiple respondents at a subset of 60 firms to participate by completing surveys. A five-minute interview will be conducted with a 10% sample of non-responders (up to 792 individuals).

In order to maximize efficiency and reduce burden, a Web-based survey is proposed for the majority (95%) of survey data collection. Collected information will be used to determine whether a significant relationship exists between self-reported firm OSH elements and firm WC outcomes while controlling for covariates. Once the study is completed, benchmarking reports about OSH elements that have the highest impact on WC losses in the WRT sector will be made available through the NIOSH–OBWC Internet sites and peer-reviewed publications.

In summary, this study will determine the effectiveness of OSH program elements in the WRT sector and enable evidence-based prevention practices to be shared with the greatest audience possible. NIOSH expects to complete data collection in 2018. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Safety and Health Managers	Occupational Safety and Health Program Survey.	4,404	1	20/60
	Informed Consent Form	4,404	1	2/60
	Non Responder Interview	792	1	5/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–25194 Filed 10–2–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel: Initial review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Funding Opportunity Announcement (FOA) PS16–001, Minority HIV/AIDS Research Initiative (MARI) to Build HIV Prevention Treatment and Research Capacity in Disproportionately Affected Black and Hispanic Communities and Among Historically Underrepresented Researchers.

DATES: 10:00 a.m.–5:00 p.m., December 9–10, 2015 (Closed).

ADDRESSES: Teleconference.

FOR FURTHER INFORMATION CONTACT: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), CDC, 1600 Clifton Road NE., Mailstop E60, Atlanta, Georgia 30333, Telephone: (404) 718–8833.

SUPPLEMENTARY INFORMATION:

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Minority HIV/AIDS Research Initiative (MARI) to Build HIV Prevention Treatment and Research Capacity in Disproportionately Affected Black and Hispanic Communities and Among Historically Underrepresented Researchers'', FOA PS16–001.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–25274 Filed 10–2–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2015–0016]

Final Revised Vaccine Information Materials for Seasonal Influenza Vaccines

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: Under the National Childhood Vaccine Injury Act (NCVIA) (42 U.S.C. 300aa–26), the HHS/CDC must develop vaccine information materials that all health care providers are required to give to patients/parents prior to administration of specific vaccines. On May 20, 2015, CDC published a notice in the **Federal Register** (80 FR 29009) seeking public comments on proposed new vaccine information materials for inactivated and live attenuated influenza vaccines. Following review of comments submitted and consultation as required under the law, CDC has finalized the materials. Copies of the final vaccine information materials for inactivated and live attenuated influenza vaccines are available to download from *http://www.cdc.gov/vaccines/hcp/vis/index.html* or *http://www.regulations.gov* (see Docket Number CDC–2015–0016).

DATES: Beginning no later than March 1, 2016, each health care provider who administers any seasonal influenza vaccine to any child or adult in the United States shall provide copies of the relevant revised vaccine information materials contained in this notice, in conformance with the August 7, 2015 CDC Instructions for the Use of Vaccine Information Statements prior to providing such vaccinations. These revised vaccine information materials may also be used earlier than that date. Prior to March 1, 2016, the previous edition of these two VISs can be used.

FOR FURTHER INFORMATION CONTACT: Suzanne Johnson-DeLeon (*msj1@cdc.gov*), National Center for Immunization and Respiratory Diseases, Centers for Disease Control and Prevention, Mailstop A–19, 1600 Clifton Road, NE., Atlanta, Georgia 30329.

SUPPLEMENTARY INFORMATION: The National Childhood Vaccine Injury Act of 1986 (Pub. L. 99–660), as amended by section 708 of Public Law 103–183, added section 2126 to the Public Health Service Act. Section 2126, codified at 42 U.S.C. 300aa–26, requires the Secretary of Health and Human Services to develop and disseminate vaccine information materials for distribution by all health care providers in the United States to any patient (or to the parent or legal representative in the case of a child) receiving vaccines covered under the National Vaccine Injury Compensation Program (VICP).

Development and revision of the vaccine information materials, also known as Vaccine Information Statements (VIS), have been delegated by the Secretary to the Centers for Disease Control and Prevention (CDC). Section 2126 requires that the materials be developed, or revised, after notice to the public, with a 60-day comment

period, and in consultation with the Advisory Commission on Childhood Vaccines, appropriate health care provider and parent organizations, and the Food and Drug Administration. The law also requires that the information contained in the materials be based on available data and information, be presented in understandable terms, and include:

(1) A concise description of the benefits of the vaccine,

(2) A concise description of the risks associated with the vaccine,

(3) A statement of the availability of the National Vaccine Injury Compensation Program, and

(4) Such other relevant information as may be determined by the Secretary.

The vaccines initially covered under the National Vaccine Injury Compensation Program were diphtheria, tetanus, pertussis, measles, mumps, rubella and poliomyelitis vaccines. Since April 15, 1992, any health care provider in the United States who intends to administer one of these covered vaccines is required to provide copies of the relevant vaccine information materials prior to administration of any of these vaccines. Since then, the following vaccines have been added to the National Vaccine Injury Compensation Program, requiring use of vaccine information materials for them as well: Hepatitis B, *Haemophilus influenzae* type b (Hib), varicella (chickenpox), pneumococcal conjugate, rotavirus, hepatitis A, meningococcal, human papillomavirus (HPV), and seasonal influenza vaccines. Instructions for use of the vaccine information materials are found on the CDC Web site at: *http://www.cdc.gov/vaccines/hcp/vis/index.html.*

Revised Vaccine Information Materials

The revised inactivated and live attenuated influenza vaccine information materials referenced in this notice were developed in consultation with the Advisory Commission on Childhood Vaccines, the Food and Drug Administration, and parent and healthcare provider organizations. Following consultation and review of comments submitted, the vaccine information materials covering inactivated and live attenuated influenza vaccine have been finalized and are available to download from *http://www.cdc.gov/vaccines/hcp/vis/index.html* or *http://www.regulations.gov* (see Docket Number CDC–2015–0016). The Vaccine Information Statements (VIS), are: ''Influenza (Flu) Vaccine (Inactivated or Recombinant): What you need to know'' (publication date August 7, 2015) and ''Influenza (Flu) Vaccine (Live, Intranasal): What you need to know'' (publication date August 7, 2015).

With publication of this notice, as of March 1, 2016, all health care providers will be required to provide copies of these updated inactivated and live attenuated influenza vaccine information materials prior to immunization in conformance with HHS/CDC's August 7, 2015 Instructions for the Use of Vaccine Information Statements. Prior to that date, the previous edition of these two VISs can be used.

Dated: September 29, 2015.

Sandra Cashman,

Acting Director, Division of the Executive Secretariat, Office of the Chief of Staff, Centers for Disease Control and Prevention.

[FR Doc. 2015–25159 Filed 10–2–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10565]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *November 4, 2015.*

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395 –5806 or Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Off-cycle Submission of Summaries of Model of Care Changes; *Use:* All Medicare Advantage (MA) Special Needs Plans (SNPs) must be approved by the National Committee for Quality Assurance (NCQA). The SNPs must submit Models of Care (MOC) as a component of the Medicare Advantage application process. Approval is based

on NCQA's evaluation of SNPs using MOC scoring guidelines. Based on their scores, SNPs receive an approval for a period of 1-, 2-, or 3-years. We are developing an MOC off-cycle revision process so that SNPs can revise the MOC to modify its processes and strategies for providing care during their MOC approval period. We will require that SNPs submit summaries of their MOC revisions to CMS for NCQA evaluation when a SNP makes significant changes to its MOC as described in the annual Announcement of Medicare Capitation Rates and Medicare Advantage and Part D Payment Policies and Final Call letter for CY 2015 and CY2016. The NCQA will review the summary of changes to verify that the revisions are consistent with the acceptable, high quality standards as included in the original approved MOC. The package has been revised subsequent to the publication of the 60-day **Federal Register** notice (June 17, 2015; 80 FR 34647). *Form Number:* CMS–10565 (OMB control number 0938-New); *Frequency:* Occasionally; *Affected Public:* Private sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 313; *Total Annual Responses:* 421; *Total Annual Hours:* 2,400. (For policy questions regarding this collection contact Susan Radke at 410–786–4450).

Dated: September 30, 2015.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2015–25212 Filed 10–2–15; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0045]

International Drug Scheduling; Convention on Psychotropic Substances; Single Convention on Narcotic Drugs; Ketamine and Nine Other Substances; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting interested persons to submit comments concerning abuse potential, actual abuse, medical usefulness, trafficking, and impact of scheduling changes on availability for medical use of 10 drug substances. These comments will be considered in preparing a response from the United States to the World Health Organization (WHO) regarding the abuse liability and diversion of these drugs. WHO will use this information to consider whether to recommend that certain international restrictions be placed on these drugs. This notice requesting comments is required by the Controlled Substances Act (the CSA).

DATES: Submit either electronic or written comments by October 15, 2015.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- Mail/Hand delivery/Courier (for written/paper submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2015–N–0045 for International Drug Scheduling; Convention on Psychotropic Substances; Single Convention on Narcotic Drugs; Ketamine; Phenazepam; Etizolam; 1-cyclohexyl-4-(1,2-diphenylethyl)-piperazine (MT-45); N-(1-Phenethylpiperidin-4-yl)-N-phenylacetamide (Acetylfentanyl); α-Pyrrolidinovalerophenone (α-PVP); 4-Fluoroamphetamine (4-FA); para-Methyl-4-methylaminorex (4,4'-DMAR); para-Methoxymethylamphetamine (PMMA); 2-(ethylamino)-2-(3-methoxyphenyl)-cyclohexanone (Methoxetamine or MXE); Request for Comments. Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION''. The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: James R. Hunter, Center for Drug Evaluation and Research, Controlled Substance Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 5150, Silver Spring, MD 20993–0002, 301–796–3156, email: *james.hunter@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The United States is a party to the 1971 Convention on Psychotropic Substances (Psychotropic Convention). Article 2 of the Psychotropic Convention provides that if a party to the convention or WHO has information about a substance, which in its opinion may require international control or change in such control, it shall so notify the Secretary-General of the United Nations (the U.N. Secretary-General) and provide the U.N. Secretary-General with information in support of its opinion.

Section 201 of the CSA (21 U.S.C. 811) (Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970) provides that when WHO notifies the United States under Article 2 of the Psychotropic Convention that it has information that may justify adding a drug or other substances to one of the schedules of the Psychotropic Convention, transferring a drug or substance from one schedule to another, or deleting it from the schedules, the Secretary of State must transmit the notice to the Secretary of Health and Human Services (Secretary of HHS). The Secretary of HHS must then publish the notice in the **Federal Register** and provide opportunity for interested persons to submit comments that will be considered by HHS in its preparation of the scientific and medical evaluations of the drug or substance.

II. WHO Notification

The Secretary of HHS received the following notice from WHO (emphasis removed):

Ref.: C.L.28.2015

The World Health Organization (WHO) presents its compliments to Member States and Associate Members and has the pleasure of informing that the Thirty-sixth Expert Committee on Drug Dependence (ECDD) will meet in Geneva from 16 to 20 November 2015 to review a number of substances with potential for dependence, abuse and harm to health, and will make recommendations to the U.N. Secretary-General, on the need for and level of international control of these substances.

At its 126th session in January 2010, the Executive Board approved the publication ''Guidance on the WHO review of psychoactive substances for international control'' (EB126/2010/REC1, Annex 6) which requires the Secretariat to request relevant information from Ministers of Health in Member States to prepare a report for submission to the ECDD. For this purpose, a questionnaire was designed to gather information on the legitimate use, harmful use, status of national control and potential impact of international control for each substance under evaluation. Member States are invited to collaborate, as in the past, in this process by providing pertinent information as requested in the questionnaire and concerning substances under review.

It would be appreciated if a person from the Ministry of Health could be designated as the focal point responsible for coordinating and answering the questionnaire. It is requested that the focal point's contact details (including email address) be emailed to: *ecddsecretariat@who.int.* The designated focal point, and only this person, should access and complete the questionnaires via these links:

1. Ketamine INN—*https://extranet.who.int/dataform/961512/lang-en*
2. Phenazepam—*https://extranet.who.int/dataform/482684/lang-en*
3. Etizolam—*https://extranet.who.int/dataform/278963/lang-en*
4. MT–45—*https://extranet.who.int/dataform/465468/lang-en*
5. Acetylfentanyl—*https://extranet.who.int/dataform/495475/lang-en*
6. α-Pyrrolidinovalerophenone (α-PVP)—*https://extranet.who.int/dataform/758275/lang-en*
7. 4-Fluoroamphetamine (4–FA)—*https://extranet.who.int/dataform/538126/lang-en*
8. para-Methyl-4-methylaminorex (4,4'-DMAR)—*https://extranet.who.int/dataform/422472/lang-en*
9. para-Methoxymethylamphetamine (PMMA)—*https://extranet.who.int/dataform/665818/lang-en*
10. Methoxetamine (MXE)—*https://extranet.who.int/dataform/266376/lang-en*

Upon accessing the links the focal point will be prompted for a token (password) which is the country name in English, non-case sensitive and without spaces.

For ease of reference a PDF version of the questionnaire in English, French and Spanish may be downloaded from the link *http://www.who.int/medicines/access/controlled-substances/ecdd/en/*. Further clarification regarding the questionnaire may be obtained from the Secretariat by emailing: *ecddsecretariat@who.int.*

Replies to the questionnaire must reach the Secretariat by 15 October 2015 in order to facilitate analyses and preparation of the report before the planned meeting. Where there is a competent National Authority under the International Drug Control Treaties, it is kindly requested that the questionnaire be completed in collaboration with such body.

The summary information from the questionnaire will be published online as part of the report on the Web site for the 37th ECDD linked to the Department of Essential Medicines and Health Products (EMP).

The World Health Organization takes this opportunity to renew to Member States and Associate Members the assurance of its highest consideration.

GENEVA, 11 September 2015

FDA has verified the Web site addresses contained in the WHO notice, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

III. Substances Under WHO Review

Ketamine is classified as a rapid-acting general anesthetic agent used for short diagnostic and surgical procedures that do not require skeletal muscle relaxation. It is marketed in the United States as an injectable product for medical and veterinary use. Ketamine is controlled in Schedule III of the CSA in the United States. It is not controlled internationally under either the Psychotropic Convention or the Single Convention on Narcotic Drugs. The WHO Expert Committee on Drug Dependence reviewed ketamine at its 34th, 35th, and 36th meetings. On March 13, 2015, the Commission on Narcotic Drugs decided by consensus to postpone the consideration of a proposal concerning the recommendation to place ketamine in Schedule IV of the Psychotropic Convention and to request additional information from the WHO.

Phenazepam and Etizolam belong to a class of substances known as benzodiazepines. Benzodiazepines produce central nervous system depression and are commonly used to treat insomnia, anxiety, and seizure disorders. Phenazepam and Etizolam are currently prescribed in some countries, but neither drug substance is approved for medical use or controlled in the United States under the CSA.

1-cyclohexyl-4-(1,2-diphenylethyl)-piperazine (MT–45) is a synthetic opioid with potent analgesic activity comparable to morphine despite being structurally unrelated to most other opioids. MT–45 use has been associated with deaths in the United States and in other countries. MT–45 is not currently controlled in the United States under the CSA.

Acetylfentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide) is a potent opioid analgesic in the phenylpiperidine class of synthetic opioids. With the exception of its analgesic effects, this fentanyl-like substance is similar to other opioid analgesics that produce a variety of pharmacological effects, including alteration in mood, euphoria, drowsiness, respiratory depression, constriction of pupils (miosis), and impaired gastrointestinal motility. Acetylfentanyl has been associated with

several confirmed deaths in the United States. On July 17, 2015, Acetylfentanyl was temporarily placed into Schedule I of the CSA for 2 years upon finding that it posed an imminent hazard to the public safety. The Attorney General, though, may extend this temporary scheduling for up to 1 year.

α-Pyrrolidinovalerophenone (α-PVP or alpha-PVP) is a synthetic cathinone structurally and pharmacologically similar to amphetamine, 3,4-methylenedioxymethamphetamine (MDMA); cathinone; and other related substances. Effects reported by abusers of synthetic cathinone substances include euphoria; sense of well-being; and increased sociability, energy, empathy, alertness, and concentration and focus. Abusers also report experiencing unwanted effects such as tremor, vomiting, agitation, sweating, fever, and chest pain. Other adverse or toxic effects that have been reported with the abuse of synthetic cathinones include tachycardia, hypertension, hyperthermia, mydriasis, rhabdomyolysis, hyponatremia, seizures, altered mental status (*e.g.,* paranoia, hallucinations, or delusions), and even death. On March 7, 2014, alpha-PVP was temporarily placed into Schedule I of the CSA for 2 years upon finding that it posed an imminent hazard to the public safety. The Attorney General, though, may extend this temporary scheduling for up to 1 year.

4-Fluoroamphetamine (4–FA) is a psychoactive substance of the phenethylamine and substituted amphetamine chemical classes and produces stimulant effects. 4–FA is not currently controlled in the United States under the CSA.

Para-Methyl-4-methylaminorex (4,4'-DMAR) is a derivative of the stimulant drug 4-methylaminorex and has been involved in several deaths in the United States. 4,4'-DMAR is not currently controlled in the United States under the CSA.

Para-Methoxymethylamphetamine (PMMA) is a substituted amphetamine of the phenethylamine class, as well as a structural analog of para-methoxyamphetamine (PMA) which produces effects similar but not identical to that of MDMA. PMMA is not currently controlled in the United States under the CSA.

2-(ethylamino)-2-(3-methoxyphenyl)-cyclohexanone (Methoxetamine or MXE) is an arylcyclohexamine and is not currently controlled under the CSA in the United States. At its 36th meeting, the WHO Expert Committee on Drug Dependence noted the insufficiency of data regarding dependence, abuse, and risks to the public health, thereby recommending that Methoxetamine not be placed under international control but be kept under international surveillance.

IV. Opportunity To Submit Domestic Information

As required by section 201(d)(2)(A) of the CSA (21 U.S.C. 811(d)(2)(A)), FDA, on behalf of the Department of Health and Human Services (HHS), invites interested persons to submit comments regarding the 10 named drugs. Any comments received will be considered by HHS when it prepares a scientific and medical evaluation of these drugs. HHS will forward a scientific and medical evaluation of these drugs to WHO, through the Secretary of State, for WHO's consideration in deciding whether to recommend international control/decontrol of any of these drugs. Such control could limit, among other things, the manufacture and distribution (import/export) of these drugs and could impose certain recordkeeping requirements on them.

Although FDA is, through this notice, requesting comments from interested persons which will be considered by HHS when it prepares an evaluation of these drugs, HHS will not now make any recommendations to WHO regarding whether any of these drugs should be subjected to international controls. Instead, HHS will defer such consideration until WHO has made official recommendations to the Commission on Narcotic Drugs, which are expected to be made in early 2016. Any HHS position regarding international control of these drugs will be preceded by another **Federal Register** notice soliciting public comments, as required by section 201(d)(2)(B) of the CSA.

V. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: September 29, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–25201 Filed 10–2–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0559]

Agency Information Collection Activities; Proposed Collection; Comment Request; Public Health Service Guideline on Infectious Disease Issues in Xenotransplantation

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to this notice. This notice solicits comments on the collection of information contained in the Public Health Service (PHS) guideline entitled ''PHS Guideline on Infectious Disease Issues in Xenotransplantation'' dated January 19, 2001.

DATES: Submit either electronic or written comments on the collection of information by December 4, 2015.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *http://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *http://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the

public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Division of Dockets Management, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2012–N–0559 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Public Health Service Guideline on Infectious Disease Issues in Xenotransplantation.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *http://www.regulations.gov* or at the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

- *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION''. The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *http://www.regulations.gov.* Submit both copies to the Division of Dockets Management. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *http://www.fda.gov/regulatoryinformation/dockets/default.htm.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA'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 respondents, including through the use of automated collection techniques when appropriate, and other forms of information technology.

PHS Guideline on Infectious Disease Issues in Xenotransplantation

OMB Control Number 0910–0456—Extension

The statutory authority to collect this information is provided under sections 351 and 361 of the PHS Act (42 U.S.C. 262 and 264) and the provisions of the Federal Food, Drug, and Cosmetic Act that apply to drugs (21 U.S.C. 301 *et seq.*). The PHS guideline recommends procedures to diminish the risk of transmission of infectious agents to the xenotransplantation product recipient and to the general public. The PHS guideline is intended to address public health issues raised by xenotransplantation, through identification of general principles of prevention and control of infectious diseases associated with xenotransplantation that may pose a hazard to the public health. The collection of information described in this guideline is intended to provide general guidance on the following topics: (1) The development of xenotransplantation clinical protocols; (2) the preparation of submissions to FDA; and (3) the conduct of xenotransplantation clinical trials. Also, the collection of information will help ensure that the sponsor maintains important information in a cross-referenced system that links the relevant records of the xenotransplantation product recipient, xenotransplantation product, source animal(s), animal procurement center, and significant nosocomial exposures. The PHS guideline describes an occupational health service program for the protection of health care workers involved in xenotransplantation procedures, caring for xenotransplantation product recipients, and performing associated laboratory testing. The PHS guideline is intended to protect the public health and to help ensure the safety of using xenotransplantation products in humans by preventing the introduction, transmission, and spread of infectious diseases associated with xenotransplantation.

The PHS guideline also recommends that certain specimens and records be maintained for 50 years beyond the date of the xenotransplantation. These include: (1) Records linking each xenotransplantation product recipient with relevant health records of the source animal, herd or colony, and the specific organ, tissue, or cell type included in or used in the manufacture of the product (section 3.2.7.1); (2) aliquots of serum samples from randomly selected animal and specific

disease investigations (section 3.4.3.1); (3) source animal biological specimens designated for PHS use (section 3.7.1); animal health records (section 3.7.2), including necropsy results (section 3.6.4); and (4) recipients' biological specimens (section 4.1.2). The retention period is intended to assist health care practitioners and officials in surveillance and in tracking the source of an infection, disease, or illness that might emerge in the recipient, the source animal, or the animal herd or colony after a xenotransplantation.

The recommendation for maintaining records for 50 years is based on clinical experience with several human viruses that have presented problems in human to human transplantation and are therefore thought to share certain characteristics with viruses that may pose potential risks in xenotransplantation. These characteristics include long latency periods and the ability to establish persistent infections. Several also share the possibility of transmission among individuals through intimate contact with human body fluids. Human immunodeficiency virus (HIV) and Human T-lymphotropic virus are human retroviruses. Retroviruses contain ribonucleic acid that is reverse-transcribed into deoxyribonucleic acid (DNA) using an enzyme provided by the virus and the human cell machinery. That viral DNA can then be integrated into the human cellular DNA. Both viruses establish persistent infections and have long latency periods before the onset of disease; 10 years and 40 to 60 years, respectively. The human hepatitis viruses are not retroviruses, but several share with HIV the characteristic that they can be transmitted through body fluids, can establish persistent infections, and have long latency periods, *e.g.,* approximately 30 years for hepatitis C.

In addition, the PHS guideline recommends that a record system be developed that allows easy, accurate, and rapid linkage of information among the specimen archive, the recipient's medical records, and the records of the source animal for 50 years. The development of such a record system is a one-time burden. Such a system is intended to cross-reference and locate relevant records of recipients, products, source animals, animal procurement centers, and nosocomial exposures.

Respondents to this collection of information are the sponsors of clinical studies of investigational xenotransplantation products under investigational new drug applications (INDs) and xenotransplantation product procurement centers, referred to as source animal facilities. There are an estimated three respondents who are sponsors of INDs that include protocols for xenotransplantation in humans and five clinical centers doing xenotransplantation procedures. Other respondents for this collection of information are an estimated four source animal facilities which provide source xenotransplantation product material to sponsors for use in human xenotransplantation procedures. These four source animal facilities keep medical records of the herds/colonies as well as the medical records of the individual source animal(s). The burden estimates are based on FDA's records of xenotransplantation-related INDs and estimates of time required to complete the various reporting, recordkeeping, and third-party disclosure tasks described in the PHS guideline.

FDA is requesting an extension of OMB approval for the following reporting, recordkeeping, and third-party disclosure recommendations in the PHS guideline:

TABLE 1—REPORTING RECOMMENDATIONS

PHS guideline Section	Description
3.2.7.2	Notify sponsor or FDA of new archive site when the source animal facility or sponsor ceases operations.

TABLE 2—RECORDKEEPING RECOMMENDATIONS

PHS guideline section	Description
3.2.7	Establish records linking each xenotransplantation product recipient with relevant records.
4.3	Sponsor to maintain cross-referenced system that links all relevant records (recipient, product, source animal, animal procurement center, and nosocomial exposures).
3.4.2	Document results of monitoring program used to detect introduction of infectious agents which may not be apparent clinically.
3.4.3.2	Document full necropsy investigations including evaluation for infectious etiologies.
3.5.1	Justify shortening a source animal's quarantine period of 3 weeks prior to xenotransplantation product procurement.
3.5.2	Document absence of infectious agent in xenotransplantation product if its presence elsewhere in source animal does not preclude using it.
3.5.4	Add summary of individual source animal record to permanent medical record of the xenotransplantation product recipient.
3.6.4	Document complete necropsy results on source animals (50-year record retention).
3.7	Link xenotransplantation product recipients to individual source animal records and archived biologic specimens.
4.2.3.2	Record baseline sera of xenotransplantation health care workers and specific nosocomial exposure.
4.2.3.3 and 4.3.2	Keep a log of health care workers' significant nosocomial exposure(s).
4.3.1	Document each xenotransplant procedure.
5.2	Document location and nature of archived PHS specimens in health care records of xenotransplantation product recipient and source animal.

TABLE 3—DISCLOSURE RECOMMENDATIONS

PHS Guideline Section	Description
3.2.7.2	Notify sponsor or FDA of new archive site when the source animal facility or sponsor ceases operations.
3.4	Standard operating procedures (SOPs) of source animal facility should be available to review bodies.
3.5.1	Include increased infectious risk in informed consent if source animal quarantine period of 3 weeks is shortened.
3.5.4	Sponsor to make linked records described in section 3.2.7 available for review.
3.5.5	Source animal facility to notify clinical center when infectious agent is identified in source animal or herd after xenotransplantation product procurement.

FDA estimates the burden for this collection of information as follows:

TABLE 4—ESTIMATED ANNUAL REPORTING BURDEN [1]

PHS guideline section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
3.2.7.2 [2]	1	1	1	0.50 (30 minutes)	0.50

[1] There are no capital costs or operating and maintenance costs associated with this collection information.
[2] FDA is using 1 animal facility or sponsor for estimation purposes.

TABLE 5—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

PHS guideline section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
3.2.7 [2]	1	1	1	16	16
4.3 [3]	3	1	3	0.75 (45 minutes)	2.25
3.4.2 [4]	3	10.67	32	0.25 (15 minutes)	8
3.4.3.2 [5]	3	2.67	8	0.25 (15 minutes)	2
3.5.1 [6]	3	0.33	1	0.50 (30 minutes)	0.50
3.5.2 [6]	3	0.33	1	0.25 (15 minutes)	0.25
3.5.4	3	1	3	0.17 (10 minutes)	0.51
3.6.4 [7]	3	2.67	8	0.25 (15 minutes)	2
3.7 [7]	4	2	8	0.08 (5 minutes)	0.64
4.2.3.2 [8]	5	25	125	0.17 (10 minutes)	21.25
4.2.3.2 [6]	5	0.20	1	0.17 (10 minutes)	0.17
4.2.3.3 and 4.3.2 [6]	5	0.20	1	0.17 (10 minutes)	0.17
4.3.1	3	1	3	0.25 (15 minutes)	0.75
5.2 [9]	3	4	12	0.08 (5 minutes)	0.96
Total					55.45

[1] There are no capital costs or operating and maintenance costs associated with this collection information.
[2] A one-time burden for new respondents to set up a recordkeeping system linking all relevant records. FDA is using one new sponsor for estimation purposes.
[3] FDA estimates there is minimal recordkeeping burden associated with maintaining the record system.
[4] Monitoring for sentinel animals (subset representative of herd) plus all source animals. There are approximately 6 sentinel animals per herd × 1 herd per facility × 4 facilities = 24 sentinel animals. There are approximately 8 source animals per year (see footnote 7 of this table); 24 + 8 = 32 monitoring records to document.
[5] Necropsy for animal deaths of unknown cause estimated to be approximately 2 per year × 1 herd per facility × 4 facilities = 8.
[6] Has not occurred in the past 3 years and is expected to continue to be a rare occurrence.
[7] On average 2 source animals are used for preparing xenotransplantation product material for one recipient. The average number of source animals is 2 source animals per recipients × 4 annually = 8 source animals per year. (See footnote 5 of table 6.)
[8] FDA estimates ther are 5 clinical centers doing xenotransplantation procedures × approximately 25 health care workers involved per center = 125 health care workers.
[9] Eight source animal records + 4 recipient records = 12 total records.

TABLE 6—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN

PHS guideline section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
3.2.7.2 [2]	1	1	1	0.50 (30 minutes)	0.50
3.4 [3]	4	0.25	1	0.08 (5 minutes)	0.08
3.5.1 [4]	4	0.25	1	0.25 (15 minutes)	0.25
3.5.4 [5]	4	1	4	0.50 (30 minutes)	2
3.5.5 [4]	4	0.25	1	0.25 (15 minutes)	0.25
Total					3.08

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] FDA is using one animal facility or sponsor for estimation purposes.
[3] FDA's records indicate that an average of 1 IND is expected to be submitted per year.
[4] To our knowledge, has not occurred in the past 3 years and is expected to continue to be a rare occurrence.
[5] Based on an estimate of 12 patients treated over a 3-year period, the average number of xenotransplantation product recipients per year is estimated to be 4.

Because of the potential risk for cross-species transmission of pathogenic persistent virus, the guideline recommends that health records be retained for 50 years. Since these records are medical records, the retention of such records for up to 50 years is not information subject to the PRA (5 CFR 1320.3(h)(5)). Also, because of the limited number of clinical studies with small patient populations, the number of records is expected to be insignificant at this time.

Information collections in this guideline not included in tables 1

through 6 can be found under existing regulations and approved under the OMB control numbers as follows: (1) ''Current Good Manufacturing Practice for Finished Pharmaceuticals,'' 21 CFR 211.1 through 211.208, approved under OMB control number 0910–0139; (2) ''Investigational New Drug Application,'' 21 CFR 312.1 through 312.160, approved under OMB control number 0910–0014; and (3) information included in a biologics license application, 21 CFR 601.2, approved under OMB control number 0910–0338. (Although it is possible that a xenotransplantation product may not be regulated as a biological product (*e.g.,* it may be regulated as a medical device), FDA believes, based on its knowledge and experience with xenotransplantation, that any xenotransplantation product subject to FDA regulation within the next 3 years will most likely be regulated as a biological product.) However, FDA recognized that some of the information collections go beyond approved collections; assessments for these burdens are included in tables 1 through 6.

In table 7, FDA identifies those collections of information activities that are already encompassed by existing regulations or are consistent with voluntary standards which reflect industry's usual and customary business practice.

TABLE 7—COLLECTION OF INFORMATION REQUIRED BY CURRENT REGULATIONS AND STANDARDS

PHS guideline section	Description of collection of information activity	21 CFR Section (unless otherwise stated)
2.2.1	Document offsite collaborations	312.52.
2.5	Sponsor ensures counseling patient + family + contacts	312.62(c).
3.1.1 and 3.1.6	Document well-characterized health history and lineage of source animals	312.23(a)(7)(a) and 211.84.
3.1.8	Registration with and import permit from the Centers for Disease Control and Prevention.	42 CFR 71.53.
3.2.2	Document collaboration with accredited microbiology labs	312.52.
3.2.3	Procedures to ensure the humane care of animals	9 CFR parts 1, 2, and 3 and PHS Policy.[1]
3.2.4	Procedures consistent for accreditation by the Association for Assessment and Accreditation of Laboratory Animal Care International (AAALAC International) and consistent with the National Research Council's (NRC) Guide.	AAALAC International Rules of Accreditation[2] and NRC Guide.[3]
3.2.5, 3.4, and 3.4.1	Herd health maintenance and surveillance to be documented, available, and in accordance with documented procedures; record standard veterinary care.	211.100 and 211.122.
3.2.6	Animal facility SOPs	PHS Policy.[1]
3.3.3	Validate assay methods	211.160(a).
3.6.1	Procurement and processing of xenografts using documented aseptic conditions.	211.100 and 211.122.
3.6.2	Develop, implement, and enforce SOP's for procurement and screening processes.	211.84(d) and 211.122(c).
3.6.4	Communicate to FDA animal necropsy findings pertinent to health of recipient.	312.32(c).
3.7.1	PHS specimens to be linked to health records; provide to FDA justification for types of tissues, cells, and plasma, and quantities of plasma and leukocytes collected.	312.23(a)(6).
4.1.1	Surveillance of xenotransplant recipient; sponsor ensures documentation of surveillance program life-long (justify >2 yrs.); investigator case histories (2 yrs. after investigation is discontinued).	312.23(a)(6)(iii)(f) and (g), and 312.62(b) and (c).
4.1.2	Sponsor to justify amount and type of reserve samples	211.122.
4.1.2.2	System for prompt retrieval of PHS specimens and linkage to medical records (recipient and source animal).	312.57(a).
4.1.2.3	Notify FDA of a clinical episode potentially representing a xenogeneic infection.	312.32.
4.2.2.1	Document collaborations (transfer of obligation)	312.52.
4.2.3.1	Develop educational materials (sponsor provides investigators with information needed to conduct investigation properly).	312.50.
4.3	Sponsor to keep records of receipt, shipment, and disposition of investigative drug; investigator to keep records of case histories.	312.57 and 312.62(b).

[1] The ''Public Health Service Policy on Humane Care and Use of Laboratory Animals'' (*http://www.grants.nih.gov/grants/olaw/references/phspol.htm*).
[2] AAALAC International Rules of Accreditation (*http://www.aaalac.org/accreditation/rules.cfm*).
[3] The NRC's ''Guide for the Care and Use of Laboratory Animals.''

Dated: September 29, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–25155 Filed 10–2–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Advisory Council on Alzheimer's Research, Care, and Services; Meeting

AGENCY: Assistant Secretary for Planning and Evaluation, HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces the public meeting of the Advisory Council on Alzheimer's Research, Care, and Services (Advisory Council). The Advisory Council on Alzheimer's Research, Care, and Services provides advice on how to prevent or reduce the burden of Alzheimer's disease and related dementias on people with the disease and their caregivers. During the October meeting, the Advisory Council will welcome its new members and invite them to share their experiences and where they see the Council going over the length of their terms. The Advisory Council will also spend some time discussing the process of developing recommendations and how those recommendations relate to the National Plan. The Council will also hear a presentation from members of the HHS Strategic Planning Team about how the National Plan fits into the greater HHS Strategic Plan.

DATES: The meeting will be held on October 26th, 2015 from 9:00 a.m. to 5:00 p.m. EDT.

ADDRESSES: The meeting will be held in Room 800 in the Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

Comments: Time is allocated in the afternoon on the agenda to hear public comments. The time for oral comments will be limited to two (2) minutes per individual. In lieu of oral comments, formal written comments may be submitted for the record to Rohini Khillan, OASPE, 200 Independence Avenue SW., Room 424E, Washington, DC 20201. Comments may also be sent to *napa@hhs.gov.* Those submitting written comments should identify themselves and any relevant organizational affiliations.

FOR FURTHER INFORMATION CONTACT: Rohini Khillan (202) 690–5932, *rohini.khillan@hhs.gov.* Note: Seating may be limited. Those wishing to attend the meeting must send an email to *napa@hhs.gov* and put ''October 26 Meeting Attendance'' in the Subject line by Friday, October 16, so that their names may be put on a list of expected attendees and forwarded to the security officers at the Department of Health and Human Services. Any interested member of the public who is a non-U.S. citizen should include this information at the time of registration to ensure that the appropriate security procedure to gain entry to the building is carried out. Although the meeting is open to the public, procedures governing security and the entrance to Federal buildings may change without notice. If you wish to make a public comment, you must note that within your email.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act (5 U.S.C. App. 2, section 10(a)(1) and (a)(2)). Topics of the Meeting: During the October meeting, the Advisory Council will welcome its new members and invite them to share their experiences and where they see the Council going over the length of their terms. The Advisory Council will also spend some time discussing the process of developing recommendations and how those recommendations relate to the National Plan. The Council will also hear a presentation from members of the HHS Strategic Planning Team about how the National Plan fits into the greater HHS Strategic Plan.

Procedure and Agenda: This meeting is open to the public. Please allow 30 minutes to go through security and walk to the meeting room. The meeting will also be webcast at *www.hhs.gov/live* .

Authority: 42 U.S.C. 11225; Section 2(e)(3) of the National Alzheimer's Project Act. The panel is governed by provisions of Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

Dated: September 21, 2015.

Richard G. Frank,

Assistant Secretary for Planning and Evaluation.

[FR Doc. 2015–25214 Filed 10–2–15; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Notice To Propose the Redesignation of the Service Delivery Area for the Aquinnah Wampanoag Indian Tribe

AGENCY: Indian Health Service, HHS.

ACTION: Notice; extension of the comment period.

SUMMARY: This document extends the comment period for the notice to propose Redesignation of the Service Delivery Area for the Aquinnah Wampanoag Indian Tribe, which was published in the **Federal Register** on August 24, 2015. The comment period for the notice, which would have ended on September 23, 2015, is extended by 30 days.

DATES: The comment period for the notice published in the August 24, 2015 **Federal Register** (80 FR 51281) is extended to October 23, 2015.

ADDRESSES: Because of staff and resource limitations, we cannot accept comments by facsimile transmission. You may submit comments in one of three ways (please choose only one of the ways listed):

1. *By regular mail.* You may mail written comments to the following address ONLY: Betty Gould, Regulations Officer, Indian Health Service, 801 Thompson Avenue, TMP STE 450, Rockville, Maryland 20852.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

2. *By express or overnight mail.* You may send written comments to the above address.

3. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments before the close of the comment period to the address above. If you intend to deliver your comments to the Rockville address, please call telephone number (301) 443–1116 in advance to schedule your arrival with a staff member.

Comments will be made available for public inspection at the Rockville address from 8:30 a.m. to 5:00 p.m., Monday–Friday, approximately three weeks after publication of this notice.

FOR FURTHER INFORMATION CONTACT: Carl Harper, Director, Office of Resource Access and Partnerships, Indian Health Service, 801 Thompson Avenue, Rockville, Maryland 20852. Telephone: (301) 443–1553.

SUPPLEMENTARY INFORMATION: The notice that was published in the **Federal Register** on August 24, 2015 advises the public that the Indian Health Service proposes to expand the geographic boundaries of the Service Delivery Area for the Wampanoag Tribe of Gay Head (Aquinnah) of Massachusetts. The Aquinnah service delivery area is currently comprised of members of the Tribe residing in Martha's Vineyard, Dukes County in the State of Massachusetts.

The Bureau of Indian Affairs recognized the Wampanoag Tribe of Gay Head on February 10, 1987. Martha's Vineyard, Dukes County was designated as the Aquinnah service delivery area in the Wampanoag Tribal Council of Gay Head, Inc., Indian Claims Settlement Act of 1987, Public Law 100–95.

This comment period is being extended to allow all interested parties the opportunity to comment on the

proposed rule. Therefore, we are extending the comment period until October 23, 2015.

Dated: September 23, 2015.

Robert G. McSwain,

Deputy Director, Indian Health Service.

[FR Doc. 2015–25211 Filed 10–2–15; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational 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 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 Center for Advancing Translational Sciences Special Emphasis Panel; NIH SUPPORT FOR CONFERENCE AND SCIENTIFIC MEETINGS.

Date: October 22–23, 2015.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: M. Lourdes Ponce, Scientific Review Officer, Office of Scientific Review, National Center For Advancing Translational Sciences (NCATS), National Institutes of Health, 6701 Democrary Blvd., Democracy 1, Room 1073 Bethesda, MD 20892, 301–594–9459, *poncel@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: September 29, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–25198 Filed 10–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of 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; Review of DSR Member Conflict & R13 Applications.

Date: October 28, 2015.

Time: 10:00 a.m. to 12:30 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: Victor Henriquez, Ph.D., Scientific Review Officer DEA/SRB/NIDCR, 6701 Democracy Blvd., Room 668, Bethesda, MD 20892–4878, 301–451–2405, *henriquv@nidcr.nih.gov.*

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel; NIDCR Oral HIV Reservoirs SEP.

Date: November 5–6, 2015.

Time: 8:00 a.m. to 12:00 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: Crina Frincu, Ph.D., Scientific Review Officer Scientific Review Branch, National Institute of Dental and Craniofacial Research, National Institutes of Health 6701 Democracy Blvd., Suite 662, Bethesda, MD 20892 *cfrincu@mail.nih.gov.* (Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: September 30, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–25265 Filed 10–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, October 9, 2015, 8:30 a.m. to October 9, 2015, 7:00 p.m., The Dupont Circle Hotel, 1500 New Hampshire Avenue NW., Washington, DC, 20036 which was published in the **Federal Register** on September 16, 2015, 80 FR 55635.

The meeting title was changed to: ''Nursing and Related Clinical Sciences Overflow Meeting''. All other details remain unchanged. The meeting is closed to the public.

Dated: September 30, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy

[FR Doc. 2015–25263 Filed 10–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Invention; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 209 and 37 CFR part 404 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Licensing information and copies of the U.S. patent applications listed below may be obtained by contacting Jasmine Yang, Ph.D., at the Technology Advancement Office, National Institute of Diabetes and Digestive and Kidney Diseases, Building 12A, Suite 3011 (MSC 5632), Bethesda MD 20892; Telephone: 301–451–7836; Email: *jasmine.yang@nih.gov.* A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

SUPPLEMENTARY INFORMATION: Technology description follows.

Cannabinoid Receptor 1 (CB1) Inverse Agonists for the Treatment of Diabetes, Obesity and Their Complications

Description of Technology: Cannabinoid (CB1 and CB2) receptors recognize and mediate the effects of the active compound tetrahydrocannabinol found in marijuana. CB1 receptor activation plays a key role in appetitive behavior and metabolism.

Dr. Kunos and colleagues have designed a set of CB1 receptor inverse agonists that are effective at reducing obesity and its associated metabolic consequences while not causing the adverse neuropsychotropic side effects linked to earlier antagonists such as rimonabant. The CB1 receptor compounds were developed with the goals of (1) limiting their brain penetrance without losing their metabolic efficacy due to CB1 inverse agonism, and (2) generating compounds whose primary metabolite directly targets enzymes involved in inflammatory and fibrotic processes associated with metabolic disorders. The patent application of this technology are to the composition of matter and methods of use to the cannabinoid receptor (CB1) blocking compounds for the treatment of obesity, diabetes, fatty liver disease and a variety of obesity-related metabolic syndromes. The technology has the potential to be the next generation of safer CB1 receptor therapeutics for treating obesity.

Potential Commercial Applications:

- Treatment for obesity
- Treatment for metabolic syndrome
- Treatment of diabetes
- Treatment of fibrosis
- Treatment of Fatty Liver Disease such as Nonalcoholic steatohepatitis (NASH)

Competitive Advantages:

- Inhibits metabolic activity without causing psychiatric side effects
- Offers improved anti-inflammatory and anti-fibrotic efficacy

Development Stage:

- In vitro data available
- In vivo data available (animal)

Inventors: George Kunos (NIAAA), Malliga Iyer (NIAAA), Resat Cinar (NIAAA), Kenner Rice (NIDA)

Intellectual Property:

- HHS Reference No. E–282–2012/0–US–01—US Provisional Patent Application No. 61/725,949 filed November 13, 2012
- HHS Reference No. E–282–2012/0–PCT–02—PCT Application No. PCT/US2013/069686 filed November 12, 2013
- HHS Reference No. E–282–2012/0–US–03—US Patent Application No. 14/442,383 filed May 12, 2015
- HHS Reference No. E–282–2012/0–CA–04—Canadian Patent Application No. 2889697 filed April 27, 2015
- HHS Reference No. E–282–2012/0–EP–05—European Patent Application No. 13802153.0 filed June 01, 2015
- HHS Reference No. E–282–2012/0–IN–06—Indian Patent Application No. 3733/DELNP/2015 filed May 01, 2015
- HHS Reference No. E–282–2012/0–JP–07—Japanese Patent Application No. 2015–542015 filed May 11, 2015
- HHS Reference No. E–282–2012/0–CN–08—Chinese Patent Application No. 201380069389.9 filed July 3, 2015
- HHS Reference No. E–282–2012/1–US–01—US Provisional Application No. 62/171, 179 filed June 04, 2015

Licensing Contact: Jasmine Yang, Ph.D.; 301–451–7836; *jasmine.yang@nih.gov.*

Collaborative Research Opportunity: The National Institute on Alcohol Abuse and Alcoholism, Laboratory of Physiologic Studies, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize peripherally restricted CB1 receptor blockers with improved efficacy. For collaboration opportunities, please contact George Kunos, M.D., Ph.D. at *George.Kunos@nih.gov* or 301–443–2069.

Dated: September 29, 2015.

Richard U. Rodriguez,

Acting Director, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2015–25197 Filed 10–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Sleep Disorders Research Advisory Board.

The meeting will be open to the public and conducted electronically. The public is encouraged to observe the meeting, and should request instructions from the Contact Person listed below in advance.

Name of Committee: Sleep Disorders Research Advisory Board.

Date: October 9, 2015.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To discuss plans for the proposed revision of the NIH Sleep Disorders Research Plan, and potential directions for inter-agency coordination activities.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Michael J. Twery, Ph.D., Director, National Center on Sleep Disorders Research, Division of Lung Diseases, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Suite 10038, Bethesda, MD 20892–7952, 301–435–0199 *twerym@nhlbi.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to internal discussions regarding agenda and scheduling details.

Information is also available on the Institute's/Center's home page: *http://www.nhlbi.nih.gov/about/committees*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: September 30, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–25266 Filed 10–2–15; 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: Cognition and Memory.

Date: October 30, 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 (Virtual Meeting).

Contact Person: Wind Cowles, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 3172, Bethesda, MD 20892, *cowleshw@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Health Care Delivery and Methodologies Research Project Grants.

Date: October 30, 2015.

Time: 12:00 p.m. to 4:30 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: Gabriel B Fosu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3108, MSC 7808, Bethesda, MD 20892, (301) 435–3562, *fosug@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR13–195 Preclinical Research on Model Organisms to Predict Treatment Outcomes for Disorders Associated with Intellectual and Developmental Disabilities.

Date: November 3, 2015.

Time: 2:00 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: Biao Tian, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 7848, Bethesda, MD 20892 (301) 402–4411, *tianbi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: Molecular and Cellular Substrates of Complex Brain Disorders.

Date: November 5, 2015.

Time: 8:00 a.m. to 6:00 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: Deborah L Lewis, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4183, MSC 7850, Bethesda, MD 20892, 301–408–9129, *lewisdeb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Behavioral and Social Measures for Dental, Oral and Craniofacial Research.

Date: November 6, 2015.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Capital View, 2850 South Potomac Avenue, Arlington, VA 22202.

Contact Person: Wenchi Liang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, 301–435–0681, *liangw3@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR14–143: Behavioral and Social Measures for Causal Pathway Research In Dental, Oral and Craniofacial Research.

Date: November 6, 2015.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Capital View, 2850 South Potomac Avenue, Arlington, VA 22202.

Contact Person: Wenchi Liang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, 301–435–0681, *liangw3@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 30, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–25262 Filed 10–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Vascular Access.

Date: October 28, 2015.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Barbara A. Woynarowska, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 754, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 402–7172, *woynarowskab@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Time-Sensitive Obesity Research.

Date: October 29, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; UroEDIC III.

Date: November 6, 2015.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Barbara A. Woynarowska, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 754, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 402–7172, *woynarowskab@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR12–265 Ancillary Clinical Studies in Kidney Disease.

Date: November 16, 2015.

Time: 11:30 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–2242, *jerkinsa@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Program Project on Liver.

Date: November 23, 2015.

Time: 8:30 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 758, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; P01 Telephone Review.

Date: November 23, 2015.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Xiaodu Guo, Md., Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 761, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: September 30, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–25261 Filed 10–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational 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 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 Center for Advancing Translational Sciences Special Emphasis Panel; CTSA Recruitment Innovation Center (RIC).

Date: October 27, 2015.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: Bethesda North Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Rahat Khan, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, 6701 Democracy Blvd., Rm 1078, Bethesda, MD 20892, 301–894–7319, *khanr2@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: September 29, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–25199 Filed 10–2–15; 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: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Pregnancy and Neonatology Study Section.

Date: October 27–28, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Michael Knecht, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6176, MSC 7892, Bethesda, MD 20892, (301) 435–1046, *knechtm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel—Member Conflict: Topics in Infectious Diseases.

Date: October 27, 2015.

Time: 10:00 a.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: Neerja Kaushik-Basu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198 MSC 7808, Bethesda, MD 20892, (301) 435–2306, *kaushikbasun@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel—Oral and Dental Biology.

Date: October 28, 2015.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Rajiv Kumar, Ph.D., Chief, MOSS IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4216, MSC 7802, Bethesda, MD 20892, 301–435–1212, *kumarra@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 29, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–25156 Filed 10–2–15; 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; Center for AIDS Research and Developmental Center for AIDS Research.

Date: October 26–27, 2015.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Conference Rooms LD 30A/B, 5601 Fishers Lane, Rockville, MD 20892.

Contact Person: Uday K. Shankar, Ph.D., MSC, Scientific Review Officer, Scientific Review Program, Division of Extramural

Activities, Room # 3G21B, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5051, *uday.shankar@nih.gov*.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Hepatitis C Cooperative Research Centers: Immunity to HCV Infection (U19).

Date: October 26–27, 2015.

Time: 8 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, The Roosevelt Room, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Maryam Feili-Hariri, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 5601 Fishers Lane, Rockville, MD 20852, 240–669–5026, *haririmf@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 29, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–25200 Filed 10–2–15; 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 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: Oncology 2—Translational Clinical Integrated Review Group; Chemo/Dietary Prevention Study Section.

Date: October 9, 2015.

Time: 7:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Pier 2620 Hotel Fisherman's Wharf, 2620 Johns Street, San Francisco, CA 94133.

Contact Person: Sally A Mulhern, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6198, MSC 7804, Bethesda, MD 20892, (301) 408–9724, *mulherns@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, 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 30, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–25264 Filed 10–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4240–DR; Docket ID FEMA–2015–0002]

California; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of California (FEMA–4240–DR), dated September 22, 2015, and related determinations.

DATES: *Effective Date:* September 23, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of California is hereby amended to include the following area to the event declared a major disaster by the President in his declaration of September 22, 2015.

Calaveras County for Individual Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–25256 Filed 10–2–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4240–DR; Docket ID FEMA–2015–0002]

California; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of California (FEMA–4240–DR), dated September 22, 2015, and related determinations.

DATES: *Effective Date:* September 23, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this declared disaster is now September 9, 2015, and continuing.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–25220 Filed 10–2–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4240–DR; Docket ID FEMA–2015–0002]

California; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of California (FEMA–4240–DR), dated September 22, 2015, and related determinations.

DATES: *Effective date:* September 23, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident for this disaster has been expanded to include the Butte Fire.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidential Declared Disaster Areas; 97.049, Presidential Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidential Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–25249 Filed 10–2–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0022]

Technical Mapping Advisory Council

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee Management; Notice of Federal Advisory Committee Meeting.

SUMMARY: The Federal Emergency Management Agency (FEMA) Technical Mapping Advisory Council (TMAC) will meet in person on October 20–21, 2015, in Reston, VA. The meeting will be open to the public.

DATES: The TMAC will meet on Tuesday, October 20, 2015, from 8:00 a.m. to 5:30 p.m., and Wednesday, October 21, 2015, and from 8:00 a.m. to 5:00 p.m., Eastern Daylight Savings Time (EDT). Please note that the meeting will close early if the TMAC has completed its business.

ADDRESSES: The meeting will be held in the auditorium of the United States Geological Survey (USGS) headquarters building located at 12201 Sunrise Valley Drive, Reston, VA 20192. Members of the public who wish to attend the meeting must register in advance by sending an email to *FEMA-TMAC@fema.dhs.gov* (attention Mark Crowell) by 11:00 p.m. EDT on Thursday, October 15, 2015. Members of the public must check in at the USGS Visitor's entrance security desk; photo identification is required.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the person listed in **FOR FURTHER INFORMATION CONTACT** below as soon as possible.

To facilitate public participation, members of the public are invited to provide written comments on the issues to be considered by the TMAC, as listed in the **SUPPLEMENTARY INFORMATION** section below. Associated meeting materials will be available at *www.fema.gov/TMAC* for review by Monday, October 12, 2015. Written comments to be considered by the committee at the time of the meeting must be received by Wednesday, October 14, 2015, identified by Docket ID FEMA–2014–0022, and submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email:* Address the email to: *FEMA-RULES@fema.dhs.gov* and CC: *FEMA-TMAC@fema.dhs.gov.* Include the docket number in the subject line of the message. Include name and contact detail in the body of the email.
- *Mail:* Regulatory Affairs Division, Office of Chief Counsel, FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

Instructions: All submissions received must include the words ''Federal Emergency Management Agency'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov*, including any personal information provided. *Docket:* For docket access to read background documents or comments received by the TMAC, go to *http://www.regulations.gov* and search for the Docket ID FEMA–2014–0022.

A public comment period will be held on October 20, 2015, from 8:30 to 8:45 a.m. and again on October 21, 2015, from 8:30 to 8:45 a.m. Speakers are requested to limit their comments to no more than three minutes. The public comment period will not exceed 15 minutes. Please note that the public comment period may end before the time indicated, following the last call for comments. Contact the individual listed below to register as a speaker by close of business on Wednesday, October 14, 2015.

FOR FURTHER INFORMATION CONTACT: Mark Crowell, Designated Federal Officer for the TMAC, FEMA, 1800 South Bell Street, Arlington, VA 22202, telephone (202) 646–3432, and email *mark.crowell@fema.dhs.gov.* The TMAC Web site is: *http://www.fema.gov/TMAC.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix.

As required by the *Biggert-Waters Flood Insurance Reform Act of 2012,* the TMAC makes recommendations to the FEMA Administrator on: (1) How to improve, in a cost-effective manner, the (a) accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps and risk data; and (b) performance metrics and milestones required to effectively and efficiently map flood risk areas in the United States; (2) mapping standards and guidelines for (a) flood insurance rate maps, and (b) data accuracy, data quality, data currency, and data eligibility; (3) how to maintain, on an ongoing basis, flood insurance rate maps and flood risk identification; (4) procedures for delegating mapping activities to State and local mapping partners; and (5)(a) methods for

improving interagency and intergovernmental coordination on flood mapping and flood risk determination, and (b) a funding strategy to leverage and coordinate budgets and expenditures across Federal agencies. Furthermore, the TMAC is required to submit an annual report to the FEMA Administrator that contains: (1) A description of the activities of the Council; (2) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update Flood Insurance Rate Maps; and (3) a summary of recommendations made by the Council to the FEMA Administrator.

The TMAC must also develop recommendations on how to ensure that flood insurance rate maps incorporate the best available climate science to assess flood risks and ensure that FEMA uses the best available methodology to consider the impact of the rise in sea level and future development on flood risk. The TMAC must collect these recommendations and present them to the FEMA Administrator in a future conditions risk assessment and modeling report.

Further, in accordance with the *Homeowner Flood Insurance Affordability Act of 2014*, the TMAC must develop a review report related to flood mapping in support of the National Flood Insurance Program (NFIP).

Agenda: On October 20, 2015, the TMAC members will deliberate and vote on the final draft content and recommendations to be incorporated in the 2015 Annual Report, and Future Conditions Report, due in October 2015. Copies of the draft reports will be made available after October 7, 2015 and can be obtained by sending an email to *FEMA-TMAC@fema.dhs.gov* (attention Mark Crowell). A public comment period will take place during the meeting from 8:30 to 8:45 a.m. on the draft reports. In addition, following the TMAC's discussion of specific report sections, the public will be invited to make brief comments on the specific sections being discussed. A maximum of ten minutes will be allotted for public comment related to the specific report sections prior to the TMAC's deliberation and vote.

On October 21, 2015, the TMAC members will continue to deliberate and vote on the final draft content and recommendations to be incorporated in the two reports. If time permits, the TMAC members will discuss and coordinate on the TMAC's 2016 Reports and the next steps forward. A public comment period will take place during the meeting from 8:30 to 8:45 a.m. on the draft reports. In addition, following the TMAC's discussion of specific report sections, the public will be invited to make brief comments on the specific sections being discussed. A maximum of ten minutes will be allotted for public comment related to the specific report sections prior to the TMAC's deliberation and vote. The full agenda and additional briefing materials will be posted for review by October 12, 2015 at *http://www.fema.gov/TMAC.*

Dated: September 28, 2015.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation.

[FR Doc. 2015–25221 Filed 10–2–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4240–DR; Docket ID FEMA–2015–0002]

California; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of California (FEMA–4240–DR), datedSeptember 22, 2015, and related determinations.

DATES: *Effective Date:* September 24, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of California is hereby amended to include direct federal assistance for those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 22, 2015.

Calaveras and Lake Counties for emergency protective measures (Category B), limited to direct federal assistance, under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–25252 Filed 10–2–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4240–DR; Docket ID FEMA–2015–0002]

California; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of California (FEMA–4240–DR), dated September 22, 2015, and related determinations.

DATES: *Effective Date:* September 22, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 22, 2015, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of California resulting from the Valley Fire beginning on September 12, 2015, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of California.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas and

Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Timothy J. Scranton, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of California have been designated as adversely affected by this major disaster:

Lake County for Individual Assistance.

All areas within the State of California are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–25250 Filed 10–2–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–46]

30-Day Notice of Proposed Information Collection: Pay for Success Demonstration Application

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* November 4, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on July 21, 2015 at 80 FR 43107.

A. Overview of Information Collection

Title of Information Collection: Pay for Success Demonstration Application.

OMB Approval Number: 2506–0207.

T*ype of Request:* Extension, without change, of a currently approved collection.

Form Number: SF 424, HUD SF 424 SUPP (if applicable), HUD–2993 (if applicable), HUD–96011 (if applicable), HUD–2880, SF–LLL.

Description of the need for the information and proposed use: The information to be collected will be used to rate applications, to determine eligibility for the PFS Demonstration and to establish grant amounts. Applicants, which must be public or private nonprofit organizations, will respond to narrative prompts to demonstrate their experience and expertise in PFS financing and to describe their intended program design, both for PFS Demonstration activities, such as conducting a feasibility assessment and structuring a PFS transaction, as well as deal implementation activities, such as administering a PSH intervention, tracking outcomes, and making success payments.

Respondents (*i.e.* affected public): Public or private nonprofit organizations.

Estimated Number of Respondents: 9 applicants.

Estimated Number of Responses: 9 applicants.

Frequency of Response: 1 response per year.

Average Hours per Response: 22.21 hours.

Total Estimated Burdens: 194.68 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: 12 U.S.C. 1701z–1 Research and Demonstrations.

Dated: September 29, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–25282 Filed 10–2–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–45]

30-Day Notice of Proposed Information Collection: Evaluation of the Section 811 Project Rental Assistance Program, Phase I

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* November 4, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on July 1, 2015 at 80 FR 37649.

A. Overview of Information Collection

Title of Information Collection: Evaluation of the Section 811 Project Rental Assistance Program, Phase I.

OMB Approval Number: 2528–NEW.

Type of Request: New collection.

Form Number: N/A.

Description of the need for the information and proposed use: The Office of Policy Research and Development, U.S. Department of Housing and Urban Development (HUD), is proposing a data collection activity as part of the evaluation of the Section 811 Supportive Housing for Persons with Disabilities (Section 811) Project Rental Assistance (PRA) Program. The Section 811 PRA Program is a new model of housing assistance authorized in 2010 that provides project-based rental assistance to state housing agencies for the development of supportive housing for extremely low-income persons with disabilities. Housing agencies must have a formal partnership with the state health and human service agency and/or the state Medicaid provider to provide services and supports directly to residents living in units funded with Section 811 PRA.

The Section 811 PRA program authorizing statute requires HUD to describe the assistance under the program, to analyze its effectiveness, and propose recommendations for future assistance under Section 811. HUD is implementing a two-phase evaluation of the Section 811 PRA program. The first phase of the evaluation is focused on a process evaluation that will describe the implementation of the program in the first 12 states awarded Section 811 PRA funds. The second phase will evaluate the program effectiveness and its impact on residents. This request for OMB clearance covers the first phase of the evaluation. Data collection includes in-person interviews with staffs at state agencies, (housing, health and human services and state Medicaid providers) and Section 811 PRA partner agencies (property owners or managers of properties where Section 811 PRA participants live and staff at organizations that provide supportive services to PRA participants). The purpose of the interviews is to document the implementation experience of the Section 811 PRA program.

Respondents (describe): State housing agencies, state health and human service and/or Medicaid provider agencies, and Section 811 PRA partner agencies in twelve grantee states.

Estimated Number of Respondents: A total of 79 participants will participate in the process evaluation interviews across the 12 grantee sites. Twelve participants are state housing agencies implementing the Section 811 PRA program; twelve participants are Medicaid and/or health and human services agencies; and fifty five participants are Section 811 PRA partner agencies.

Estimated Number of Responses: 79 responses.

Frequency of Response: Once.

Average Hours per Response and Total Estimated Burdens: Interviews with state housing agency representatives will take an average of 6 hours. Interviews with health and human services or Medicaid agency representatives and other state agency partners will take an average of 6 hours each. The estimated number of hours for the grantee, health and human services or Medicaid partner, and other state agency may be spread across multiple respondents if more than one person is responsible for distinct activities related to the Section 811 PRA program.

We will complete as much as the interview protocol as possible in advance of the site visit from available data sources including the 2012 Section 811 PRA application for funding, quarterly grantee reports, and HUD administrative data. Interviews will be conducted orally and grantees will not be asked to provide written responses to any interview query. Prior to the interviews, we will conduct screening calls with each grantee to tailor the conversations and identify participants to include in the process interviews.

The length of interviews with partner organizations will vary based on the roles they have in the Section 811 PRA program. We expect the interviews to take between 120 and 180 minutes based on the responsibilities of each partner.

For the state housing agency staff and state health and human service agency or state Medicaid agency staff, researchers will administer interviews on the implementation of the Section 811 PRA Demonstration for an average of six hours. An additional 2 hours will be needed for agency staff to compile material needed on the PRA program in order to answer the research questions. The total burden for state housing agency and Medicaid respondents is 192 hours. The average interview for PRA Demonstration partner agency/property owner staff is 90 minutes long, with an additional hour to compile information needed to complete the answers to the interview questions. The total burden for all Section 811 PRA program participants is 329.5 hours.

Respondents	Number of respondents	Frequency of response	Average burden/ response (hours)	Average burden/ data collection (hours)	Total estimated burden (hours)
State housing agencies implementing Section 811 PRA	12	1	6	2	96
Medicaid agencies implementing Section 811 PRA	12	1	6	2	96
Section 811 PRA Partner Agencies	55	1	1.5	1	137.5
Total	79	.....	.....	.....	329.5

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: 12 U.S.C. 1701z–1 Research and Demonstrations.

Dated: September 29, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–25283 Filed 10–2–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–47]

30-Day Notice of Proposed Information Collection: Rental Assistance Demonstration (RAD) Application Forms

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* November 4, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on July 31, 2015 at 80 FR 45673.

A. Overview of Information Collection

Title of Information Collection: Rental Assistance Demonstration (RAD) Application Form.

OMB Approval Number: 2577–0278.

T*ype of Request:* Revision of a currently approved collection.

Form Number: HUD–5260 RAD Application.

Description of the need for the information and proposed use: The Rental Assistance Demonstration allows Public Housing, Rent Supplement, Rental Assistance Payment, and Moderate Rehabilitation (Mod Rehab) properties to convert to long-term Section 8 rental assistance contracts. Participation in the initiative is voluntary. Public Housing Agencies interested in participating in the Demonstration are required to submit applications to HUD. The attached application will be used to determine eligibility for Public Housing projects only. HUD intends through the conversion process, to assure the physical and financial sustainability of properties and enable owners to leverage private financing to address immediate and long-term capital needs, improve operations, and implement energy efficiency improvements. The RAD application is Excel based and will be pre-populated with data the Department collects and maintains for each housing agency. Information collected by the applications will allow the Department to determine which applicants meet the eligibility requirements and have the capacity to successfully meet RAD's mission delineated in PIH Notice PIH–2012–32, REV–2: Rental Assistance Demonstration—Partial Implementation and Request for Comments. To review the current version of the application, please visit the RAD Web site: *www.hud.gov/rad/.* Under the 'For Public Housing Providers' tab, navigate to the Application Material section, and links are provided for each state.

Obtain the current Public Housing Application: *http://portal.hud.gov/hudportal/documents/huddoc?id=RAD_App_PH.xlsx.*

Respondents: State, Local or Tribal Government.

Estimated Number of Respondents: The estimated number of respondents is 5,900 annually with one response per respondent.

Estimated Number of Responses: 5,900.

Frequency of Response: Once.

Average Hours per Response: 2 Hours.

Total Estimated Burdens: 11,800.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Public Housing RAD—Application Form	5,900	1	5,900	2	11,800	$40	$472,000
Total	5,900	.....	5,900	.....	11,800	.....	472,000

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: 12 U.S.C. 1701z–1 Research and Demonstrations.

Dated: September 30, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–25259 Filed 10–2–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2015–N181; FXES11120100000–156–FF01E00000]

Draft Habitat Conservation Plan for Oregon Department of Transportation Routine Maintenance Activities

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from the Oregon Department of Transportation (ODOT) for an incidental take permit (permit) under the Endangered Species Act (ESA) of 1973, as amended. The ODOT's application requests a 25-year permit that would authorize ''take'' of the endangered Fender's blue butterfly and the threatened Oregon silverspot butterfly incidental to otherwise lawful activities associated with road right-of-way (ROW) maintenance and management activities. The application includes ODOT's draft habitat conservation plan (HCP), which describes the actions ODOT will implement to minimize and mitigate the impacts of incidental take caused by covered activities. We invite comment on the application, draft HCP, and the Service's draft environmental action statement (EAS) and preliminary determination that the draft HCP qualifies for a categorical exclusion under the National Environmental Policy Act (NEPA).

DATES: Written comments on the draft HCP and the NEPA categorical exclusion determination must be received from interested parties no later than November 4, 2015.

ADDRESSES: To request further information or submit written comments, please use one of the following methods, and note that your information request or comments are in reference to the ODOT HCP.

- *Internet:* Documents may be viewed on the Internet at *http://www.fws.gov/oregonfwo/ToolsForLandowners/HabitatConservationPlans/.*
- *Email: ODOTHCPcomments@fws.gov.* Include ''ODOT HCP'' in the subject line of the message or comments.
- *U.S. Mail:* State Supervisor, Oregon Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2600 SE 98th Avenue, Suite 100, Portland, OR 97266.
- *Fax:* 503–231–6195, Attn: ODOT HCP.
- *In-Person Viewing or Pickup:* Comments and materials received will be available for public inspection, by appointment, during normal business hours at the Oregon Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2600 SE 98th Avenue, Suite 100, Portland, OR 97266.

FOR FURTHER INFORMATION CONTACT: Richard Szlemp, U.S. Fish and Wildlife Service (see **ADDRESSES**), telephone: 503–231–6179, facsimile: 503–231–6195. If you use a telecommunications device for the deaf, please call the Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

Section 9 of the ESA (16 U.S.C. 1531 *et seq.*) prohibits the take of fish and wildlife species listed as endangered or threatened under section 4 of the ESA. Under the ESA, the term ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (16 U.S.C. 1532(19)). The term ''harm,'' as defined in our regulations, includes significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). The term ''harass'' is defined in our regulations as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3).

Under specified circumstances, the Service may issue permits that authorize take of federally listed species, provided the take is incidental to, but not the purpose of, an otherwise lawful activity. Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively. Section 10(a)(1)(B) of the ESA contains provisions for issuing such incidental take permits to non-Federal entities for the take of endangered and threatened species, provided the following criteria are met:

(1) The taking will be incidental;

(2) The applicant will prepare a conservation plan that, to the maximum extent practicable, identifies the steps the applicant will take to minimize and mitigate the impact of such taking;

(3) The applicant will ensure that adequate funding for the plan will be provided;

(4) The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and

(5) The applicant will carry out any other measures that the Service may

require as being necessary or appropriate for the purposes of the plan.

Proposed Action

The Service proposes to approve the HCP and to issue a permit, both with a term of 25 years, to ODOT for incidental take of the endangered Fender's blue butterfly (*Icaricia icarioides fenderi*) and the threatened Oregon silverspot butterfly (*Speyeria zerene hippolyta*) caused by covered activities, if permit issuance criteria are met.

The HCP addresses routine maintenance activities on ODOT-managed roads and their associated right-of-ways (ROWs) throughout Oregon. The ROW is defined as property along the State highway system owned by ODOT, including paved surface, shoulders, and drainage ditches. Medians and interchanges associated with the highway system are part of the ROW. The ROW width varies considerably and is often based on property purchased when the highway was constructed. Typically, the ROW boundary is just beyond the top of slopes cut into hills or the bottom of low areas filled for construction of the highway. Populations of Federal and State listed plants known to occur within ODOT ROW were field located through targeted surveys, verified, and posted.

The ''Operational Roadway'' is that portion of the ROW that has been identified as critical for maintaining the integrity of the highway and the safety of the travelling public. Under the HCP, ODOT will not specifically protect or manage listed plants or butterfly habitat in the Operational Roadway because of the importance of this area for road safety and functionality. This does not preclude the continued presence of listed species and is one reason an incidental take permit is being sought.

ODOT has identified known populations of listed species outside the Operational Roadway that they propose to avoid impacting. ODOT established a Special Management Area (SMA) Program designed to protect and manage threatened and endangered species, primarily plants, occurring adjacent to the highway. The specific boundary between the Operational Roadway and protected areas is determined on a case-by-case basis, depending on topography, highway features and facilities, and proximity to protected resources. When a roadside ditch is present, the Operational Roadway typically ends 4 feet beyond the bottom center of the ditch. When no ditch is apparent, the Operational Roadway boundary is usually 10 feet beyond the edge of pavement. Under the HCP, the SMAs incorporate the known populations of rare plants on ODOT ROW that ODOT has agreed to avoid impacting. In most cases, only periodic maintenance is necessary in SMAs and site-specific restrictions have been developed to protect listed species in each SMA. However, most of the highway facilities that require routine maintenance are located in the Operational Roadway.

All federally listed plants in Oregon are also protected by State law under the Oregon Endangered Species Act, and their protection and conservation are administered by the Oregon Department of Agriculture (ODA). The Oregon ESA protects many other plant species beyond those protected under the Federal ESA. All State agencies, including ODOT, must consult with ODA when a proposed action on land owned or leased by the State, or for which the State holds a recorded easement, has the potential to appreciably reduce the likelihood of the survival or recovery of any listed plant species. ODA will accept the HCP as the foundation for consultation with ODOT regarding possible routine roadside maintenance impacts to State listed plants. Because of the Oregon ESA, conservation measures for many plant species are included in the HCP, but they will not be included under the incidental take permit since the Federal ESA has very limited take prohibitions with respect to federally listed plants.

The anticipated extent of impacts for which incidental take permit coverage is sought includes 0.066 acre of Fender's blue butterfly larval host plants and 1.11 acres of adult nectar plants. These impacts will be mitigated at a ratio of 3:1. Impacts to the Oregon silverspot butterfly along the ROW would amount to about 0.27 acre of its habitat. These impacts would occur as a result of ODOT mowing less than a mile of ROW containing herbaceous flowering plants alongside U.S. Highway 101 in the central coast area to discourage use by Oregon silverspot butterflies so as to reduce their likelihood of being hit by highway traffic. Additional measures may involve increasing listed butterfly nectar and larval food plants in meadows that are distant from the road, and adding hedgerow or forest fringe shelter to meadows on both sides of the highway so listed butterflies will not have to cross the road to access nectar and larval plant resources.

National Environmental Policy Act Compliance

The development of the draft HCP and the proposed issuance of an incidental take permit is a Federal action that triggers the need for compliance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*) (NEPA). We have made a preliminary determination that the proposed HCP and permit issuance are eligible for categorical exclusion under the NEPA. The basis for our preliminary determination is contained in an EAS, which is available for public review (see ADDRESSES).

Public Comments

You may submit your comments and materials by one of the methods listed in the **ADDRESSES** section. We request data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party on our proposed Federal action. We particularly seek comments on the following: (1) Biological data or other information regarding the Fender's blue butterfly and Oregon silverspot butterfly; (2) additional information concerning the range, distribution, population size, and population trends of these butterflies; (3) current or planned activities in the HCP area and their possible impacts on these species; (4) the presence of archeological sites, buildings and structures, historic events, sacred and traditional areas, and other historic preservation concerns in the HCP area, which are required to be considered in Federal project planning by the National Historic Preservation Act; (5) identification of any other environmental issues that should be considered with regard to the permit action; and (6) information regarding the adequacy of the HCP pursuant to the requirements for permits at 50 CFR parts 13 and 17.

Public Availability of Comments

All comments and materials we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Comments and materials we receive, as well as supporting documentation will be available for public inspection by appointment, during normal business hours, at our Oregon Fish and Wildlife Office (see **ADDRESSES**).

Next Steps

We will evaluate the HCP, as well as any comments we receive, to determine whether implementation of the HCP would meet the criteria for issuance of a permit under section 10(a)(1)(B) of the ESA. We will also evaluate whether the proposed permit action would comply with section 7 of the ESA by conducting an intra-Service section 7 consultation. We will consider the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue a permit to the ODOT. We will not make the final NEPA and permit decisions until after the end of the 30-day public comment period on this notice, and we will fully consider all comments we receive during the public comment period. If we determine that the permit issuance requirements are met, the Service will issue a permit to the ODOT.

Authority

We provide this notice in accordance with the requirements of section 10 of the ESA (16 U.S.C. 1531 *et seq.*), and NEPA (42 U.S.C. 4321 *et seq.*) and their implementing regulations (50 CFR 17.22 and 40 CFR 1506.6, respectively).

Paul Henson,

Oregon State Supervisor, U.S. Fish and Wildlife Service, Portland, Oregon.

[FR Doc. 2015–25216 Filed 10–2–15; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[156A2100DD/AAKC001030/A0A501010.999900 253G]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of extension of Tribal—State Class III Gaming Compact.

SUMMARY: This publishes notice of the Extension of the Class III gaming compact between the Rosebud Sioux Tribe of the Rosebud Indian Reservation and the State of South Dakota.

DATES: Effective October 5, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Pursuant to 25 CFR 293.5, an extension to an existing tribal-state Class III gaming compact does not require approval by the Secretary if the extension does not include any amendment to the terms of the compact. The Rosebud Sioux Tribe of the Rosebud Indian Reservation and the State of South Dakota have reached an agreement to extend the expiration of their existing Tribal-State Class III gaming compact to February 5, 2016. This publishes notice of the new expiration date of the compact.

Dated: September 29, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2015–25307 Filed 10–2–15; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[167A2100DD/AAKC001030/A0A501010.999900]

List of Programs Eligible for Inclusion in Funding Agreements Negotiated With Self-Governance Tribes by Interior Bureaus Other Than the Bureau of Indian Affairs and Fiscal Year 2015 Programmatic Targets

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: This notice lists programs or portions of programs that are eligible for inclusion in funding agreements with self-governance Indian tribes and lists Fiscal Year 2015 programmatic targets for each of the non-Bureau of Indian Affairs (BIA) bureaus in the Department of the Interior, pursuant to the Tribal Self-Governance Act.

DATES: Submit written comments on this notice on or before November 4, 2015.

ADDRESSES: Send written comments to Ms. Sharee M. Freeman, Director, Office of Self-Governance (MS 355H–SIB), 1849 C Street NW., Washington, DC 20240–0001, telephone: (202) 219–0240, fax: (202) 219–1404, or to the bureau-specific points of contact listed below.

FOR FURTHER INFORMATION CONTACT: Inquiries regarding this notice may be directed to Ms. Sharee M. Freeman at (202) 219–0240.

SUPPLEMENTARY INFORMATION:

I. Background

Title II of the Indian Self-Determination Act Amendments of 1994 (Pub. L. 103–413, the ''Tribal Self-Governance Act'' or the ''Act'') instituted a permanent self-governance program at the Department of the Interior. Under the self-governance program, certain programs, services, functions, and activities, or portions thereof, in Interior bureaus other than BIA are eligible to be planned, conducted, consolidated, and administered by a self-governance tribe.

Under section 405(c) of the Tribal Self-Governance Act, the Secretary of the Interior is required to publish annually: (1) A list of non-BIA programs, services, functions, and activities, or portions thereof, that are eligible for inclusion in agreements negotiated under the self-governance program; and (2) programmatic targets for these bureaus.

Under the Tribal Self-Governance Act, two categories of non-BIA programs are eligible for self-governance funding agreements:

(1) Under section 403(b)(2) of the Act, any non-BIA program, service, function, or activity that is administered by Interior that is ''otherwise available to Indian tribes or Indians,'' can be administered by a tribe through a self-governance funding agreement. The Department interprets this provision to authorize the inclusion of programs eligible for self-determination contracts under Title I of the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638, as amended). Section 403(b)(2) also specifies, ''nothing in this subsection may be construed to provide any tribe with a preference with respect to the opportunity of the tribe to administer programs, services, functions, and activities, or portions thereof, unless such preference is otherwise provided for by law.''

(2) Under section 403(c) of the Act, the Secretary may include other programs, services, functions, and activities or portions thereof that are of ''special geographic, historical, or cultural significance'' to a self-governance tribe.

Under section 403(k) of the Tribal Self-Governance Act, funding agreements cannot include programs, services, functions, or activities that are inherently Federal or where the statute establishing the existing program does not authorize the type of participation sought by the tribe. However, a tribe (or tribes) need not be identified in the authorizing statutes in order for a program or element to be included in a self-governance funding agreement. While general legal and policy guidance regarding what constitutes an inherently Federal function exists, the non-BIA Bureaus will determine whether a specific function is inherently Federal on a case-by-case basis considering the totality of circumstances. In those instances where the tribe disagrees with the Bureau's determination, the tribe may request reconsideration from the Secretary.

Subpart G of the self-governance regulations found at 25 CFR part 1000 provides the process and timelines for negotiating self-governance funding agreements with non-BIA bureaus.

Response to Comments

The Office of Natural Resources Revenue (ONRR) proposed new language to update Section III. C. Eligible Office of Natural Resources Revenue (ONRR) Programs to revise its contact information as well as the introduction to program functions that may be available to self-governance tribes. The changes were made.

II. Funding Agreements Between Self-Governance Tribes and Non-BIA Bureaus of the Department of the Interior for Fiscal Year 2015

A. Bureau of Land Management (1)
  Council of Athabascan Tribal Governments
B. Bureau of Reclamation (5)
  Gila River Indian Community
  Chippewa Cree Tribe of Rocky Boy's Reservation
  Hoopa Valley Tribe
  Karuk Tribe of California
  Yurok Tribe
C. Office of Natural Resources Revenue (none)
D. National Park Service (2)
  Grand Portage Band of Lake Superior Chippewa Indians
  Maniilaq
E. Fish and Wildlife Service (2)
  Council of Athabascan Tribal Governments
  Confederated Salish and Kootenai Tribes of the Flathead Reservation
F. U.S. Geological Survey (none)
G. Office of the Special Trustee for American Indians (1)
  Confederated Salish and Kootenai Tribes of the Flathead Reservation

III. Eligible Programs of the Department of the Interior Non-BIA Bureaus

Below is a listing by bureau of the types of non-BIA programs, or portions thereof, that may be eligible for self-governance funding agreements because they are either ''otherwise available to Indians'' under Title I and not precluded by any other law, or may have ''special geographic, historical, or cultural significance'' to a participating tribe. The list represents the most current information on programs potentially available to tribes under a self-governance funding agreement.

The Department will also consider for inclusion in funding agreements other programs or activities not listed below, but which, upon request of a self-governance tribe, the Department determines to be eligible under either sections 403(b)(2) or 403(c) of the Act. Tribes with an interest in such potential agreements are encouraged to begin discussions with the appropriate non-BIA bureau.

A. Eligible Bureau of Land Management (BLM) Programs

The BLM carries out some of its activities in the management of public lands through contracts and cooperative agreements. These and other activities, depending upon availability of funds, the need for specific services, and the self-governance tribe's demonstration of a special geographic, cultural, or historical connection, may also be available for inclusion in self-governance funding agreements. Once a tribe has made initial contact with the BLM, more specific information will be provided by the respective BLM State office.

Some elements of the following programs may be eligible for inclusion in a self-governance funding agreement. This listing is not all-inclusive, but is representative of the types of programs that may be eligible for tribal participation through a funding agreement.

Tribal Services

1. Minerals Management. Inspection and enforcement of Indian oil and gas operations: Inspection, enforcement and production verification of Indian coal and sand and gravel operations are already available for contracts under Title I of the Act and, therefore, may be available for inclusion in a funding agreement.

2. Cadastral Survey. Tribal and allottee cadastral survey services are already available for contracts under Title I of the Act and, therefore, may be available for inclusion in a funding agreement.

Other Activities

1. Cultural heritage. Cultural heritage activities, such as research and inventory, may be available in specific States.

2. Natural Resources Management. Activities such as silvicultural treatments, timber management, cultural resource management, watershed restoration, environmental studies, tree planting, thinning, and similar work, may be available in specific States.

3. Range Management. Activities, such as revegetation, noxious weed control, fencing, construction and management of range improvements, grazing management experiments, range monitoring, and similar activities, may be available in specific States.

4. Riparian Management. Activities, such as facilities construction, erosion control, rehabilitation, and other similar activities, may be available in specific States.

5. Recreation Management. Activities, such as facilities construction and maintenance, interpretive design and construction, and similar activities may be available in specific States.

6. Wildlife and Fisheries Habitat Management. Activities, such as construction and maintenance, implementation of statutory, regulatory and policy or administrative plan-based species protection, interpretive design and construction, and similar activities may be available in specific States.

7. Wild Horse Management. Activities, such as wild horse round-ups, adoption and disposition, including operation and maintenance of wild horse facilities, may be available in specific States.

For questions regarding self-governance, contact Jerry Cordova, Bureau of Land Management (MS L St–204), 1849 C Street NW., Washington, DC 20240, telephone: (202) 912–7245, fax: (202) 452–7701.

B. Eligible Bureau of Reclamation Programs

The mission of the Bureau of Reclamation (Reclamation) is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public. To this end, most of Reclamation's activities involve the construction, operation and maintenance, and management of water resources projects and associated facilities, as well as research and development related to its responsibilities. Reclamation water resources projects provide water for agricultural, municipal and industrial water supplies; hydroelectric power generation; flood control, enhancement of fish and wildlife habitats; and outdoor recreation.

Components of the following water resource projects listed below may be eligible for inclusion in a self-governance annual funding agreement. This list was developed with consideration of the proximity of identified self-governance tribes to Reclamation projects.

1. Klamath Project, California and Oregon
2. Trinity River Fishery, California
3. Central Arizona Project, Arizona
4. Rocky Boy's/North Central Montana Regional Water System, Montana
5. Indian Water Rights Settlement Projects, as authorized by Congress

Upon the request of a self-governance tribe, Reclamation will also consider for inclusion in funding agreements other programs or activities which Reclamation determines to be eligible under Section 403(b)(2) or 403(c) of the Act.

For questions regarding self-governance, contact Mr. Kelly Titensor, Policy Analyst, Native American and International Affairs Office, Bureau of Reclamation (96–43000) (MS 7069–MIB); 1849 C Street NW., Washington, DC 20240, telephone: (202) 513–0558, fax: (202) 513–0311.

C. Eligible Office of Natural Resources Revenue (ONRR) Programs

The Office of Natural Resources Revenue (ONNR) collects, accounts for, and distributes mineral revenues from both Federal and Indian mineral leases.

The ONRR also evaluates industry compliance with laws, regulations, and lease terms, and offers mineral-owning tribes opportunities to become involved in its programs that address the intent of tribal self-governance. These programs are available to self-governance tribes and are a good prerequisite for assuming other technical functions. Generally, ONRR program functions are available to tribes because of the Federal Oil and Gas Royalty Management Act of 1983 (FOGRMA) at 30 U.S.C. 1701. The ONRR promotes Tribal self-governance and self-determination over trust lands and resources through the following program functions that may be available to self-governance tribes:

1. Audit of Tribal Royalty Payments. Audit activities for tribal leases, except for the issuance of orders, final valuation decisions, and other enforcement activities. (For tribes already participating in ONRR cooperative audits, this program is offered as an option.)
2. Verification of Tribal Royalty Payments. Financial compliance verification, monitoring activities, and production verification.
3. Tribal Royalty Reporting, Accounting, and Data Management. Establishment and management of royalty reporting and accounting systems including document processing, production reporting, reference data (lease, payor, agreement) management, billing and general ledger.
4. Tribal Royalty Valuation. Preliminary analysis and recommendations for valuation, and allowance determinations and approvals.
5. Royalty Internship Program. An orientation and training program for auditors and accountants from mineral-producing tribes to acquaint tribal staff with royalty laws, procedures, and techniques. This program is recommended for tribes that are considering a self-governance funding agreement, but have not yet acquired mineral revenue expertise via a FOGRMA section 202 cooperative agreement, as this term is defined in FOGRMA and implementing regulations at 30 CFR 228.4.

For questions regarding self-governance, contact Paul Tyler, Program Manager, Office of Natural Resources Revenue, Denver Federal Center, 6th & Kipling, Building 67, Room 698, Denver, Colorado 80225–0165, telephone: (303) 231–3413, fax: (303) 231–3091.

D. Eligible National Park Service (NPS) Programs

The National Park Service administers the National Park System, which is made up of national parks, monuments, historic sites, battlefields, seashores, lake shores and recreation areas. The National Park Service maintains the park units, protects the natural and cultural resources, and conducts a range of visitor services such as law enforcement, park maintenance, and interpretation of geology, history, and natural and cultural resources.

Some elements of the following programs may be eligible for inclusion in a self-governance funding agreement. This list below was developed considering the proximity of an identified self-governance tribe to a national park, monument, preserve, or recreation area and the types of programs that have components that may be suitable for contracting through a self-governance funding agreement. This list is not all-inclusive, but is representative of the types of programs which may be eligible for tribal participation through funding agreements.

Elements of Programs That May Be Eligible for Inclusion in a Self-Governance Funding Agreement

1. Archaeological Surveys
2. Comprehensive Management Planning
3. Cultural Resource Management Projects
4. Ethnographic Studies
5. Erosion Control
6. Fire Protection
7. Gathering Baseline Subsistence Data—Alaska
8. Hazardous Fuel Reduction
9. Housing Construction and Rehabilitation
10. Interpretation
11. Janitorial Services
12. Maintenance
13. Natural Resource Management Projects
14. Operation of Campgrounds
15. Range Assessment—Alaska
16. Reindeer Grazing—Alaska
17. Road Repair
18. Solid Waste Collection and Disposal
19. Trail Rehabilitation
20. Watershed Restoration and Maintenance
21. Beringia Research
22. Elwha River Restoration
23. Recycling Programs

Locations of National Park Service Units With Close Proximity to Self-Governance Tribes

1. Aniakchack National Monument & Preserve—Alaska
2. Bering Land Bridge National Preserve—Alaska
3. Cape Krusenstern National Monument—Alaska
4. Denali National Park & Preserve—Alaska
5. Gates of the Arctic National Park & Preserve—Alaska
6. Glacier Bay National Park and Preserve—Alaska
7. Katmai National Park and Preserve—Alaska
8. Kenai Fjords National Park—Alaska
9. Klondike Gold Rush National Historical Park—Alaska
10. Kobuk Valley National Park—Alaska
11. Lake Clark National Park and Preserve—Alaska
12. Noatak National Preserve—Alaska
13. Sitka National Historical Park—Alaska
14. Wrangell-St. Elias National Park and Preserve—Alaska
15. Yukon-Charley Rivers National Preserve—Alaska
16. Casa Grande Ruins National Monument—Arizona
17. Hohokam Pima National Monument—Arizona
18. Montezuma Castle National Monument—Arizona
19. Organ Pipe Cactus National Monument—Arizona
20. Saguaro National Park—Arizona
21. Tonto National Monument—Arizona
22. Tumacacori National Historical Park—Arizona
23. Tuzigoot National Monument—Arizona
24. Arkansas Post National Memorial—Arkansas
25. Joshua Tree National Park—California
26. Lassen Volcanic National Park—California
27. Redwood National Park—California
28. Whiskeytown National Recreation Area—California
29. Yosemite National Park—California
30. Hagerman Fossil Beds National Monument—Idaho

31. Effigy Mounds National Monument—Iowa
32. Fort Scott National Historic Site—Kansas
33. Tallgrass Prairie National Preserve—Kansas
34. Boston Harbor Islands National Recreation Area—Massachusetts
35. Cape Cod National Seashore—Massachusetts
36. New Bedford Whaling National Historical Park—Massachusetts
37. Isle Royale National Park—Michigan
38. Sleeping Bear Dunes National Lakeshore—Michigan
39. Grand Portage National Monument—Minnesota
40. Voyageurs National Park—Minnesota
41. Bear Paw Battlefield, Nez Perce National Historical Park—Montana
42. Glacier National Park—Montana
43. Great Basin National Park—Nevada
44. Aztec Ruins National Monument—New Mexico
45. Bandelier National Monument—New Mexico
46. Carlsbad Caverns National Park—New Mexico
47. Chaco Culture National Historic Park—New Mexico
48. Pecos National Historic Park—New Mexico
49. White Sands National Monument—New Mexico
50. Fort Stanwix National Monument—New York
51. Great Smoky Mountains National Park—North Carolina/Tennessee
52. Cuyahoga Valley National Park—Ohio
53. Hopewell Culture National Historical Park—Ohio
54. Chickasaw National Recreation Area—Oklahoma
55. John Day Fossil Beds National Monument—Oregon
56. Alibates Flint Quarries National Monument—Texas
57. Guadalupe Mountains National Park—Texas
58. Lake Meredith National Recreation Area—Texas
59. Ebey's Landing National Recreation Area—Washington
60. Mt. Rainier National Park—Washington
61. Olympic National Park—Washington
62. San Juan Islands National Historic Park—Washington
63. Whitman Mission National Historic Site—Washington

For questions regarding self-governance, contact Joe Watkins, Chief, American Indian Liaison Office, National Park Service (Org. 2560, 9th Floor), 1201 Eye Street NW., Washington, DC 20005–5905, telephone: (202) 354–6962, fax: (202) 371–6609, email: *joe_watkins@nps.gov.*

E. Eligible Fish and Wildlife Service (Service) Programs

The mission of the Service is to conserve, protect, and enhance fish, wildlife, and their habitats for the continuing benefit of the American people. Primary responsibilities are for migratory birds, endangered species, freshwater and anadromous fisheries, and certain marine mammals. The Service also has a continuing cooperative relationship with a number of Indian tribes throughout the National Wildlife Refuge System and the Service's fish hatcheries. Any self-governance tribe may contact a National Wildlife Refuge or National Fish Hatchery directly concerning participation in Service programs under the Tribal Self-Governance Act. This list is not all-inclusive, but is representative of the types of Service programs that may be eligible for tribal participation through an annual funding agreement.

1. Subsistence Programs within the State of Alaska. Evaluate and analyze data for annual subsistence regulatory cycles and other data trends related to subsistence harvest needs, and facilitate Tribal Consultation to ensure ANILCA Title VII terms are being met as well as activities fulfilling the terms of Title VIII of ANILCA.

2. Technical Assistance, Restoration and Conservation. Conduct planning and implementation of population surveys, habitat surveys, restoration of sport fish, capture of depredating migratory birds, and habitat restoration activities.

3. Endangered Species Programs. Conduct activities associated with the conservation and recovery of threatened or endangered species protected under the Endangered Species Act (ESA) or candidate species under the ESA. These activities may include, but are not limited to, cooperative conservation programs, development of recovery plans and implementation of recovery actions for threatened and endangered species, and implementation of status surveys for high priority candidate species.

4. Education Programs. Provide services in interpretation, outdoor classroom instruction, visitor center operations, and volunteer coordination both on and off national Wildlife Refuge lands in a variety of communities, and assist with environmental education and outreach efforts in local villages.

5. Environmental Contaminants Program. Conduct activities associated with identifying and removing toxic chemicals, to help prevent harm to fish, wildlife and their habitats. The activities required for environmental contaminant management may include, but are not limited to, analysis of pollution data, removal of underground storage tanks, specific cleanup activities, and field data gathering efforts.

6. Wetland and Habitat Conservation Restoration. Provide services for construction, planning, and habitat monitoring and activities associated with conservation and restoration of wetland habitat.

7. Fish Hatchery Operations. Conduct activities to recover aquatic species listed under the Endangered Species Act, restore native aquatic populations, and provide fish to benefit National Wildlife Refuges and Tribes that may be eligible for a self-governance funding agreement. Such activities may include, but are not limited to: Tagging, rearing and feeding of fish, disease treatment, tagging, and clerical or facility maintenance at a fish hatchery.

8. National Wildlife Refuge Operations and Maintenance. Conduct activities to assist the National Wildlife Refuge System, a national network of lands and waters for conservation, management and restoration of fish, wildlife and plant resources and their habitats within the United States. Activities that may be eligible for a self-governance funding agreement may include, but are not limited to: Construction, farming, concessions, maintenance, biological program efforts, habitat management, fire management, and implementation of comprehensive conservation planning.

Locations of Refuges and Hatcheries With Close Proximity to Self-Governance Tribes

The Service developed the list below based on the proximity of identified self-governance tribes to Service facilities that have components that may be suitable for contracting through a self-governance funding agreement.

1. Alaska National Wildlife Refuges—Alaska
2. Alchesay National Fish Hatchery—Arizona
3. Humboldt Bay National Wildlife Refuge—California
4. Kootenai National Wildlife Refuge—Idaho
5. Agassiz National Wildlife Refuge—Minnesota
6. Mille Lacs National Wildlife Refuge—Minnesota
7. Rice Lake National Wildlife Refuge—Minnesota
8. National Bison Range—Montana

9. Ninepipe National Wildlife Refuge—Montana
10. Pablo National Wildlife Refuge—Montana
11. Sequoyah National Wildlife Refuge—Oklahoma
12. Tishomingo National Wildlife Refuge—Oklahoma
13. Bandon Marsh National Wildlife Refuge—Washington
14. Dungeness National Wildlife Refuge—Washington
15. Makah National Fish Hatchery—Washington
16. Nisqually National Wildlife Refuge—Washington
17. Quinault National Fish Hatchery—Washington
18. San Juan Islands National Wildlife Refuge—Washington
19. Tamarac National Wildlife Refuge—Wisconsin

For questions regarding self-governance, contact Scott Aikin, Fish and Wildlife Service (MS–330), 4401 N. Fairfax Drive, Arlington, VA 22203, telephone: (703) 358–1728, fax: (703) 358–1930.

F. Eligible U.S. Geological Survey (USGS) Programs

The mission of the USGS is to collect, analyze, and provide information on biology, geology, hydrology, and geography that contributes to the wise management of the Nation's natural resources and to the health, safety, and well-being of the American people. This information is usually publicly available and includes maps, data bases, and descriptions and analyses of the water, plants, animals, energy, and mineral resources, land surface, underlying geologic structure, and dynamic processes of the earth. The USGS does not manage lands or resources. Self-governance tribes may potentially assist the USGS in the data acquisition and analysis components of its activities.

For questions regarding self-governance, contact Monique Fordham, Esq., National Tribal Liaison, U.S. Geological Survey, 12201 Sunrise Valley Drive, Reston, VA 20192, telephone 703–648–4437, fax 703–648–6683.

G. Eligible Office of the Special Trustee for American Indians (OST) Programs

The Department of the Interior has responsibility for what may be the largest land trust in the world, approximately 56 million acres. OST oversees the management of Indian trust assets, including income generated from leasing and other commercial activities on Indian trust lands, by maintaining, investing and disbursing Indian trust financial assets, and reporting on these transactions. The mission of the OST is to serve Indian communities by fulfilling Indian fiduciary trust responsibilities. This is to be accomplished through the implementation of a Comprehensive Trust Management Plan (CTM) that is designed to improve trust beneficiary services, ownership information, management of trust fund assets, and self-governance activities.

A tribe operating under self-governance may include the following programs, services, functions, and activities or portions thereof in a funding agreement:

1. Beneficiary Processes Program (Individual Indian Money Accounting Technical Functions).

2. Appraisal Services Program. Tribes/consortia that currently perform these programs under a self-governance funding agreement with the Office of Self-Governance (OSG) may negotiate a separate memorandum of understanding (MOU) with OST that outlines the roles and responsibilities for management of these programs.

The MOU between the tribe/consortium and OST outlines the roles and responsibilities for the performance of the OST program by the tribe/consortium. If those roles and responsibilities are already fully articulated in the existing funding agreement with the OSG, an MOU is not necessary. To the extent that the parties desire specific program standards, an MOU will be negotiated between the tribe/consortium and OST, which will be binding on both parties and attached and incorporated into the OSG funding agreement.

If a tribe/consortium decides to assume the operation of an OST program, the new funding for performing that program will come from OST program dollars. A tribe's newly-assumed operation of the OST program(s) will be reflected in the tribe's OSG funding agreement.

For questions regarding self-governance, contact Lee Frazier, Program Analyst, Office of External Affairs, Office of the Special Trustee for American Indians (MS 5140— MIB), 1849 C Street NW., Washington, DC 20240–0001, phone: (202) 208–7587, fax: (202) 208–7545.

IV. Programmatic Targets

The programmatic target for Fiscal Year 2015 provides that, upon request of a self-governance tribe, each non-BIA bureau will negotiate funding agreements for its eligible programs beyond those already negotiated.

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 29, 2015.

Sally Jewell,

Secretary.

[FR Doc. 2015–25313 Filed 10–2–15; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORS00300; L63100000.ES0000.15XL1116AF; HAG 15–0036]

Classification and Lease for Recreation and Public Purposes Act of Public Land in Tillamook County, OR

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) has examined and found suitable for classification and lease to the Pacific City Joint Water-Sanitary Authority (PCJWSA) under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended, and the Taylor Grazing Act, approximately 77.75 acres of public land in Tillamook County, Oregon. The PCJWSA proposes to use the land for an emergency response evacuation area and a public recreation area.

DATES: Interested parties may submit written comments regarding the proposed classification and lease of public land on or before November 19, 2015.

ADDRESSES: Written comments concerning this notice should be addressed to the Field Manager, BLM, Tillamook Field Office, 4610 Third Street, Tillamook, OR 97141. The Environmental Assessment documents pertinent to this proposal may be examined at *http://www.blm.gov/or/districts/salem/plans/nepa-details.php?id=2782.*

FOR FURTHER INFORMATION CONTACT: Karen Schank, Field Manager, BLM Tillamook Field Office, at 503–815–1127. 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: In accordance with Section 7 of the Taylor Grazing Act (43 U.S.C. 315(f)) and Executive Order No. 6910, the following described public land has been examined and found suitable for classification and lease, but not conveyance, under the provisions of the R&PP Act, as amended (43 U.S.C. 869 *et seq.*).

Willamette Meridian, Oregon

T. 4 S., R. 10 W.,
Sec. 19, Lots 1, 17, and 18.

The land described above contains approximately 77.75 acres, more or less, in Tillamook County, Oregon.

The PCJWSA proposes to use the land for an emergency response evacuation area and a public recreation area. The emergency response evacuation area will include an operations/evacuation shelter, and the addition of an access road to an evacuation parking area. The public recreation area will include hiking trails only. Additional detailed information pertaining to this application, plan of development, and site plan are contained in case file ORORO 066047, located in the BLM Salem District Office at 1717 Fabry Road SE., Salem, Oregon 97306.

The land described above is not required for any Federal purpose. The lease is consistent with the BLM Salem District Office Resource Management Plan, Approved May 1995, and would be in the public interest. The lease will be subject to the provisions of the R&PP Act and applicable regulations of the Secretary of the Interior. The lease will also be subject to all valid existing rights documented on the official public land records at the time of lease issuance.

Upon publication of this notice in the **Federal Register,** the land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws except for lease under the R&PP Act, leasing under the mineral leasing laws, and disposals under the mineral material laws.

Classification Comments: Interested persons may submit written comments involving the suitability of the land for development of an emergency response evacuation area, and a public recreation area, including whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, and/or if the use is consistent with State and Federal programs. All comments will be considered.

Application Comments: Interested parties may also submit comments regarding the specific uses proposed in the application and plan of development, and whether the BLM followed proper administrative procedures in reaching the decision to lease under the R&PP Act or any other factor not directly related to the suitability of the land for this R&PP use.

Only written comments submitted by postal service or overnight mail to the Field Manager, BLM, Tillamook Field Office, will be considered properly filed. Electronic mail, facsimile, or telephone comments will not be considered properly filed. Comments, including names, street addresses, and other contact information of respondents will be available for public review. 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.

Any adverse comments will be reviewed by the BLM Oregon State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, the classification of the land described in this realty action becomes the determination of the Department of the Interior and is effective on December 4, 2015. The land will not be available for lease until after the classification becomes effective.

Authority: 43 CFR 2741.5.

Karen Schank,

Tillamook Field Manager.

[FR Doc. 2015–25288 Filed 10–2–15; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMTL06000–L14400000.ET0000 15XL1109AF; MTM 89170; MO#4500079994]

Public Land Order No. 7841; Extension of Public Land Order No. 7464; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order extends the duration of the withdrawal created by Public Land Order No. 7464, as corrected, for an additional 5 year period. The extension is necessary to continue the protection of the reclamation of the Zortman-Landusky mining area. The Public Land Order (PLO) would otherwise expire on October 4, 2015.

DATES: *Effective Date:* October 5, 2015.

FOR FURTHER INFORMATION CONTACT: Micah Lee, Bureau of Land Management, Havre Field Office, 3990 HWY 2 West, Havre, Montana 59501, 406–262–2851, or Cynthia Eide, Bureau of Land Management, Montana State Office, 5001 Southgate Drive, Billings, Montana 59101–4669, (406) 896–5094. 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 either of the above individuals during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with either of the above individuals. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: PLO No. 7464 established the withdrawal to protect the reclamation of the Zortman-Landusky mining area. The purpose for which the withdrawal was first made requires this extension to continue protection of the mining area until reclamation is complete. The withdrawal has been corrected (65 FR 63619 (2000)) and extended twice by Public Land Order Nos. 7643 (70 FR 49944 (2005)) and 7753 (75 FR 63856 (2010)).

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 7464 (65 FR 59463 (2000)), as corrected (65 FR 63619 (2000)) and extended by Public Land Order Nos. 7643 (70 FR 49944 (2005))

and 7753 (75 FR 63856 (2010)), which withdrew 3,530.62 acres of public land from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2), to protect the Zortman-Landusky Mining Area, is hereby further extended for an additional 5-year period until October 4, 2020.

2. Public Land Order No 7464 will expire October 4, 2020, unless, as a result of a review conducted prior to the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be further extended.

Dated: September 19, 2015.

Janice M. Schneider,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 2015–25285 Filed 10–2–15; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNM93200000 L54200000.FR0000 LVDIG15ZGKM0]

Notice of Application for a Recordable Disclaimer of Interest: Texas

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) received an application for a Recordable Disclaimer of Interest (Disclaimer) from the heirs of Virginia C. Yeager and Opal Keating pursuant to Section 315 of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and the regulations in 43 CFR subpart 1864, for the mineral estate of land lying near Benbrook Lake in Tarrant County, Texas. This notice is intended to inform the public of the pending application, give notice of BLM's intention to grant the requested Disclaimer of Interest, and provide a public comment period for the Disclaimer of Interest.

DATES: Comments on this action should be received within ninety (90) days from the publication of this notice, by January 4, 2016.

ADDRESSES: Written comments must be sent to the Deputy State Director, Lands and Resources, BLM, New Mexico State Office, P.O. Box 27115, Santa Fe, NM 87502–0115.

FOR FURTHER INFORMATION CONTACT: Debby Lucero, State Realty Specialist, 505–954–2196. Additional information pertaining to this application can be reviewed in case file TXNM114501 located in the New Mexico State Office, 301 Dinosaur Trail, Santa Fe, NM 87508. 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: Pursuant to Section 315 of FLPMA (43 U.S.C. 1745), the heirs of Virginia C. Yeager and Opal Keating filed an application for a Disclaimer of Interest in the mineral estate for the following tracts of land situated in Tarrant County, State of Texas:

Tract No. C–214

A tract of land situated in the County of Tarrant, State of Texas.

Tract No. C–215

A tract of land situated in the County of Tarrant, State of Texas.

These tracts described are shown upon the United States Army Corps of Engineers, Office of the Fort Worth District Engineer, Southwestern Division Project Map, entitled ''REAL ESTATE BENBROOK LAKE,'' dated November 5, 1986. The area contains approximately 298 acres as identified by the U.S. Army Corps of Engineers (Corps) documentations listed above.

The New Mexico State Office's review of the land status records and title records provided by the applicant indicate that the Corps purchased the tracts in October 1950. Prior to the Corps' acquisition of the tracts, the mineral estate was transferred from J.W. Corn to his daughters in July 1922 by recorded deed (Book 745, pg. 578). After consultation with the Corps, BLM has determined that the Corps did not acquire the mineral estate when the United States purchased the land in 1950. It is the opinion of this office that the Federal government does not own the mineral interest in the two tracts.

This proposed Disclaimer of Interest does not address any surface interest that may still be vested with the United States of America.

The public is hereby notified that comments may be submitted to the Deputy State Director, Lands and Resources at the address shown above within the comment period identified in the notice. Any adverse comments will be evaluated by the State Director who may modify or vacate this action and issue a final determination.

In the absence of any valid objection, this notice will become the final determination of the Department of the Interior and a Disclaimer of Interest may be issued 90 days from publication of this notice.

All persons who wish to present comments, suggestions, or objections in connection with the proposed Disclaimer may do so by writing to the Deputy State Director at the above address. Comments, including names and street addresses of commenters, will be available for public review at the BLM New Mexico State Office (see address above), during regular business hours, Monday through Friday, except Federal holidays. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 CFR 1864.2(a).

James K. Stovall,

Acting Deputy State Director, Lands and Resources.

[FR Doc. 2015–25287 Filed 10–2–15; 8:45 am]

BILLING CODE 4310–FB–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–910]

Certain Television Sets, Television Receivers, Television Tuners, and Components Thereof Commission Determination Terminating the Investigation With a Finding of No Violation of Section 337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to terminate the above-captioned investigation with a finding of no violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–708–2532. Copies of non-confidential documents filed in connection with this

investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on March 5, 2014, based on a complaint filed by Cresta Technology Corporation, of Santa Clara, California (''Cresta''). 79 FR 12526 (Mar. 5, 2014). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended 19 U.S.C. 1337, by reason of the infringement of certain claims from three United States patents. The notice of investigation named ten respondents: Silicon Laboratories, Inc. of Austin, Texas (''Silicon Labs''); MaxLinear, Inc. of Carlsbad, California (''MaxLinear''); Samsung Electronics Co, Ltd. of Suwon, Republic of Korea and Samsung Electronics America, Inc. of Ridgefield Park, New Jersey (collectively, ''Samsung''); VIZIO, Inc. of Irvine, California (''Vizio''); LG Electronics, Inc. of Seoul, Republic of Korea and LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey (collectively, ''LG''); and Sharp Corporation of Osaka, Japan and Sharp Electronics Corporation of Mahwah, New Jersey (collectively, ''Sharp''). The Office of Unfair Import Investigations was also named as a party.

On May 16, 2014, the ALJ issued an initial determination granting Cresta's motion to amend the complaint and notice of investigation to add six additional respondents: SIO International Inc. of Brea, California and Hon Hai Precision Industry Co., Ltd. of New Taipei City, Taiwan (collectively, ''SIO/Hon Hai''); Top Victory Investments, Ltd. of Hong Kong and TPV International (USA), Inc. of Austin, Texas (collectively, TPV''); and Wistron Corporation of New Taipei City, Taiwan and Wistron Infocomm Technology (America) Corporation of Flower Mound, Texas (collectively, ''Wistron''). Order No. 12 (May 16, 2014), *not reviewed,* Notice (June 9, 2014).

On November 3, 2014, the ALJ granted-in-part Samsung and Vizio's motion for summary determination of noninfringement as to certain televisions containing tuners made by a third party, NXP Semiconductors N.V. Order No. 46 at 27–30 (Nov. 3, 2014), *not reviewed,* Notice (Dec. 3, 2014). On November 21, 2014, the ALJ issued granted Samsung's and Vizio's motion for summary determination that Cresta had not shown that certain Samsung televisions with NXP tuners had been imported. Order No. 58 at 4–5 (Nov. 21, 2014), *not reviewed,* Notice (Dec. 8, 2014).

On November 12, 2014, the ALJ granted Cresta's motion to partially terminate the investigation as to one asserted patent and certain asserted claims of the two other asserted patents. Order No. 50 (Nov. 12, 2014), *not reviewed,* Notice (Dec. 3, 2014). The two asserted patents still at issue in the investigation are U.S. Patent No. 7,075,585 (''the '585 patent'') and U.S. Patent No. 7,265,792 (''the '792 patent''). Claims 1–3, 10, and 12–13 of the '585 patent, and claims 1–4, 7–8, and 25–27 of the '792 patent, remain at issue in the investigation.

The presiding ALJ conducted a hearing from December 1–5, 2014. On February 27, 2015, the ALJ issued the final ID. The final ID finds that Cresta failed to satisfy the economic prong of the domestic industry requirement, 19 U.S.C. 1337(a)(2), (a)(3), for both asserted patents. To satisfy the economic prong of the domestic industry requirement, Cresta relied upon claims 1–3, 5–6, 10, 13–14, 16–19, and 21 of the '585 patent; and claims 1–4, 7, 10–12, 18–19, and 26–27 of the '792 patent. The ID finds that certain Cresta products—on their own, or combined with certain televisions into which Cresta's tuners are incorporated—practice claims 1–3, 5–6, 10, 13, 16–19, and 21 of the '585 patent, as well as claims 1–4, 7, 10–12, 18–19, and 26 of the '792 patent.

The ID finds some Silicon Labs tuners (as well as certain televisions containing them) to infringe claims 1–3 of the '585 patent, and no other asserted patent claims. The ID further finds some MaxLinear tuners (as well as certain televisions containing them) to infringe claims 1–3, 10, 12, and 13 of the '585 patent and claims 1–3, 7–8, and 25–26 of the '792 patent.

The ID finds claims 1 and 2 of the '585 patent to be invalid pursuant to 35 U.S.C. 102 (anticipation), and claim 3 of the '585 patent to be invalid pursuant to 35 U.S.C. 103 (obviousness). The ID finds all of the asserted claims of the '792 patent to be invalid pursuant to 35 U.S.C. 102 or 103.

The ALJ recommended that if a violation of section 337 is found, that a limited exclusion order and cease and desist orders issue. The ALJ recommended, however, that the implementation of such orders be delayed by twelve months in view of public interest considerations. The ALJ also recommended that there be zero bond during the period of Presidential review.

On March 16, 2015, petitions for Commission review were filed by the following parties: The Commission investigative attorney (''IA''); Cresta; the Silicon Labs respondents; and the MaxLinear respondents. On March 24, 2015, OUII and Cresta each filed a reply to the other parties' petitions. That same day, the respondents filed a reply to Cresta's petition.

On April 30, 2015, the Commission determined to review the ID in part. The scope of Commission review is set forth in the Commission notice that issued on that date. 80 FR 26091 (May 6, 2015). The Commission solicited briefing on the issues under review, and on remedy, bonding and the public interest.

On May 14, 2015, the IA, Cresta, and the respondents filed briefs in response to the Commission notice of review, and on May 26, 2015, they filed replies to each other's briefs.

Having examined the record of this investigation, including the ALJ's final ID, the petitions for review, and the responses thereto, and the briefing in response to the notice of review, the Commission has determined to terminate the investigation with a finding of no violation of section 337.

The Commission has determined to affirm the ID's findings of invalidity of claims 1–4, 7–8, and 26–27 of the '792 patent because of an on-sale bar. Further, the Commission finds claim 3 of the '585 patent obvious in view of Boie combined with Kerth. The Commission finds claim 10 of the '585 patent and claims 1–4 of the '792 patent obvious in view of Boie as well as in view of Boie combined with VDP. The Commission finds that the respondents did not demonstrate obviousness clearly and convincingly as to claims 12–13 of the '585 patent and claims 25–26 of the '792 patent.

As to infringement, the Commission affirms the ID's finding that the accused MaxLinear tuners infringe claims 1, 2, 3, 10, 12, and 13 of the '585 patent and claims 1–3, 7–8, and 25–26 of the '792 patent. The Commission has determined to affirm in part and reverse in part the ID's findings concerning Silicon Labs' infringement of the claims of the '585 patent. In particular, the Commission finds that certain accused Silicon Labs

tuners infringe claims 1–3, and 7–8 of the '585 patent and that Cresta failed to demonstrate infringement by Silicon Labs of claims 10, 12, and 13 of the '585 patent. The Commission also finds that Cresta failed to demonstrate that Silicon Labs infringes any of the asserted claims of the '792 patent.

The Commission finds that, for the specific models of televisions for which Cresta demonstrated direct infringement that Cresta adequately demonstrated contributory infringement by MaxLinear or Silicon Labs.

The Commission finds that Cresta satisfies the technical prong of the domestic industry requirement for the '792 patent, but not for the '585 patent. The Commission further finds that Cresta failed to satisfy the economic prong of the domestic industry requirement for the '585 patent and the '792 patent.

The reasons for the Commissions determinations will be set forth more fully in the Commission's forthcoming opinion. Commissioner Schmidtlein will write separately with her views as to the basis for the Commission's determination that Cresta failed to meet the economic prong of the domestic industry requirement.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Dated: September 29, 2015.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2015–25207 Filed 10–2–15; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Meeting of the CJIS Advisory Policy Board

AGENCY: Federal Bureau of Investigation (FBI), Department of Justice.

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce the meeting of the Federal Bureau of Investigation's Criminal Justice Information Services (CJIS) Advisory Policy Board (APB). The CJIS APB is a federal advisory committee established pursuant to the Federal Advisory Committee Act (FACA). This meeting announcement is being published as required by Section 10 of the FACA.

The FBI CJIS APB is responsible for reviewing policy issues and appropriate technical and operational issues related to the programs administered by the FBI's CJIS Division, and thereafter, making appropriate recommendations to the FBI Director. The programs administered by the CJIS Division are the Next Generation Identification, Interstate Identification Index, Law Enforcement Enterprise Portal, National Crime Information Center, National Instant Criminal Background Check System, National Incident-Based Reporting System, National Data Exchange, and Uniform Crime Reporting.

This meeting is open to the public. All attendees will be required to check-in at the meeting registration desk. Registrations will be accepted on a space available basis. Interested persons whose registrations have been accepted may be permitted to participate in the discussions at the discretion of the meeting chairman and with approval of the Designated Federal Officer (DFO). Any member of the public may file a written statement with the Board. Written comments shall be focused on the APB's current issues under discussion and may not be repetitive of previously submitted written statements. Written comments should be provided to Mr. R. Scott Trent, DFO, at least seven (7) days in advance of the meeting so that the comments may be made available to the APB for their consideration prior to the meeting.

Anyone requiring special accommodations should notify Mr. Trent at least seven (7) days in advance of the meeting.

DATES: The APB will meet in open session from 8:30 a.m. until 5 p.m., on December 2–3, 2015.

ADDRESSES: The meeting will take place at Sheraton Atlanta Hotel, 165 Courtland Street NE., Atlanta, Georgia 30303, telephone (404) 659–6500.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to Ms. Jillana L. Plybon; Management Program Assistant; CJIS Training and Advisory Process Unit, Resources Management Section; FBI CJIS Division, Module C2, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306–0149; telephone (304) 625–5424, facsimile (304) 625–5090.

Dated: September 25, 2015.

R. Scott Trent,

CJIS Designated Federal Officer, Criminal Justice Information Services Division Federal Bureau of Investigation.

[FR Doc. 2015–25318 Filed 10–2–15; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1122—NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection, Semi-Annual Progress Report for Justice for Families Program

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until December 4, 2015.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(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:* New collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Justice for Families Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–XXXX. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the current grantees under the Justice for Families Program. The Justice for Families Program improves the response of all aspects of the civil and criminal justice system to families with a history of domestic violence, dating violence, sexual assault and stalking, or in cases involving allegations of child sexual abuse. Eligible applicants are states, units of local government, courts, Indian tribal governments, nonprofit organizations, legal service providers, and victim services providers. The affected public includes the approximately 70 Justice for Families Program grantees.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 70 respondents (Justice for Families Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Justice for Families Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 140 hours, that is 70 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: September 29, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–25144 Filed 10–2–15; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decrees Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on September 29, 2015, a proposed consent decree in *United States* v. *Wyeth Holdings LLC*, Civil Action No. 3:15–cv–07153–AET, was lodged with the United States Court for the District of New Jersey. In this action brought pursuant to Sections 106, 107, and 113(g)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606, 9607 and 9613(g)(2) (''CERCLA''), the United States seeks injunctive relief requiring Wyeth Holdings LLC to undertake certain environmental response actions at the American Cyanamid Superfund Site located in Bridgewater, New Jersey. The United States also seeks to recover costs incurred and to be incurred by the United States in response to releases or threatened releases of hazardous substances at or from the Site.

The settlement requires Wyeth Holdings LLC to perform the remedies selected by the Environmental Protection Agency in the Records of Decision for Operable Unit 2, involving revegetation, and Operable Unit 4, involving the remediation of almost all site-wide soils, groundwater, and six waste disposal impoundments. The settlement also requires Settling Defendant to reimburse EPA $1,000,000 in past response costs and pay EPA's future oversight costs related to the cleanup.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Wyeth Holdings LLC.*, D.J. Ref. No. 90–11–3–07250/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/consent-decrees.html.* We will provide paper copies of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $73.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert E. Maher Jr.,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–25273 Filed 10–2–15; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act and Oil Pollution Act

Notice is hereby given that on October 5, 2015, a proposed Consent Decree (''Decree'') will be lodged in *U.S.* v. *BP Exploration and Production, et al,* Civil No. 10–4536 (E.D. La.) (centralized in MDL 2179: *In Re: Oil Spill by the Oil Rig ''Deepwater Horizon'' in the Gulf of Mexico, on April 20, 2010*).

In this civil enforcement action the United States sought, among other things, civil penalties under Section 311(b) of the Clean Water Act, 33 U.S.C. 1321(b), and a declaration of liability for natural resource damages under the Oil Pollution Act, 33 U.S.C. 2702, against BP Exploration and Production Company, Inc. (''BP''). The claims arise against BP (and other defendants as well) from the discharge of oil into the Gulf of Mexico resulting from the blowout of the Macondo Well that began in April 2010.

Under the proposed Decree, BP, among other things, will pay (1) a $5.5 billion civil penalty under the Clean Water Act; (2) $8.1 billion for natural resource damages under the Oil Pollution Act (including the $1 billion that BP had previously pledged under a prior agreement), plus up to $700

million additional for unknown conditions and adaptive management; (3) $350 million for State and federal natural resource damages assessment costs; and (4) $250 million for other federal costs, including removal costs under the Oil Pollution Act, royalties, and a False Claims Act penalty.

The Department of Justice will receive comments relating to the proposed Decree, for a period of sixty (60) calendar days from the date of this publication.

Comments to the Department of Justice related to the Consent Decree should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and can be submitted via the web at *http://www.justice.gov/enrd/deepwater-horizon* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to U.S. *v. BP Exploration and Production et al,* Civil No. 10–4536 (E.D. La.) (centralized in MDL 2179: *In Re: Oil Spill by the Oil Rig ''Deepwater Horizon'' in the Gulf of Mexico,* April 20, 2012), D.J. Ref. 90–5–1–1–10026.

During the public comment period, the proposed Decree may be examined on the following Department of Justice Web site: *http://www.justice.gov/enrd/deepwater-horizon.* A copy of the proposed Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, or by faxing or emailing a request to ''Consent Decree Copy'' (*EESCDCopy.ENRD@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–5271. If requesting a copy from the Consent Decree Library by mail, please enclose a check in the amount of $90.00 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if requesting by fax, forward a check in that amount to the Consent Decree Library at the address given above.

In accordance with section 7003(d) of RCRA, the Department has scheduled a series of public meetings to receive information on the Consent Decree in addition to the comment process described above. Both written and oral public comments will be taken at each public meeting. The Department will hold an open house for each meeting followed by a formal meeting. Each public meeting will include a presentation of the proposed Consent Decree. The public meeting schedule is as follows:

Date	Time (local times)	Location
Mon., Oct. 19, 2015	5 p.m. Open House 6 p.m. Public Meeting	Courtyard by Marriott—Houma, 142 Liberty Boulevard, Houma, LA 70360.
Tues., Oct. 20, 2015	5 p.m. Open House 6 p.m. Public Meeting	University of Southern Mississippi, Long Beach, FEC Auditorium, 730 East Beach Boulevard, Long Beach, MS 39560.
Thurs., Oct. 22, 2015	5 p.m. Open House 6 p.m. Public Meeting	Hilton Garden Inn, New Orleans Convention Center, Garden Ballroom, 10001 South Peters Street, New Orleans, LA 70130.
Mon., Oct. 26, 2015	6 p.m. Open House 7 p.m. Public Meeting	The Battle House Renaissance Mobile Hotel & Spa, 26 North Royal Street, Mobile, AL 36602.
Tues., Oct. 27, 2015	6 p.m. Open House 7 p.m. Public Meeting	Pensacola Bay Center, 201 E Gregory Street Pensacola, FL, 32502.
Thurs., Oct. 29, 2015	6 p.m. Open House 7 p.m. Public Meeting	Hilton St. Petersburg Bayfront, 333 1st Street South, St. Petersburg, FL 33701.
Tues., Nov. 10, 2015	6 p.m. Open House 7 p.m. Public Meeting	Hilton Galveston Island Resort, Crystal Ballroom, 5400 Seawall Boulevard Galveston, TX 77551.
Wed., Nov. 18, 2015	6 p.m. Open House 7 p.m. Public Meeting	DoubleTree by Hilton Hotel Washington DC, 1515 Rhode Island Avenue, NW., Washington, DC 20005.

Finally, please note that simultaneously, the Federal and State Trustee agencies are holding a public comment period on a proposed ''*Deepwater Horizon* Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement (''PDARP/PEIS'').'' The PDARP/PEIS is related to the Consent Decree but is a separate document, subject to a separate comment process. For information on those Trustees and that process, please visit *http://www.gulfspillrestoration.noaa.gov.* Also, the public meetings set out above will be conducted at the same times and places as public meetings related to the PDARP/PEIS.

Maureen M. Katz,

Assistant Chief, Environmental, Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–24936 Filed 10–2–15; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJJDP) Docket No. 1697]

Meeting of the Federal Advisory Committee on Juvenile Justice

AGENCY: Office of Juvenile Justice and Delinquency Prevention, DOJ.

ACTION: Notice of meeting.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has scheduled a meeting of the Federal Advisory Committee on Juvenile Justice (FACJJ).

DATES: The meeting will take place on Monday, October 19, 2015 from 9:30 a.m.–5:30 p.m. and Tuesday, October 20, 2015 from 9:30 a.m.–3:00 p.m.

ADDRESSES: The meeting is scheduled at the Office of Justice Programs at 810 7th St. NW., in the Main 3rd floor Conference Room in Washington, DC.

FOR FURTHER INFORMATION CONTACT: Scott Pestridge, Acting Designated Federal Official, OJJDP, *Scott.Pestridge@ojp.usdoj.gov* or (202) 514–5655. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: The Federal Advisory Committee on Juvenile Justice (FACJJ), established pursuant to Section 3(2)A of the Federal Advisory Committee Act (5 U.S.C. App.2), will meet to carry out its advisory functions under Section 223(f)(2)(C–E) of the Juvenile Justice and Delinquency Prevention Act of 2002. The FACJJ is composed of representatives from the states and territories. FACJJ member duties include: Reviewing Federal policies regarding juvenile justice and delinquency prevention; advising the OJJDP Administrator with respect to particular functions and aspects of OJJDP; and advising the President and Congress with regard to state perspectives on the operation of OJJDP

and Federal legislation pertaining to juvenile justice and delinquency prevention. More information on the FACJJ may be found at *www.facjj.org.*

Meeting Agenda: The proposed agenda will include: (1) Introductions/ Welcome of New Members; (2) Remarks from and FACJJ discussion with Robert Listenbee, OJJDP Administrator; (3) FACJJ Subcommittee Meetings (Legislation; Expungement/Sealing of Juvenile Court Records; Research/ Publications) with Reports to Full Committee; (4) FACJJ Administrative Business; (5) Next Steps; and Meeting Adjournment. Note: Subcommittee working meetings, anticipated to take place on Monday, October 19th in the afternoon, will not be open to the public.

Registration: To attend as an observer, members of the public must pre-register online. Interested persons must link to the web registration in the highlighted box on the home page through *www.facjj.org* no later than Wednesday, October 14, 2015. Should problems arise with web registration, please contact Scott Peton, Senior Meeting Planner at (240) 432–3014. Please include name, title, organization or other affiliation, full address and phone, fax, and email information and send to his attention either by fax to 866–854–6619 or by email *speton@aeioonline.com.* **Note** that these are not toll-free telephone numbers. Also, photo identification will be required for admission to the meeting. Additional identification documents may be required. Meeting space is limited.

Written Comments: Interested parties may submit written comments by email message in advance of the meeting to Scott Pestridge, Acting Designated Federal Official, at *Scott.Pestridge@ ojp.usdoj.gov* no later than Wednesday, October 14, 2015. In the alternative, interested parties may fax comments to (202) 353–9093 and contact Marshall D. Edwards at (202) 514–0929 to ensure that they are received. [These are not toll-free numbers.]

Robert L. Listenbee,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 2015–25293 Filed 10–2–15; 8:45 am]

BILLING CODE 4410–18–P

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Privacy Act of 1974; New Blanket Routine Use

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Notice of new blanket routine use.

SUMMARY: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, as amended, the Occupational Safety and Health Review Commission (OSHRC) is proposing in this notice the addition of a new blanket routine use. OSHRC's Privacy Act system-of-records notices are published at 72 FR 54301, 54301–03 (Sept. 24, 2007), and 71 FR 19556, 19556–67 (Apr. 14, 2006), with an additional blanket routine use published at 73 FR 45256, 45256–57 (Aug. 4, 2008).

DATES: Comments must be received by OSHRC on or before November 16, 2015. The new blanket routine use will become effective on that date, without any further notice in the **Federal Register**, unless comments or government approval procedures necessitate otherwise.

ADDRESSES: You may submit comments by any of the following methods:

- *Email:rbailey@oshrc.gov.* Include ''PRIVACY ACT BLANKET ROUTINE USE'' in the subject line of the message.
- *Fax:* (202) 606–5417.
- *Mail:* One Lafayette Centre, 1120 20th Street NW., Ninth Floor, Washington, DC 20036–3457.
- *Hand Delivery/Courier:* same as mailing address.

Instructions: All submissions must include your name, return address and email address, if applicable. Please clearly label submissions as ''PRIVACY ACT BLANKET ROUTINE USE.''

FOR FURTHER INFORMATION CONTACT: Ron Bailey, Attorney-Advisor, Office of the General Counsel, via telephone at (202) 606–5410, or via email at *rbailey@ oshrc.gov.*

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974, 5 U.S.C. 552a(e)(4) and (11), requires OSHRC to publish in the **Federal Register** notice of any new routine use of an OSHRC system of records, and to provide an opportunity for interested persons to submit written data, views, or arguments to the agency. OSHRC is proposing the addition of a new blanket routine use, which would allow OSHRC and the Office of Government Information Services (OGIS) to share information. OGIS has the statutory mandate to review Freedom of Information Act (FOIA) policies, procedures and compliance of administrative agencies, and to offer mediation services to resolve disputes between FOIA requesters and agencies. Simplifying the procedure for exchanging information would increase the efficiency of the FOIA administrative process.

OSHRC's proposed blanket routine use is published below. Eleven other blanket routine uses, which remain in effect, were last published at 71 FR 19556, 19558–59 (Apr. 14, 2006), and 73 FR 45256, 45256–57 (Aug. 4, 2008).

Blanket Routine Uses

(12) A record from an OSHRC system of records may be disclosed as a blanket routine use to the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h), to review administrative agency policies, procedures and compliance with FOIA, and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

Dated: September 29, 2015.

Cynthia L. Attwood,

Acting Chairman.

[FR Doc. 2015–25169 Filed 10–2–15; 8:45 am]

BILLING CODE 7600–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2015–063]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is proposing to request extension of two currently approved information collection actions. The first is a set of forms we use to collect information when former Federal civilian employees and other authorized individuals request information from or copies of documents in Official Personnel Folders or Employee Medical Folders from NARA's National Personnel Records Center (NPRC). The second is a form we use when people apply to volunteer at the National Archives Building, the National Archives at College Park, regional records services facilities, and Presidential Libraries. We invite you to comment on these proposed information collections pursuant to the Paperwork Reduction Act of 1995.

DATES: We must receive written comments on or before December 4, 2015.

ADDRESSES: Send comments to Paperwork Reduction Act Comments (ISSD), Room 4400; National Archives and Records Administration; 8601

Adelphi Road; College Park, MD 20740–6001, fax them to 301–713–7409, or email them to *tamee.fechhelm@nara.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Tamee Fechhelm by telephone at 301–837–1694 or fax at 301–713–7409 with requests for additional information or copies of the proposed information collections and supporting statements.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) Whether the proposed information collections are is necessary for NARA to properly perform its functions; (b) NARA's estimate of the burden of the proposed information collections and its accuracy; (c) ways NARA could enhance the quality, utility, and clarity of the information it collects; (d) ways NARA could minimize the burden on respondents of collecting the information, including through information technology; and (e) whether these collections affects small businesses. We will summarize any comments you submit and include the summary in our request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this notice, NARA solicits comments concerning the following information collections:

1. Title: Forms Relating to Civilian Service Records.

OMB number: 3095–0037.

Agency form number: NA Forms 13022, 13064, 13068.

Type of review: Regular.

Affected public: Former Federal civilian employees, their authorized representatives, state and local governments, and businesses.

Estimated number of respondents: 32,060.

Estimated time per response: 5 minutes.

Frequency of response: On occasion, when individuals desire to acquire information from Federal civilian employee personnel or medical records.

Estimated total annual burden hours: 2,671 hours.

Abstract: In accordance with rules issued by the Office of Personnel Management, the National Personnel Records Center (NPRC) of the National Archives and Records Administration (NARA) administers Official Personnel Folders (OPF) and Employee Medical Folders (EMF) of former Federal civilian employees. When former Federal civilian employees and other authorized individuals request information from or copies of documents in OPF or EMF, they must provide in forms or in letters certain information about the employee and the nature of the request. The NA Form 13022, Returned Request Form, is used to request additional information about the former Federal employee. The NA Form 13064, Reply to Request Involving Relief Agencies, is used to request additional information about the former relief agency employee. The NA Form 13068, Walk-In Request for OPM Records or Information, is used by members of the public, with proper authorization, to request a copy of a personnel or medical record.

2. Title: Volunteer Service Application.

OMB number: 3095–0060.

Agency form number: NA Forms 6045, 6045a, 6045b, and 6045c.

Type of review: Regular.

Affected public: Individuals or households.

Estimated number of respondents: 500.

Estimated time per response: 25 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 208 hours.

Abstract: NARA uses volunteer resources to enhance its services to the public and to further its mission of providing ready access to essential evidence. Volunteers assist in outreach and public programs and provide technical and research support for administrative, archival, library, and curatorial staff. NARA uses a standard way to recruit volunteers and assess the qualifications of potential volunteers. The NA Form 6045, Volunteer Service Application, is used by members of the public to signal their interest in being a NARA volunteer and to identify their qualifications for this work. Once the applicant has been selected, the NA Form 6045a, Standards of Conduct for Volunteers, NA Form 6045b, Volunteer or Intern Emergency and Medical Consent, NA Form 6045c, Volunteer or Intern Confidentiality Statement, are filled out.

Dated: September 23, 2015.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2015–25244 Filed 10–2–15; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

National Science Board

Sunshine Act Meetings; Notice

The National Science Board's *ad* hoc Task Force on NEON Performance and Plans, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of a meeting for the transaction of National Science Board business, as follows:

DATE AND TIME: Thursday, October 8, 2015 at 12:00 noon to 1:00 p.m. EDT.

SUBJECT MATTER: Task Force Chair's opening remarks; approval of minutes; update from NSF; discussion of NEON-related documents and activities including the history of Board discussion of NEON awards; and Chair's closing remarks.

STATUS: Closed.

This meeting will be held by teleconference originating at the National Science Board Office, National Science Foundation, 4201Wilson Blvd., Arlington, VA 22230.

Please refer to the National Science Board Web site (*www.nsf.gov/nsb*) for information or schedule updates, or contact: John Veysey (*jveysey@nsf.gov*), National Science Foundation, 4201Wilson Blvd., Arlington, VA 22230.

Kyscha Slater-Williams,

Program Specialist.

[FR Doc. 2015–25395 Filed 10–1–15; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–237 and 50–249; NRC–2015–0232]

Exelon Generation Co., LLC; Dresden Nuclear Power Station, Units 2 and 3

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering a request by Exelon Generation Company, LLC (Exelon, the licensee) dated March 18, 2014, as supplemented by letters dated May 20 and June 8, 2015, for onsite disposal of slightly contaminated soil at the Dresden Nuclear Power Station (DNPS), Units 2 and 3.

DATES: October 5, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0232 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

• Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0232. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it available in ADAMS) is provided the first time that a document is referenced.

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

FOR FURTHER INFORMATION CONTACT: Russell Haskell, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1129, email: *Russell.Haskell@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering approval of a request dated March 18, 2014 (ADAMS Accession No. ML14077A140), as supplemented by letters dated May 20 (ADAMS Accession No. ML15140A728) and June 8, 2015 (ADAMS Accession No. ML15163A304), from Exelon Generation Company, LLC (Exelon, the licensee) for onsite disposal of slightly contaminated soil at the Dresden Nuclear Power Station (DNPS), Units 2 and 3, located in Grundy County, Illinois. The site consists of three units. Units 2 and 3 are operating nuclear reactors and Unit 1 was shut-down in 1978 and is currently in SAFSTOR [1]. Units 2 and 3 are boiling-water reactors (BWRs) and the cooling system includes cooling towers, cooling canals, and a cooling pond. The licensee is requesting approval in accordance with section 20.2002 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Method for obtaining approval of proposed disposal procedures,'' to land-spread a current accumulated inventory of approximately 6,000 cubic meters (m^3) (211,888 cubic feet [ft^3]) of soil. Additionally, the licensee has requested the NRC's approval to conduct future disposal operations onsite, not to exceed a total disposed volume of 20,000 m^3 (706,293 ft^3) of soil and sludge containing trace quantities of residual radioactive material in a designated area on the DNPS site. Based on the results of the Environmental Assessment (EA) that follows, the NRC has determined not to prepare an Environmental Impact Statement for the proposed action, and is issuing a Finding of No Significant Impact.

Under 10 CFR 20.2002, a licensee may seek NRC authorization to dispose of licensed material using procedures not otherwise authorized by the NRC's regulations. A licensee's supporting analysis must show that the radiological doses arising from the proposed disposal will be within the 10 CFR part 20, ''Standards for Protection Against Radiation,'' dose limits and will be as low as is reasonably achievable.

II. Environmental Assessment

Description of Proposed Action

The proposed action would permit the disposal of up to 20,000 m^3 (706,293 ft^3) of soil and sludge containing trace quantities of residual radioactive material in a 100 m (328 ft.) by 100 m (328 ft.) plot located on the owner-controlled area on the north side of the DNPS site.

The DNPS has accumulated a current inventory of approximately 6,000 m^3 (211,888 ft^3) of soil containing trace quantities of radionuclides as part of multiple pipe repair and replacement projects conducted onsite over the past several years. The soil is currently located within the DNPS site's protected area portion of the restricted area and is contained within a concrete berm. Tarps and spray-on sealants are employed to limit erosion and migration of the soil (Exelon 2015a). The submittal requests approval for disposal of the initial 6,000 m^3 (211,888 ft^3) of soil and a total disposal of up to 20,000 m^3 (706,293 ft^3) of soil and sludge that may be generated from future projects. Contaminated soil generated as a result of future projects at DNPS (up to a total of 20,000 m^3 (706,293 ft^3)) will be temporarily stored in the protected area until analyses for release is completed and will then be transferred and emplaced to the proposed disposal area. The soils will be transferred to the proposed disposal area in campaigns (6,000 m^3 (211,888 ft^3) of soil or less per campaign). The first campaign will include site preparation activities (land clearing, excavation, and grading) of the 100 m (328 ft.) by 100 m (328 ft.) proposed disposal area and immediate transfer and emplacement of the current 6,000 m^3 (211,888 ft^3) of soil to the disposal area. Transportation of the soil (via dump trucks) from its current location to the proposed disposal area will be maintained within the boundaries of the DNPS property at all times. Once transferred and emplaced, Exelon will grade and over-seed the soil with native grass (Exelon 2015a). Exelon plans to maintain the proposed disposal area in accordance with the Illinois Urban Manual for Erosion and Sediment Control Best Management Practices (AISWCD 2013).

The proposed action is in accordance with the licensee's application dated March 18, 2014 (ADAMS Accession No. ML14077A140), as supplemented by letters dated May 20, 2015 (ADAMS Accession No. ML15140A728), and June 8, 2015 (ADAMS Accession No. ML15163A304).

Need for the Proposed Action

The proposed action is requesting the NRC's approval for the onsite disposal of a current inventory of 6000 m^3 (211,888 ft^3) of soil. The request also includes an NRC's approval for an upper disposal limit not to exceed 20,000 m^3 (706,293 ft^3) of soil and sludge to account for future onsite excavation projects requiring disposal.

Benefits to the licensee's proposed action include significantly reduced transportation distances and costs incurred as a result of offsite disposal, while maintaining protection of public health and safety and the environment. This request provides the licensee with an alternative to the usage of offsite shallow land burial waste repositories consistent with a previously released NRC Information Notice 83–05, ''Obtaining Approval for Disposal of Very Low-Level Radioactive Waste.''

[1] SAFSTOR is a decommissioning strategy under which a nuclear facility is placed in a safe, stable condition and maintained in that state (safe storage) until it is subsequently decontaminated and dismantled to levels that permit license termination.

Environmental Impacts of the Proposed Action

Radiological Impacts and Human Health

Occupational Dose

The proposed DNPS request for onsite disposal of slightly contaminated soil will not require any physical changes to the plant or plant operations; therefore, there will be no change to any in-plant radiation sources. Approximately 6,000 m^3 (211,888 ft^3) of soil is currently located within the DNPS site's protected area portion of the restricted area. The soil is contained within a concrete berm area; tarps and spray-on sealants are employed to limit erosion and migration of the soil (Exelon 2015a).

The DNPS radiation protection program establishes appropriate work controls, training, temporary shielding, and protective equipment requirements so that worker doses will remain within the dose limits of 10 CFR part 20. The main pathway of concern for worker exposure to radiation would be from fugitive dust emissions during the transport and emplacement of the slightly contaminated soil to the proposed onsite disposal area. To minimize those fugitive dust emissions, Exelon will use best management practices (BMPs) such as using equipment with enclosures during the transport of the soil and dampening the soil. Once the soil is transferred and emplaced to the proposed disposal area, Exelon will over-seed the soil with native grass and monitor to minimize fugitive dust emissions. To limit access to the proposed disposal area, DNPS plans to implement institutional controls such as sign postings and DNPS Security monitoring (Exelon 2015a).

Slightly contaminated soil generated as a result of future projects at DNPS (up to a total of 20,000 m^3 (706,293 ft^3) will be temporarily stored in the protected area until an analysis is completed documenting that the material meets radiological criteria for disposal per 10 CFR 20.2002 and will then be transferred to the proposed disposal area.

The proposed DNPS onsite disposal of slightly contaminated soil will not affect radiation levels within the plant restricted area and will be performed in accordance with the proper oversight of their radiation protection program, and therefore will have no significant radiological impact to the workers.

Offsite Dose

The primary sources of offsite dose to members of the public from the DNPS are radioactive gaseous and liquid effluents. As discussed above, the request for onsite disposal of slightly contaminated soil will be on the DNPS site. As such, members of the public will not have access to the disposal area. Therefore, there is no direct radiation exposure to the public. In addition, the proposed action does not require any physical changes to the plant or plant operations; therefore, there will be no change to the types and quantities of radioactive effluents and the operation of the radioactive gaseous and liquid waste management systems to perform their intended functions. As stated above, the soil will be over-seeded with native grass and monitored to minimize fugitive dust emissions once the soil is transferred to the proposed disposal area. To manage any soil runoff, Exelon will use the BMPs outlined in the Illinois Urban Manual for Erosion and Sediment Control Best Management Practices. The licensee plans to install three surficial groundwater monitoring wells, one up-gradient and two down-gradient of the proposed disposal area. These new wells will be added to the DNPS Radiological Ground Protection Program (RGPP) to monitor for any migration of contamination (Exelon 2015a). Based on the above, the offsite radiation dose to members of the public would not change and would continue to be within regulatory limits and therefore would not be significant.

Radiological Impacts Summary

Based on the radiological evaluations discussed above, the NRC staff has determined the proposed action would not result in significant radiological impacts.

Land Use

Current land uses would be unaffected by the proposed onsite disposal of the contaminated soil at the DNPS. The proposed disposal area is currently part of an industrial power plant site and would remain so if the proposed action is approved. Therefore, the NRC staff has determined that there would be no significant land use impacts associated with the proposed action.

Water Resources

The disposal location is an elevated plot of land that has been heavily disturbed by previous soil stockpiling and grading activities and which generally slopes to the west. Site preparation activities, transfer, and emplacement of slightly contaminated soil under the proposed action would have no direct impact on natural surface-water drainages as none exist on or immediately adjacent to the disposal area. The closest surface-water feature to the center point of the disposal area is a shallow drainage depression adjacent to the south bank of the Illinois River and located approximately 600 ft. (183 m) to the northwest. The Units 2 and 3 discharge canal to the Illinois River lies approximately 700 to 800 ft. (213 to 244 m) to the south and east of the disposal area.

Precipitation and associated storm-water runoff from the disposal area have the potential to erode soils and transport suspended sediments away from the site and toward nearby surface water features. This is most likely to occur during the course of each disposal campaign, as the surface of disposal area is reworked and graded with each disposal operation. However, disposal site operations would be subject to the DNPS Storm Water Pollution Prevention Plan (SWPPP), which the licensee is required to implement and maintain in accordance with Special Condition 10 of DNPS's National Pollutant Discharge Elimination System (NPDES) permit (No. IL0002224). The SWPPP prescribes BMPs for soil erosion and sediment control, storm-water pollution prevention, waste management, and spill response. During operations, the licensee will use BMPs as prescribed in the SWPPP in combination with those outlined in the Illinois Urban Manual for Erosion and Sediment Control Best Management Practices. For instance, soils would be graded and seeded with native grasses to minimize surface drainage and runoff and associated erosion of the site (Exelon 2015a). Adherence to these measures would prevent or minimize any surface water quality or groundwater quality impacts during disposal operations.

Over the longer term, management and monitoring activities would ensure that there are no inadvertent offsite impacts to surface water or groundwater quality as a result of disposal site operations. The licensee proposes to install three surficial groundwater monitoring wells in order to characterize baseline groundwater quality as well as any changes over time. The wells will be installed at depths of 15 to 35 feet (4.5 to 10.6 m) below ground surface. Two wells will be installed up-gradient of the disposal area relative to groundwater flow, and one will be installed down-gradient. Upon installation, baseline groundwater sampling and analysis would be performed including for gamma, tritium, gross alpha, gross beta, strontium-89, and strontium-90. The completed wells would be included in the DNPS RGPP with routine monitoring for radiological constituents and other parameters as prescribed by RGPP protocols (Exelon

2015a). Based on the above information, the NRC staff has determined the impacts to water resources would not be significant.

Air Resources

With regards to the National Ambient Air Quality Standards (NAAQS) criteria for pollutants (ozone, carbon monoxide, lead, particulate matter, nitrogen oxides, and sulfur dioxide), Grundy County is designated as a non-attainment area for the 8-hr ozone (2008) standard and 1-hr ozone (1979) standard and a maintenance area for particulate matter less than 2.5 microns (1997) standard and 8-hr ozone (1997) standard (40 CFR 81.314). Air emissions would be predominantly from the transfer of the soil to the proposed site, equipment used in transporting the soil (dump trucks and front end loaders), and site preparation related activities (land clearing, excavation, and grading). The loading and off-loading of the soil and excavation of the proposed site can result in fugitive dust emissions; fugitive dust is particulate matter suspended in the air. Equipment exhaust emits criteria pollutants.

Site preparation activities of the 100 m (328 ft.) by 100 m (328 ft.) proposed disposal area and transfer and emplacement of the 6,000 m^3 (211,888 ft^3) of soil are estimated to be completed within two weeks (Exelon 2015a). Air emission estimates as a result of site preparation activities and transfer and disposal the 6,000 m^3 (211,888 ft^3) of soil are presented in Table 1. To minimize fugitive dust emissions, Exelon will use best management practices to include using equipment with enclosures during the transport of the soil and watering the soil (Exelon 2015a). Once the soil is transferred to the proposed disposal area, Exelon will over-seed the soil with native grass and monitor to minimize fugitive dust emissions.

TABLE 1—AIR EMISSIONS FROM SITE PREPARATION ACTIVITIES AND SOIL DISPOSAL

Source	Emissions (tons/yr)					
	CO	NO_X	SO_2	PM_{10}	$PM_{2.5}$	VOC
Equipment Exhaust [a]	0.28	1.32	0.08	0.09	<0.09	0.11
Fugitive Dust [b]	.....	.....	.....	0.8	0.08	
Total	0.28	1.32	0.08	0.89	0.17	0.11

[a] Emissions were estimated by NRC staff based on emission factors from EPA 1996, use of dump trucks and loaders, and an 80-hour run time for each piece of equipment.

[b] Fugitive dust emissions were estimated by NRC staff based on emission factors from EPA 1995 and EPA 2006.

Key: CO = carbon monoxide, NO_X = nitrogen oxides, SO_2 = sulfur dioxide, PM_{10} = particulate matter less than 10 microns, $PM_{2.5}$ = particulate matter less than 2.5 microns, and VOC = volatile organic compounds.

The Environmental Protection Agency (EPA) regulations (40 CFR part 93, subpart B) require Federal agencies to conduct an applicability analysis if a proposed action occurs in a NAAQS non-attainment area or maintenance area to determine if emissions of criteria pollutants would exceed threshold emissions levels (40 CFR 93.153(b)). If threshold levels are exceeded, a conformity determination may need to be performed. The regulatory conformity thresholds for ozone precursors (volatile organic compounds and nitrogen oxides) is 25 tons for each precursor (40 CFR 51.853(b)). The regulatory conformity thresholds for particulate matter less than 2.5 microns, carbon monoxide, and particulate matter and its precursors (nitrogen oxides and sulfur dioxide) is 100 tons for each pollutant (40 CFR 51.853(b)). As exhibited in Table 1, nitrogen oxides, sulfur dioxide, particulate matter, and volatile organic compounds will not exceed the regulatory conformity thresholds. Therefore, the NRC staff concludes that there would be no significant air quality impacts associated with the proposed action.

Contaminated soil and sludge generated as a result of future projects at DNPS will be transferred in future campaigns, as previously discussed. Emissions from future campaigns are expected to be bounded by those estimated above since each campaign will transfer up to 6,000 m^3 (211,888 ft^3) of soil and sludge. Based on the above information, the NRC staff has determined that there would be no significant air quality impacts associated with the proposed action.

Terrestrial and Aquatic Resources

The 100 m (328 ft.) by 100 m (328 ft.) proposed disposal area is previously disturbed due to past activities such as grading the site and the addition of clean soils. The majority of the site (approximately 90 percent) is covered by early successional grasses and forbs that are typical of highly disturbed areas. The approximate percent cover of the most common species included the following: yellow sweet clover (*Melilotus officinalis,* 20 percent), perennial rye (*Lolium perrene,* 20 percent), white clover (*Trifolium repens,* 10 percent), crown vetch (*Coronilla varia,* 10 percent), and Canada thistle (*Cirsium canadensis,* 10 percent). The remaining portion of the site is either recently disturbed soil-covered areas or areas containing seedling trees and bushes, such as autumn olive (*Elaeagnus umbellata*). The disposal site is surrounded by developed areas, open space, and forested areas that include mature cottonwood trees (*Populus* section *Aigeiros*), autumn olive, honey locust (*Gleditsia triacanthos*), mulberry (*Morus* spp.), and various grasses. No aquatic resources, such as wetlands, streams, or ponds occur within the disposal site. (Exelon 2015a, 2015b)

A variety of wildlife and birds occur on or near the proposed site. Common terrestrial mammals include white-tailed deer (*Odocoileus virginianus*), coyote (*Canis latrans*), red fox (*Vulpes fuva*), eastern cottontail (*Sylvilagus flondanus*), muskrat (*Ondatra zibethicus*), and beaver (*Castor canadensis*) (NRC 2004, Exelon 2015b). Common birds include Canada goose (*Branta canadensis*), mallard (*Anas platyrhynchos*), great blue heron (*Ardea herodias*), killdeer (*Charadrius vociferus*), red-tailed hawk (*Buteo jamaicensis*), American kestrel (*Falco sparverius*), northern harrier (*Circus cyaneus*), northern cardinal (*Cardinalis cardinalis*), American robin (*Turdus migratorius*), and red-winged blackbird (*Agelaius phoeniceus*) (NRC 2004, Exelon 2015b). These species are generally tolerant to human activity and modified landscapes, such as the proposed disposal area and the nearby power plant.

Some migratory birds, bald eagles (*Haliaeetus leucocephalus*), and State-listed species could temporarily rest on or near the proposed disposal area (FWS

2015). However, the area does not provide substantial or preferred habitat for migratory birds, bald eagles, or State-listed species due to the lack of mature trees or forested areas, native prairie grasses, wetlands, aquatic features, or other non-disturbed, complex habitat features. The licensee and its contractor did not observe any evidence of migratory birds, bald eagles, and State-listed species during an informal site investigation of the proposed disposal area in June 2015 (Exelon 2015b). Migratory birds, bald eagles, and State-listed species may occur in areas surrounding the proposed disposal site, especially in undisturbed forested or riparian areas (NRC 2004, Exelon 2015b).

During disposal activities, no tree cutting, other than tree seedlings, would be required (Exelon 2015b). Disposal activities would directly affect some grasses, bushes, and immature tree seedlings. However, these species are typical of a highly disturbed environment, very common within the area, and provide low-quality habitat to wildlife and birds. In addition, the licensee plans to seed over the disposal area with native grasses (Exelon 2015a), which would help to reduce erosion and provide a grassy habitat for wildlife once disposal activities are complete. Seeding the disposal site will also help prevent runoff to nearby aquatic features. Further, the licensee plans to use the best management practices outlined in the Illinois Urban Manual for Erosion and Sediment Control Best Management Practices to further minimize erosion and runoff (Exelon 2014b).

Noise associated with grading, transportation, or other disposal-related activities may temporarily disturb wildlife and birds. However, most wildlife and birds on or near the proposed disposal area are likely relatively tolerant of human activity given that the proposed disposal area is part of a larger operating power plant site. For example, the proposed disposal area is located close to existing warning sirens, which are extremely loud and periodically tested (Exelon 2015b). In addition, grading or other related activities would be temporary (Exelon 2015a) and wildlife and birds could return to the area once disposal activities were complete.

Given that disposal activities would not involve tree cutting, the affected vegetation is very common within the area, temporarily disturbed wildlife and birds could find similar habitat in the surrounding area, and no aquatic features occur onsite. Therefore, the NRC staff determined that impacts to aquatic and terrestrial resources would not be significant.

Threatened and Endangered Species

The NRC staff searched the U.S. Fish and Wildlife Service (FWS) Information Planning and Conservation online database for Federally threatened, endangered, proposed, or candidate species or designated critical habitat that could occur on or near the proposed disposal area (FWS 2015). The following four species have the potential to occur near the site: eastern prairie fringed orchid (*Platanthera leucophaea*), the rattlesnake-master borer moth (*Papaipema eryngii*), the Indiana bat (*Myotis sodalist*), and northern long-eared bat (*Myotis septentrionalis*). No designated critical habitat occurs near the site.

The eastern prairie fringed orchid is a perennial herb that grows 8 to 40 inches (in.) (20 to 102 centimeters [cm]) tall and produces long clusters of up to 40 white flowers in early July (NatureServe 2013). This plant grows in emergent wetlands, wet meadow, sedge meadow, fen, wet to mesic prairie, or marsh edges (FWS 2015). The proposed disposal area does not provide suitable habitat for this species because the soils are extremely dry, none of the habitats listed above occur on the site, and the land is highly disturbed. In addition, the licensee and its contractor did not observe any eastern prairie fringed orchid during its informal investigation of the site in June 2015 (Exelon 2015b). Therefore, the NRC staff determined that the proposed action would have no effect on eastern prairie fringed orchids.

The rattlesnake-master borer moth is an insect that relies on the rattlesnake-master, a prairie plant, as its only food source. The proposed site does not provide suitable habitat for rattlesnake-master borer moths because this species is an obligate resident of undisturbed prairie and woodland openings, and rattlesnake-master is not known to occur within the proposed site. In addition, the licensee and its contractor did not observe this species during its informal investigation of the site in June 2015 (Exelon 2015b). Therefore, the NRC staff determined that the proposed action would have no effect on the rattlesnake-master borer.

The Indiana bat and northern long-eared bat are insectivorous, migratory bats that inhabit the central portion of the eastern United States and hibernate colonially in caves and mines. During summer months, female Indiana bats tend to roost in colonies under slabs of peeling tree bark or cracks within trees in forest fragments (Pruitt and TeWinkel 2007). Northern long-eared bats tend to roost in trees in forested areas with greater canopy and in caves, mines, or manmade structures such as barns, sheds, and other buildings (Carter and Feldhamer 2005). In the winter, northern long-eared and Indiana bats rely on caves for hibernation. The proposed disposal area does not provide suitable habitat for hibernation, roosting, or foraging due to the lack of mature trees, forested areas, caves, wetlands, prairies, and aquatic features. In addition, the licensee and its contractor did not observe this species during its informal investigation of the site in June 2015 (Exelon 2015b).

Based on the above information, the NRC staff has determined the proposed action would have no effect on federally threatened, endangered, proposed, or candidate species or designated critical habitat that could occur on or near the proposed disposal area.

Historic and Cultural Resources

As reported in the DNPS's License Renewal environmental impact statement (NUREG–1437, Supplement 17), much of the DNPS site has been disturbed by construction of the nuclear power plant facilities and related infrastructure, including roads, parking lots, and the cooling pond. No archaeological surveys were completed at the Dresden site prior to station construction. However, there is at least one archaeological site recorded within the DNPS site boundary, 11 GR2, which was only minimally disturbed during construction according to a professional archaeologist who examined the site in 1973 (Atomic Energy Commission 1973).

As previously discussed, the onsite disposal of slightly contaminated soil at DNPS would take place on highly disturbed land (Exelon 2015b). Because any disturbance would occur within previously disturbed areas, there would be no impact to historic and cultural resources. Based on the above information, the NRC staff has determined there would be no significant impacts to any historic and cultural resources at the DNPS.

Socioeconomic

Current socioeconomic conditions would be unaffected by the proposed onsite disposal of slightly contaminated soil at the DNPS. The licensee would use existing resources including the onsite workforce or local contractors to conduct the disposal of up to 20,000 m^3 (706,293 ft^3) of soil and sludge; therefore, there would be no significant socioeconomic impacts.

Noise

Noise emissions would occur as a result of the equipment used onsite and activities involved during site disposal preparation, transportation of the soil to the disposal area, and soil off-loading. Additional noise from the proposed action would be intermittent and short-term (approximately 2 weeks). Land clearing activities and equipment can result in source noise levels in the 80–88 A-weighted decibels (dBA) range for the Federal Highway Administration (FHWA 2006). However, noise levels attenuate rapidly with distance. For instance, backhoe/loader equipment can have source noise levels of 80–85 dBA; at 50 feet (15 m) distance noise levels drop to 79 dBA, and at 200 ft. (61 m) distance from the equipment noise levels drop to 65.5 dBA (FHWA 2006). The nearest resident is approximately 0.8 miles (1,287 m) from the proposed disposal area and noise levels from equipment and activities are not expected to be noticeable at this distance. Furthermore, noise levels associated with the proposed action will need to be in accordance with Illinois noise regulations found in the Illinois Administrative Code (Title 35, Subtitle H). Based on the above information, the NRC staff concludes that there would be no significant off-site noise impacts associated with the proposed action.

Environmental Justice

The environmental justice impact analysis evaluates the potential for disproportionately high and adverse human health and environmental effects on minority and low-income populations that could result from the proposed disposal of slightly contaminated soil at DNPS. Such effects may include human health, biological, cultural, economic, or social impacts.

According to the 2010 Census, 13 percent of the total population (approximately 25,000 individuals) residing within a 5 mile (8 km) radius of the DNPS identified themselves as minority individuals (EPA 2015). The largest minority were people of Hispanic, Latino, or Spanish origin of any race (2,323 persons or 9 percent), followed by Black or African American (450 persons or 2 percent). Minority populations within Grundy County comprise 11.1 percent of the total population with the largest minority group being Hispanic, Latino, or Spanish origin of any race, 8.2 percent.

According to the U.S. Census Bureau's 2009–2013 American Community Survey 5-Year Estimates using the University of Missouri's Circular Area Profiling System (MCDCCAPS 2015), approximately 1,850 individuals (6.2 percent) residing within a 5 mile (8 km) radius of DNPS were identified as living below the Federal poverty threshold. The 2013 Federal poverty threshold was $12,119 for an individual and $24,028 for a family of four.

According to the U.S. Census Bureau's 2011–2013 American Community Survey 3-Year Estimates (USCB 2015), the median household income for Illinois was $55,799, while 14.8 percent of the state population and 10.9 percent of families were found to be living below the Federal poverty threshold. Grundy County had a higher median household income average ($63,978) and a lower percent of individuals (9.4 percent) and families (7.2 percent) living below the poverty level, respectively.

Potential impacts to minority and low-income populations would mostly consist of radiological and environmental effects (*e.g.,* noise and dust impacts). Radiation doses are expected to continue to remain well below regulatory limits and noise and dust impacts would be temporary and limited to onsite activities.

Based on this information and the analysis of human health and environmental impacts presented in this environmental assessment, the proposed onsite disposal of slightly contaminated soil at the DNPS would not have disproportionately high and adverse human health and environmental effects on minority and low-income populations residing near the DNPS.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the disposal request (*i.e.,* the ''no action'' alternative). The consequences of the denial of the application would result in no change in current environmental impacts. The contaminated material would remain in its current location on the DNPS site and future contaminated material generated as a result of plant operation would be stored onsite.

The current contaminated soil and future contaminated soil and sludge generated as a result of plant operation could also be sent to a licensed low-level radioactive waste disposal facility. Shipment of future soil to an offsite low-level radioactive waste disposal facility would not result in a compensating improvement in the environmental impacts, as there could be additional transportation-related impacts associated with transporting the soil offsite. Furthermore, as discussed in Information Notice 83–05, the NRC has recognized that onsite disposal of low-level waste can minimize the quantity of waste shipped to a radioactive waste disposal facility and can provide a reasonable alternative to the high costs associated with disposals at radioactive waste disposal facilities. Therefore, the only alternative the staff considered is the no-action alternative, under which the current soil inventory would remain in its current location on the DNPS site and future contaminated soil generated would also be stored onsite.

If the 6,000 m^3 (211,888 ft^3) of soil were to remain in its current location on the DNPS site and future contaminated soil would also be disposed of in the protected area of the DNPS site, there would be no change in current environmental impacts. The soils would be contained within a concrete berm. To limit erosion and migration of the soil, tarps and spray-on sealants would continue to be used. Potential leaching from this area would be identified through the DNPS RGPP monitoring program. The material would continue to be controlled in accordance with the requirements in 10 CFR part 20 and is not expected to result in a significant environmental impact.

Alternative Use of Resources

This action does not involve the use of any resources (water, air, land) not previously considered in the Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Dresden Nuclear Power Station, Units 2 and 3 (NUREG–1437, Supplement 17, dated June 2004).

Agencies and Persons Consulted

In accordance with its stated policy, on February 26, 2015, the NRC staff consulted with the State official of Illinois, Ms. Kelly Horn, Section Head, Environmental Management Bureau of Radiation Safety of the Illinois Emergency Management Agency, regarding the environmental impact of the proposed action. Ms. Horn had no comments.

Additionally, the NRC staff determined that the proposed action would have no effect on federally listed threatened and endangered species that could occur on or near the proposed disposal area. As well, the proposed action would have no significant impact to historic and cultural resources. Therefore, consultation was not required under Section 7 of the Endangered Species Act or under Section 106 of the National Historic Preservation Act.

III. Significant Impact

Exelon Generation Company, LLC (Exelon, the licensee) has requested onsite disposal of up to 20,000 m^3 (706,293 ft^3) of contaminated soil and sludge at the DNPS, Units 2 and 3, in accordance with 10 CFR 20.2002. Based on the environmental assessment included in section II. above, the NRC staff has concluded that the proposed action will not have a significant impact on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

IV. 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./Web link/ Federal Register Citation
"Designation of areas for air quality planning purposes."	40 CFR *Part 81*. Code of Federal Regulations, Title 40.
"Determining Conformity of Federal Actions to State or Federal Implementation Plans."	40 CFR *Part 93*. Code of Federal Regulations, Title 40.
U.S. Atomic Energy Commission (AEC). 1973. *Final Environmental Statement Related to Operation of Dresden Nuclear Power Station, Units 2 and 3. Commonwealth Edison Company*. Docket Nos. 50–237 and 50–249. Directorate of Licensing. Washington, DC.	*http://pbadupws.nrc.gov/docs/ML0305/ML030550497.pdf*.
Association of Illinois Soil and Water Conservation Districts (AISWCD). 2013. Illinois Urban Manual, Field Manual for Inspection of Erosion and Sediment Control Best Management Practices	*http://www.aiswcd.org/illinois-urban-manual.*
Carter TC, Feldhamer GA. 2005. Roost tree use by maternity colonies of Indiana bats and northern long-eared bats in southern Illinois. Forest Ecology and Management 219 (2005): 259–268.	*http://tccarter.iweb.bsu.edu/*.
[EPA] Environmental Protection Agency. 1996. AP 42, Compilation of Air Pollutant Emission Factors, 3.3 Gasoline and Diesel Industrial Engines.	*http://www.epa.gov/ttnchie1/ap42/*.
[EPA] Environmental Protection Agency. 1995. AP 42, Compilation of Air Pollutant Emission Factors, 13.2.3 Heavy Construction Operations	
[EPA] Environmental Protection Agency. 2006. AP 42, Compilation of Air Pollutant Emission Factors, 13.2.4 Aggregate Handling and Storage Piles	
[EPA] Environmental Protection Agency. 2015. EJSCREEN Census 2010 Summary Report, U.S. Census 2010 Summary File 1 (SF1) for a 5-mile radius around the proposed disposal site at Dresden (41.394964 Lat., − 88.272564 Long.)	*http://www2.epa.gov/ejscreen*.
[FHWA] Federal Highway Administration. 2006. Construction Noise Handbook	*http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/*.
[FWS] U.S. Fish and Wildlife Service. 2015. Information Planning and Conservation (IPaC), "Dresden 10 CFR 20.2002 Approval for Disposal of Soils." 2 July 2015	ADAMS Accession No. *ML15188A035*.
[MCDCCAPS] Missouri Census Data Center Circular Area Profiling System. 2015. Aggregated 2009–2013 American Community Survey Data Estimates in a 5-mile radius around the proposed disposal site at Dresden (41.394964 Lat., −88.272564 Long.). Version 10C	*http://mcdc.missouri.edu/websas/caps10acsb.html*.
NatureServe. 2013. "Comprehensive Report Species—Eastern Prairie White-fringed Orchid (*Platanthera leucophaea*)."	*http://www.natureserve.org/explorer/servlet/NatureServe?searchName=Platanthera+leucophaea.*
[NRC] Nuclear Regulatory Commission. 1983. Information Notice. 83–05: Obtaining Approval for Disposing of Very Low-level Radioactive Waste- 10 CFR Section 20.302	*http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1983/in83005.html*.
[NRC] NUREG 1437, Supplement 17 dated June 2004, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Dresden Nuclear Power Station, Units 2 and 3- Final Report."	ADAMS Accession No. *ML041890266*.
[NRC] Nuclear Regulatory Commission. 1983. Information Notice No. 83–05, "Obtaining Approval for Disposing of Very-Low-Level Radioactive Waste-10 CFR Section 20.302."	*http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1983/in83005.html*.
Pruitt L, TeWinkel L, editors. 2007. *Indiana Bat (Myotis sodalis) Draft Recovery Plan*. First Revision. Fort Snelling, MN: U.S. Fish and Wildlife Service. April 2007. 258 p	*http://ecos.fws.gov/docs/recovery_plan/070416.pdf*.
[USCB] U.S. Census Bureau. 2015. "American FactFinder, 2011–2013 American Community Survey 3-Year Estimates, Table S1701—Poverty Status in the Past 12 Months, Table S1702—Poverty Status in the Past 12 Months of Families, and Table S1901—Income in the Past 12 Months (in 2013 Inflation-Adjusted Dollars)" for Grundy County and the State of Illinois	*http://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t*.

Dated at Rockville, Maryland, this 24th day of August 2015.

For the Nuclear Regulatory Commission.

Travis L. Tate,

Chief, Plant Licensing III–2 and Planning and Analysis Branch, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76008; File No. SR–NYSE–2015–40]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Adding Definitions Applicable to Certain Co-Location Services to the Exchange's Price List and Modifying the Fee for Users That Host Their Customers at the Exchange's Data Center

September 29, 2015.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on September 18, 2015, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to add definitions applicable to certain co-location services to the Exchange's Price List and modify the fee for users that host their customers at the Exchange's Data Center. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange operates a data center in Mahwah, New Jersey, from which it provides co-location services to Users.[4] The Exchange's co-location services allow Users to rent space in the data center so they may locate their electronic servers in close physical proximity to the Exchange's trading and execution system.[5] The Exchange proposes to amend the Exchange's Price List (''Price List'') as it applies to co-location services to add the definitions of User, Hosting User and Hosted Customer. The Exchange also proposes to modify the fee for users that host their customers at the Exchange's Data Center, effective January 1, 2016.[6]

Definitions of User, Hosting User and Hosted Customer

In 2011, the Exchange changed the definition of the term ''User,'' for the purposes of co-location services, to include any market participant that requests to receive co-location services directly from the Exchange.[7] As described in the 2011 Release, Users could include member organizations, as that term is defined in NYSE Rule 2(b) (''Members''); Sponsored Participants, as that term is defined in NYSE Rule 123B.30(a)(ii)(B) (''Sponsored Participant''); and non-member organization broker-dealers and vendors that request to receive co-location services directly from the Exchange. At the time, the Exchange contemplated that such definition would encompass Users that would provide, for example, hosting, service bureau, technical support, risk management, order routing and market data delivery services to their customers while such Users are co-located in the Exchange's data center.

The Exchange proposes to add the current definition of User to the Price List, without changes from the 2011 Release, as follows:

A ''User'' means any market participant that requests to receive co-location services directly from the Exchange.

The proposed definition would, consistent with the 2011 Release, encompass Members, Sponsored Participants and non-member broker-dealers, as well as vendors that provide hosting, service bureau and technical support, risk management services, order routing services and market data delivery services to their customers while such Users are co-located in the Exchange's data center. Any entity that could be a User based on the term as described in the 2011 Release would be considered a User under the proposed definition.

The Exchange also proposes to make a non-substantive change to the description in the Exchange's Price List of the Exchange's billing practice for co-location services received by Users that connect to the Exchange and one or more of its affiliates, by replacing the term, ''user,'' with the defined term, ''User.''

In the 2011 Release, the Exchange also amended its Price List to establish a fee applicable to Users that provide hosting services to their customers at the Exchange's data center. As described in the 2011 Release, ''hosting'' is a service offered by a User to another entity in the User's space within the data center and can include, for example, a User supporting such other entity's technology, whether hardware or software, through the User's co-location space. The 2011 Release used the term ''Hosted User'' to describe a customer to which a User provides hosting services.

The Exchange now proposes to include the definitions relating to hosting services in the Exchange's Price List, as follows:

A ''Hosting User'' means a User that hosts a Hosted Customer in the User's co-location space.

A ''Hosted Customer'' means a customer of a Hosting User that is hosted in a Hosting User's co-location space.

The proposed definition of ''Hosting User'' incorporates the description of a User that hosts customers in its co-location space as set forth in the 2011 Release. For the avoidance of doubt, a Hosting User must be a User pursuant to the proposed definition of User. Any User that could be a Hosting User based on the description of a User that hosts customers in the 2011 Release would be considered a Hosting User under the proposed definition.

[4] The Exchange initially filed rule changes relating to its co-location services with the Securities and Exchange Commission (''Commission'') in 2010. *See* Securities Exchange Act Release No. 62960 (September 21, 2010), 75 FR 59310 (September 27, 2010) (SR–NYSE–2010–56).

[5] *See id.* at 59310.

[6] As specified in the Price List, a User that incurs co-location fees for a particular co-location service pursuant thereto would not be subject to co-location fees for the same co-location service charged by the Exchange's affiliates NYSE MKT LLC and NYSE Arca, Inc. *See* Securities Exchange Act Release No. 70206 (August 15, 2013), 78 FR 51765 (August 21, 2013) (SR–NYSE–2013–59).

[7] *See* Securities Exchange Act Release No. 65973 (December 15, 2011), 76 FR 79232 (December 21, 2011) (SR–NYSE–2011–53) (the ''2011 Release'').

The proposed definition of ''Hosted Customer'' would be a customer of a Hosting User that is hosted in a Hosting User's co-location space, and would be consistent with the description of the term ''Hosted User'' used in the 2011 Release.[8] The Exchange proposes to change the name of the term from ''Hosted User'' to ''Hosted Customer'' to make it clear that the entities that are hosted are customers of the Hosting Users that do not, in contrast to Users, have a direct contractual relationship with the Exchange vis-à-vis co-location services. For consistency with this proposed change, the Exchange also proposes to change the term ''Hosted User'' as used in the ''Hosting Fee'' set forth in the Price List, to ''Hosted Customer.'' Since, as noted above, only Users can be Hosting Users, a Hosted Customer may not provide hosting services to any other entities in the space in which it is hosted. Other than the change to the name of the definition, no other changes to the definition are intended and all current customers of a Hosting User would be ''Hosted Customers'' under the proposed definition.

Hosting Fee

In the 2011 Release, the Exchange amended its Price List to establish a fee charged to Users of $500.00 per month with respect to each Hosted Customer (defined as ''Hosted User'' in the 2011 Release) that a User hosts in the Exchange's data center (the ''Hosting Fee'').

Effective January 1, 2016, the Exchange proposes to modify the Hosting Fee to provide that the Hosting Fee would be assessed to a Hosting User on a per Hosted Customer basis and for each cabinet in which the Hosting User hosts the Hosted Customer. This approach to hosting fees is comparable to the structure used by the NASDAQ Stock Market, Inc. (''NASDAQ'') in its Multi-Firm Cabinets Fee, and would similarly mean that a Hosting User would be assessed the Hosting Fee for each Hosted Customer that occupies space in a cabinet.[9] Thus, for example, if a Hosting User hosts a Hosted Customer in two of the Hosting User's cabinets, the Hosting User would be charged two Hosting Fees, one for each cabinet in which the Hosted Customer is hosted. The Exchange also proposes to increase the monthly Hosting Fee from $500 per Hosted Customer to $1,000 per Hosted Customer for each cabinet in which the Hosted Customer is hosted, effective January 1, 2016.

As is the case currently, Users may independently set fees for their Hosted Customers and the Exchange would not receive a share of any such fees.

General

As is the case with all Exchange co-location arrangements (i) neither a User nor any of the User's customers would be permitted to submit orders directly to the Exchange unless such User or customer is a Member, a Sponsored Participant or an agent thereof (*e.g.,* a service bureau providing order entry services) and (ii) use of the co-location services proposed herein would be completely voluntary and available to all Users on a non-discriminatory basis.[10] In addition, a User would only incur one charge for the particular co-location service described herein, regardless of whether the User connects only to the Exchange or to the Exchange and one or both of its affiliates.[11]

The proposed change is not otherwise intended to address any other issues relating to co-location services and/or related fees, and the Exchange is not aware of any problems that Users 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,[12] in general, and furthers the objectives of Sections 6(b)(5) of the Act,[13] 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 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 proposal is not designed to permit unfair discrimination between customers, issuers, broker, or dealers. First, the proposed addition of the definitions for User, Hosting User and Hosted Customer to the Price List, would, by their addition to the Price List, make the application of such definitions more accessible and transparent. There is no change to the definition of User. There is no change to the definition of ''Hosted User'' as described in the 2011 Release other than to change the name to ''Hosted Customer'' to add clarity to the use and the application of the definition. The proposed new term, ''Hosting User'' reflects the description of a User that hosts customers in its co-location space as set forth in the 2011 Release. Finally, an entity that could be a User, a User that hosts customers and a Hosted User based on the 2011 Release, would be considered a User, Hosting User or Hosted Customer, respectively, under the proposed definitions. The proposed definitions would be applied uniformly for comparable services provided by the Exchange.

The Exchange believes that the proposal would 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 because by including definitions in the Price List, the proposed change would provide Users with clarity as to the availability and application of co-location hosting services and fees.

The proposed change to the Hosting Fee would be applied uniformly for comparable services provided by the Exchange to comparable Hosting Users and their customers and would not unfairly discriminate between similarly situated Hosting Users. The Exchange notes that assessing a fee per Hosted Customer per cabinet is comparable to the approach that NASDAQ takes to the same type of services in its Multi-Firm Cabinets Fee.[14] The Exchange also notes that the Hosting Fee has not been changed since it was established in

[8] A ''customer of a Hosting User,'' as used in the definition of a ''Hosted Customer'' would be any person that has a contractual relationship with a Hosting User to use that Hosting User's co-location space. There is no limitation on the types of persons who could be Hosted Customers.

[9] *See* Nasdaq Rule 7034(a) and Securities Exchange Act Release No. 71200 (Dec. 30, 2013), 79 FR 677 (Jan. 6, 2014) (SR–NASDAQ–2013–157).

[10] As is currently the case, Users that receive co-location services from the Exchange will not receive any means of access to the Exchange's trading and execution systems that is separate from, or superior to, that of others with access to the Exchange's trading and execution systems. In this regard, all orders sent to the Exchange enter the Exchange's trading and execution systems through the same order gateway, regardless of whether the sender is co-located in the data center or not. In addition, co-located Users do not receive any market data or data service product that is not available to users that have access to the Exchange's trading and execution systems, although Users that receive co-location services normally would expect reduced latencies in sending orders to, and receiving market data from, the Exchange.

[11] *See* SR–NYSE–2013–59, *supra* note 6 at 51766. The Exchange's affiliates have also submitted substantially the same proposed rule change to propose the changes described herein. *See* SR–NYSEMKT–2015–67 and SR–NYSEArca–2015–82.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *See supra* note 9.

2011. The Exchange believes the proposed Hosting Fee is reasonable in that the fee is designed to reflect the expenses and resources expended by the Exchange in connection with hosting services. In addition, while Hosting Users may independently set fees for their Hosted Customers, and the Exchange would not receive a share of any such fees, the Hosting Fee on a per Hosted Customer per cabinet basis continues to be lower than the fees a Hosted Customer would pay for co-location space purchased directly from the Exchange.

The Exchange also believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[15] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its Members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. Overall, the Exchange believes that the proposed change is consistent with the Act because the Exchange offers the co-location services described herein as a convenience to Users, but in so doing incurs certain costs, including costs related to the data center facility, hardware and equipment and costs related to personnel required for initial installation and ongoing monitoring, support and maintenance of such services.

For the reasons above, the proposed change would not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

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 these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[16] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because any market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange could have access to the co-location services provided in the data center. This is also true because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (*i.e.,* the same range of products and services are available to all Users).

The Exchange believes that incorporating the definitions of User, Hosting User and Hosted Customer into the Price List, the change to the Hosting Fee and the change to the application of the Hosting Fee will not impose any burden on competition that is not necessary or appropriate in further of the purposes of the Act because the definitions have been previously filed with the Commission [17] and their inclusion in the Price List will provide further clarity in the application of the fees. The Exchange believes that the changes to the Hosting Fee will not impose any burden on competition that is not necessary or appropriate in further of the purposes of the Act because they are designed to reflect the expenses and resources expended by the Exchange in connection with hosting services and because NASDAQ takes the same approach to the same type of services in its Multi-Firm Cabinets Fee.[18]

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if, for example, they deem fee levels at a particular venue to be excessive or if they determine that another venue's products and services are more competitive than on the Exchange. In such an environment, the Exchange must continually review, and consider adjusting, the services it offers as well as any corresponding fees and credits to remain competitive with other 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

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 from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [19] and Rule 19b–4(f)(6) thereunder.[20]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2015–40 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–2015–40. 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

[15] 15 U.S.C. 78f(b)(4).

[16] 15 U.S.C. 78f(b)(8).

[17] *See* 2011 Release, *supra* note 7.

[18] *See supra* note 9.

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f)(6). Rule 19b–4(f)(6)(iii) equires a self-regulatory organization to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of 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 Commission. The Exchange has satisfied this requirement.

communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2015–40 and should besubmitted on or before October 26, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–25174 Filed 10–2–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76016; File No. SR–BYX–2015–40]

Self-Regulatory Organizations; BATS Y-Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Restructure and Amend Rule 11.17, Clearly Erroneous Executions

September 29, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 21, 2015, BATS Y-Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to restructure and amend Rule 11.17, Clearly Erroneous Executions, in order to conform to the rules of EDGA Exchange, Inc. (''EDGA'') and EDGX Exchange, Inc. (''EDGX'').[3]

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In early 2014, the Exchange and its affiliate, BATS Exchange, Inc. (''BZX''), received approval to effect a merger (the ''Merger'') of the Exchange's parent company, BATS Global Markets, Inc., with Direct Edge Holdings LLC, the indirect parent of EDGX and EDGA (together with BZX, BYX and EDGX, the ''BGM Affiliated Exchanges'').[4] In the context of the Merger, the BGM Affiliated Exchanges are working to align their rules, retaining only intended differences between the BGM Affiliated Exchanges. Thus, the Exchange proposes to restructure and amend Rule 11.17, Clearly Erroneous Executions, in order to conform to the corresponding rules of EDGA and EDGX and provide a consistent rule set across each of the BGM Affiliated Exchanges.[5]

Background

On September 10, 2010, the Commission approved, on a pilot basis, changes to BATS Rule 11.17 to provide for uniform treatment: (1) Of clearly erroneous[6] execution reviews in multi-stock events involving twenty or more securities; and (2) in the event transactions occur that result in the issuance of an individual stock trading pause by the primary listing market and subsequent transactions that occur before the trading pause is in effect on the Exchange.[7] The Exchange also adopted additional changes to Rule 11.17 that reduced the ability of the Exchange to deviate from the objective standards set forth in Rule 11.17,[8] and in 2013, adopted a provision designed to address the operation of the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ''Limit Up-Limit Down Plan'' or the ''Plan'').[9] In 2014, the Exchange adopted two additional provisions providing that: (i) A series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions (the ''Multi-Day Event''); and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[10]

[21] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* EDGA and EDGX Rule 11.15.

[4] *See* Securities Exchange Act Release No. 71375 (January 23, 2014), 79 FR 4771 (January 29, 2014) (SR–BATS–2013–059; SR–BYX–2013–039).

[5] The Exchange notes that BZX intends to file an identical proposal with the Commission to restructure and amend its Rule 11.17, Clearly Erroneous Executions, to conform to EDGA and EDGX Rules 11.15.

[6] The terms of a transaction executed on the Exchange are ''clearly erroneous'' when there is an obvious error in any term, such as price, number of shares or other unit of trading, or identification of the security. A transaction made in clearly erroneous error and cancelled by both parties or determined by the Exchange to be clearly erroneous will be removed from the Consolidated Tape. *See* Exchange Rule 11.17(a).

[7] Securities Exchange Act Release No. 62886 (Sept. 10, 2010), 75 FR 56613 (Sept. 16, 2010) (SR–BATS–2010–016).

[8] *Id.*

[9] *See* Securities Exchange Act Release No. 68797 (Jan. 31, 2013), 78 FR 8635 (Feb. 6, 2013) (SR–BATS–2013–008); *see also* current BATS Rule 11.17(h).

[10] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–BYX–2014–007).

Proposed Amendments to Rule 11.17

First, the Exchange proposes to add new subparagraph (h) to Rule 11.17 which would describe the process for nullifying trades in UTP Securities that are the subject of an initial public offering (''IPOs''). The provisions of proposed paragraph (h) are substantially similar to EDGA and EDGX Rules 11.15(h) and differs only to the extent to conform to existing phrasing and terminology within other provisions of Rule 11.17.[11]

Pursuant to Rule 12f–2 of the Securities Exchange Act of 1934,[12] the Exchange may extend unlisted trading privileges to a security that is the subject of an IPO when at least one transaction in the subject security has been effected on the national securities exchange or association upon which the security is listed and the transaction has been reported pursuant to an effective transaction reporting plan. Under proposed paragraph (h), a clearly erroneous error may be deemed to have occurred in the opening transaction of the subject security if the execution price of the opening transaction on the Exchange is the lesser of $1.00 or 10% away from the opening price on the listing exchange or association. In such circumstances, the Officer of the Exchange or other senior level employee designee shall declare the opening transaction null and void or shall decline to take action in connection with the completed trade(s). Clearly erroneous executions of subsequent transactions of the subject security will be reviewed in the same manner as the procedure set forth in Exchange Rule 11.17(e)(1). Absent extraordinary circumstances, any such action of the Officer of the Exchange or other senior level employee designee pursuant to proposed subparagraph (h) shall be taken in a timely fashion, generally within thirty (30) minutes of the detection of the erroneous transaction. When extraordinary circumstances exist, any such action of the Officer of the Exchange or other senior level employee designee must be taken by no later than the start of Regular Trading Hours on the trading day following the date of execution(s) under review. Each party involved in the transaction shall be notified as soon as practicable by the Exchange, and the party aggrieved by the action may appeal such action in accordance with the provisions of Exchange Rule 11.17(e)(2). As stated above, proposed paragraph (h) is substantially similar to EDGA and EDGX Rules 11.15(h) and differs only to the extent to conform to existing phrasing and terminology within other provisions of Rule 11.17.

The Exchange also proposes the following ministerial amendments to Rule 11.17 as a result of proposing new paragraph (h). First, the Exchange proposes to renumber current paragraph (h) as (i), current paragraph (i) as (j), and current paragraph (j) as (k). In addition, the Exchange proposes to update the references to these paragraph in the introductory section of Rule 11.17 to reflect these changes and the addition of proposed paragraph (h).

Lastly, the Exchange proposes the following changes to further conform Rule 11.17 to EDGA and EDGX Rules 11.15:

- Amend paragraph (e)(1) to clarify that a determination made pursuant to this paragraph shall be made generally within thirty (30) minutes of receipt of the complaint, but in no case later than the start of Regular Trading Hours on the following *trading* day, rather than simply stating the following day. This proposed change would make paragraph (e)(1) identical to EDGA and EDGX Rule 11.15(e)(1).
- Amend paragraph (e)(2)(A) to define CRO as the ''Exchange's Chief Regulatory Officer''. This proposed change would make paragraph (e)(2)(A) identical to EDGA and EDGX Rule 11.15(e)(2)(A).

Amend paragraph (e)(2)(F) to replace the term ''Officer'' with ''Official'' in order to use consistent terminology throughout Rule 11.17.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[13] Specifically, the proposed change is consistent with Section 6(b)(5) of the Act,[14] because it is designed to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, to protect investors and the public interest. As mentioned above, the proposed rule changes, combined with the planned filing for the BZX, EDGA, and EDGX, would allow the BGM Affiliated Exchanges to provide a consistent set of rules as it relates to clearly erroneous executions. Consistent rules, in turn, will simplify the regulatory requirements for Members of the Exchange that are also participants on EDGA, EDGX and/or BZX. The proposed rule change would provide greater harmonization between rules of similar purpose on the BGM Affiliated Exchanges, resulting in greater uniformity and less burdensome and more efficient regulatory compliance and understanding of Exchange Rules. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system. Similarly, the Exchange also believes that, by harmonizing the rules across each BGM Affiliated Exchange, the proposal will enhance the Exchange's ability to fairly and efficiently regulate its Members, meaning that the proposed rule change is equitable and will promote fairness in the market place.

Finally, the Exchange believes that the non-substantive, ministerial changes discussed above will contribute to the protection of investors and the public interest by helping to avoid confusion with respect to Exchange Rules.

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 not necessary or appropriate in furtherance of the purposes of the act. To the contrary, allowing the Exchange to implement substantively identical rules across each of the BGM Affiliated Exchanges regarding clearly erroneous executions does not present any competitive issues, but rather is designed to provide greater harmonization among Exchange, BZX, EDGX, and EDGA rules of similar purpose. The proposed rule change should, therefore, result in less burdensome and more efficient regulatory compliance and understanding of Exchange Rules for common members of the BGM Affiliated Exchanges and an enhanced ability of the BGM Affiliated Exchanges to fairly and efficiently regulate Members.

[11] The Exchange notes that EDGA and EDGX are to file rule changes with the Commission to proposes a series of ministerial changes to their Rules 11.15, Clearly Erroneous Executions, to conform with other provisions of BZX and BYX Rule 11.17 to ensure each of the BGM Affiliated Exchange have identical rule text with regard to the review and handling of clearly erroneous executions. This filing would include changes to EDGA and EDGX Rules 11.15(h) to mirror Exchange Rule 11.17(h) as proposed herein.

[12] 17 CFR 240.12f–2.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) of the Act [15] and paragraph (f)(6) of Rule 19b–4 thereunder.[16] The proposed rule change effects a change that (A) does not significantly affect the protection of investors or the public interest; (B) does not impose any significant burden on competition; and (C) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of 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 Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily temporarily suspend such rule change if it appears to the Commission that such action is: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BYX–2015–40 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BYX–2015–40. 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–BYX–2015–40, and shouldbe submitted on or before October 26, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–25178 Filed 10–2–15; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4.

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76024; File No. SR–CBOE–2015–080]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Bandwidth

September 29, 2015.

Pursuant to section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on September 25, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to section 19(b)(3)(A) of the Act [4] and Rule 19b–4(f)(6)(iii) thereunder,[5] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to provide that certain quote cancel messages are subject to bandwidth limitations. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below,

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(6)(iii).

of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to make an amendment to Rule 6.23B to state that certain quote messages are subject to bandwidth limitations and count towards the maximum number of quotes allowed per second(s). Specifically, quote cancel messages, a message type that is used by an originator of quotes to cancel quotes, will be subject to existing bandwidth limitations and counted towards the maximum number of quotes allowed per second(s) as described below.

By way of background, the Exchange does not have unlimited system bandwidth to support an unlimited number of order and quote entries per second. For this reason, the Exchange limits each Trading Permit to a maximum number of messages per second(s). Currently, for example, a Trading Permit Holder (''TPH'') is limited to x quote messages (''blocks'') per 1 second. Each block is limited to a maximum number of quotes. Additionally, there is a set maximum number of total quotes per 3 seconds. For example, if the Exchange limited each Trading Permit to 100 quotes per 1 block, 10 blocks per 1 second and a maximum of 200 quotes per 3 seconds, then a user cannot, for example, enter 11 blocks per 1 second. The Exchange will reject the entire block of quotes that puts the user over the threshold. If a user in the above example were to enter, 10 blocks comprised of 10 quotes (*i.e.,* total of 100 quotes) in the first second and 5 blocks comprised of 20 quotes (*i.e.,* total of 100 quotes) in the following second, then the user would not be able to enter any more blocks (and therefore quotes) in the third second, as the user would exceed the 200 quotes per 3 second threshold. To date, quote cancel messages have not been counted towards the maximum number of messages per second(s). The Exchange believes however, that the volume of quote cancel requests by series messages in addition to quotes, can potentially threaten the Exchange's systems capacity. As such, the Exchange proposes to include these messages as part of the maximum number of quotes allowed per second(s), so as not to overburden the Exchange's system. Accordingly, a ''block'' may be comprised of either a maximum number of quotes or quote cancels messages (for requests by series [6]) and the maximum number of blocks per second allowed may be comprised of quote blocks, quote cancel message blocks or both quote and quote cancel message blocks. Also, the maximum number of total quotes per 3 seconds may now be comprised of quotes, quote cancel messages, or a combination of both. The Exchange will reject any block of messages that put a user over the bandwidth thresholds.

The Exchange established bandwidth allowances for the purpose of protecting its systems and ensuring its systems were capable of handling all its message traffic. The Exchange believes that subjecting quote cancel messages (by series) to bandwidth allowance will help achieve this objective. The Exchange notes however, that requests to cancel by class or by session will not count towards the bandwidth limitation. Because the ability to cancel all quotes in a class is an important risk control for TPHs, the Exchange does not wish to count requests to cancel quotes for an entire class towards the maximum bandwidth allowance.

The Exchange will announce the implementation date of the proposed rule change in an Information Circular to be published no later than 90 days following the effective date of this rule filing. The implementation date will be no later than 180 days following the effective date of this rule filing.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the section 6(b)(5) [8] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the section 6(b)(5) [9] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that imposing a bandwidth limitation on quote cancel messages protects its systems and ensures its systems are capable of handling its message traffic, thus removing impediments to and perfecting the mechanism of a free and open market and a national market system, as well protecting investors and the public interest. As noted above, quote cancel request messages in addition to quotes, can result in message traffic that can be burdensome to the Exchange's systems. In addition, the proposed rule change does not discriminate unfairly between market participants because this will be applied equally to all TPHs that may quote (*i.e.,* Market-Makers).

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that imposing a bandwidth limitation on quote cancel messages for a series or group of series will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In particular, the Exchange does not believe that imposing a bandwidth limitation on quote cancel messages will place any burden on intramarket competition because this will be applied to equally to all relevant TPHs (*i.e.,* Market-Makers), in that all Market-Makers will be limited (in terms of bandwidth capacity) in the number of quote cancel and quote messages that they can send to the Exchange. Additionally, as noted above, the proposed rule change allows the Exchange to better protect its systems and ensures its systems are capable of handling all its message traffic. The Exchange does not believe that imposing a bandwidth limitation on quote cancel messages will place any burden on intermarket competition because this only applies to the sending of quote cancel messages to CBOE. To the extent the proposed rule change makes CBOE a more attractive trading venue to market participants on other exchanges, such market participants may elect to become CBOE market participants.

[6] For example, under the proposed rule change, if a TPH were to send a quote cancel message for a quote in the XYZ 75 Dec 2015 Call and the XYZ 85 Dec 2015 Call (*i.e.* each a different series of XYZ class), a TPH could send a block identifying each series and would count towards the bandwidth limitations as two quote messages and one block message.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *Id.*

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[10] The proposed rule change effects a change that does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter times as designated by the Commission.[11]

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: (1) Necessary or appropriate in the public interest; (2) for the protection of investors, or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2015–080 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2015–080. 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 20549–1090, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2015–080 and should be submitted on or before October 26, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–25186 Filed 10–2–15; 8:45 am]

BILLING CODE 8011–01–P

[10] In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of 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 Commission. The Exchange has satisfied this requirement.

[11] The Exchange has fulfilled this requirement.

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76010; File No. SR–NYSEArca–2015–82]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Adding Definitions Applicable to Co-Location Services to the NYSE Arca Options Fee Schedule and, the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services and Modifying the Fee for Users That Host Their Customers at the Exchange's Data Center

September 29, 2015.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on September 18, 2015, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to add definitions applicable to co-location services to the NYSE Arca Options Fee Schedule (the ''Options Fee Schedule'') and, through its wholly owned subsidiary NYSE Arca Equities, Inc. (''NYSE Arca Equities''), the NYSE Arca Equities Schedule of Fees and Charges for Exchange Services (the ''Equities Fee Schedule'' and, together with the Options Fee Schedule, the ''Fee Schedules'') and modify the fee for users that host their customers at the Exchange's Data Center. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange operates a data center in Mahwah, New Jersey, from which it provides co-location services to Users.[4] The Exchange's co-location services allow Users to rent space in the data center so they may locate their electronic servers in close physical proximity to the Exchange's trading and execution system.[5] The Exchange proposes to amend the Fee Schedules as they apply to co-location services to add the definitions of User, Hosting User and Hosted Customer. The Exchange also proposes to modify the fee for users that host their customers at the Exchange's Data Center, effective January 1, 2016.[6]

Definitions of User, Hosting User and Hosted Customer

In 2011, the Exchange changed the definition of the term ''User,'' for the purposes of co-location services, to include any market participant that requests to receive co-location services directly from the Exchange.[7] As described in the 2011 Releases, Users could include ETP Holders and Sponsored Participants that term is defined in the definitions section of the General and Floor Rules of the NYSE Arca Marketplace pursuant to NYSE Arca Equities Rule 7.29 (*see* NYSE Arca Equities Rule 1.1(yy)); OTP Holders, OTP Firms and Sponsored Participants that are authorized to obtain access to the NYSE Arca System pursuant to NYSE Arca Options Rule 6.2A (*see* NYSE Arca Options Rule 6.1A(a)(19))(ETP Holders, OTP Holders, OTP Firms and Sponsored Participants, together referred to herein as ''Member Organizations''); and non-Member Organization broker-dealers and vendors that request to receive co-location services directly from the Exchange. At the time, the Exchange contemplated that such definition would encompass Users that would provide, for example, hosting, service bureau, technical support, risk management, order routing and market data delivery services to their customers while such Users are co-located in the Exchange's data center.

The Exchange proposes to add the current definition of User to the Fee Schedules, without changes from the 2011 Releases, as follows:

A ''User'' means any market participant that requests to receive co-location services directly from the Exchange.

The proposed definition would, consistent with the 2011 Releases, encompass Member Organizations, Sponsored Participants and non-member broker-dealers, as well as vendors that provide hosting, service bureau and technical support, risk management services, order routing services and market data delivery services to their customers while such Users are co-located in the Exchange's data center. Any entity that could be a User based on the term as described in the 2011 Releases would be considered a User under the proposed definition.

The Exchange also proposes to make a non-substantive change to the description in the Fee Schedules of the Exchange's billing practice for co-location services received by Users that connect to the Exchange and one or more of its affiliates, by replacing the term, ''user,'' with the defined term, ''User.''

In the 2011 Releases, the Exchange also amended its Fee Schedules to establish a fee applicable to Users that provide hosting services to their customers at the Exchange's data center. As described in the 2011 Releases, ''hosting'' is a service offered by a User to another entity in the User's space within the data center and can include, for example, a User supporting such other entity's technology, whether hardware or software, through the User's co-location space. The 2011 Releases used the term ''Hosted User'' to describe a customer to which a User provides hosting services.

The Exchange now proposes to include definitions relating to hosting services in the Fee Schedules, as follows:

A ''Hosting User'' means a User that hosts a Hosted Customer in the User's co-location space.

A ''Hosted Customer'' means a customer of a Hosting User that is hosted in a Hosting User's co-location space.

The proposed definition of ''Hosting User'' incorporates the description of a User that hosts customers in its co-location space as set forth in the 2011 Releases. For the avoidance of doubt, a Hosting User must be a User pursuant to the proposed definition of User. Any User that could be a Hosting User based on the description of a User that hosts customers in the 2011 Releases would be considered a Hosting User under the proposed definition.

The proposed definition of ''Hosted Customer'' would be a customer of a Hosting User that is hosted in a Hosting User's co-location space, and would be consistent with the Fee Schedules [sic] the description of the term, ''Hosted User'' used in the 2011 Releases.[8] The Exchange proposes to change the name of the term from ''Hosted User'' to ''Hosted Customer'' to make it clear that the entities that are hosted are customers of the Hosting Users that do not, in contrast to Users, have a direct contractual relationship with the Exchange vis-à-vis co-location services. For consistency with this proposed change, the Exchange also proposes to change the term ''Hosted User'' as used in the ''Hosting Fee'' set forth in the Price List, to ''Hosted Customer.'' Since, as noted above, only Users can be Hosting Users, a Hosted Customer may not provide hosting services to any other entities in the space in which it is hosted. Other than the change to the name of the definition, no other changes to the definition are intended and all current customers of a Hosting User would be ''Hosted Customers'' under the proposed definition.

Hosting Fee

In the 2011 Releases, the Exchange amended its Fee Schedules to establish a fee charged to Users of $500.00 per month with respect to each Hosted Customer (defined as ''Hosted User'' in the 2011 Releases) that a User hosts in the Exchange's data center (the ''Hosting Fee'').

[4] The Exchange initially filed rule changes relating to its co-location services with the Securities and Exchange Commission (''Commission'') in 2010. *See* Securities Exchange Act Release No. 63275 (November 8, 2010), 75 FR 70048 (November 16, 2010) (SR–NYSEArca–2010–100).

[5] *Id.* at 70049.

[6] As specified in the Fee Schedules, a User that incurs co-location fees for a particular co-location service pursuant thereto would not be subject to co-location fees for the same co-location service charged by the Exchange's affiliates NYSE MKT LLC and New York Stock Exchange LLC. *See* Securities Exchange Act Release No. 70173 (August 13, 2013), 78 FR 50459 (August 19, 2013) (SR–NYSEArca–2013–80).

[7] *See* Securities Exchange Act Release Nos. 65970 (December 15, 2011), 76 FR 79242 (December 21, 2011) (SR–NYSEArca–2011–74) and 65971 (December 15, 2011), 76 FR 79267 (December 21, 2011) (SR–NYSEArca–2011–75) (the ''2011 Releases'').

[8] A ''customer of a Hosting User,'' as used in the definition of a ''Hosted Customer'' would be any person that has a contractual relationship with a Hosting User to use that Hosting User's co-location space. There is no limitation on the types of persons who could be Hosted Customers.

Effective January 1, 2016, the Exchange proposes to modify the Hosting Fee to provide that the Hosting Fee would be assessed to a Hosting User on a per Hosted Customer basis and for each cabinet in which the Hosted [sic] User hosts the Hosted Customer. This approach to hosting fees is comparable to the structure used by the NASDAQ Stock Market, Inc. (''NASDAQ'') in its Multi-Firm Cabinets Fee, and would similarly mean that a Hosting User would be assessed the Hosting Fee for each Hosted Customer that occupies space in a cabinet for that cabinet.[9] Thus, for example, if a Hosting User hosts a Hosted Customer in two of the Hosting User's cabinets, the Hosting User would becharged [sic] two Hosting Fees, one for each cabinet in which the Hosted Customer is hosted. The Exchange also proposes to increase the monthly Hosting Fee from $500 per Hosted Customer to $1,000 per Hosted Customer for each cabinet in which the Hosted Customer is hosted, effective January 1, 2016.

As is the case currently, Users may independently set fees for their Hosted Customers and the Exchange would not receive a share of any such fees.

General

As is the case with all Exchange co-location arrangements (i) neither a User nor any of the User's customers would be permitted to submit orders directly to the Exchange unless such User or customer is a Member Organization, a Sponsored Participant or an agent thereof (*e.g.,* a service bureau providing order entry services) and (ii) use of the co-location services proposed herein would be completely voluntary and available to all Users on a non-discriminatory basis.[10] In addition, a User would only incur one charge for the particular co-location service described herein, regardless of whether the User connects only to the Exchange or to the Exchange and one or both of its affiliates.[11]

The proposed change is not otherwise intended to address any other issues relating to co-location services and/or related fees, and the Exchange is not aware of any problems that Users 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,[12] in general, and furthers the objectives of Sections 6(b)(5) of the Act,[13] 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 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 proposal is not designed to permit unfair discrimination between customers, issuers, broker, or dealers. First, the proposed addition of the definitions for User, Hosting User and Hosted Customer to the Fee Schedules, would, by their addition to the Fee Schedules, make the application of such definitions more accessible and transparent. There is no change to the definition of User. There is no change to the definition of ''Hosted User'' as described in the 2011 Releases other than to change the name to ''Hosted Customer'' to add clarity to the use and the application of the definition. The proposed new term, ''Hosting User'' reflects the description of a User that hosts customers in its co-location space as set forth in the 2011 Releases. Finally, an entity that could be a User, a User that hosts customers and a Hosted User based on the 2011 Releases, would be considered a User, Hosting User or Hosted Customer, respectively under the proposed definitions. The proposed definitions would be applied uniformly for comparable services provided by the Exchange.

The Exchange believes that the proposal would 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 because by including definitions in the Fee Schedules, the proposed change would provide Users with clarity as to the availability and application of co-location hosting services and fees.

The proposed change to the Hosting Fee would be applied uniformly for comparable services provided by the Exchange to comparable Hosting Users and their customers and would not unfairly discriminate between similarly situated Hosting Users. The Exchange notes that assessing a fee per Hosted Customer per cabinet is comparable to the approach that NASDAQ takes to the same type of services in its Multi-Firm Cabinets Fee.[14] The Exchange also notes that the Hosting Fee has not been changed since it was established in 2011. The Exchange believes the proposed Hosting Fee is reasonable in that the fee is designed to reflect the expenses and resources expended by the Exchange in connection with hosting services. In addition, while Hosting Users may independently set fees for their Hosted Customers, and the Exchange would not receive a share of any such fees, the Hosting Fee on a per Hosted Customer per cabinet basis continues to be lower than the fees a Hosted Customer would pay for co-location space purchased directly from the Exchange.

The Exchange also believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[15] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its Member Organizations, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. Overall, the Exchange believes that the proposed change is consistent with the Act because the Exchange offers the co-location services described herein as a convenience to Users, but in so doing incurs certain costs, including costs related to the data center facility, hardware and equipment and costs related to personnel required for initial installation and ongoing monitoring, support and maintenance of such services.

For the reasons above, the proposed change would not unfairly discriminate

[9] *See* Nasdaq Rule 7034(a) and Securities Exchange Act Release No. 71200 (Dec. 30, 2013), 79 FR 677 (Jan. 6, 2014) (SR–NASDAQ–2013–57). [sic]

[10] As is currently the case, Users that receive co-location services from the Exchange will not receive any means of access to the Exchange's trading and execution systems that is separate from, or superior to, that of others with access to the Exchange's trading and execution systems. In this regard, all orders sent to the Exchange enter the Exchange's trading and execution systems through the same order gateway, regardless of whether the sender is co-located in the data center or not. In addition, co-located Users do not receive any market data or data service product that is not available to users that have access to the Exchange's trading and execution systems, although Users that receive co-location services normally would expect reduced latencies in sending orders to, and receiving market data from, the Exchange.

[11] *See* SR–NYSEArca–2013–80, *supra* note 6 at 50459. The Exchange's affiliates have also submitted substantially the same proposed rule change to propose the changes described herein. *See* SR–NYSE–2015–40 and SR–NYSEMKT–2015–67.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *See supra* note 9.

[15] 15 U.S.C. 78f(b)(4).

between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

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 these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[16] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because any market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange could have access to the co-location services provided in the data center. This is also true because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (*i.e.,* the same range of products and services are available to all Users).

The Exchange believes that incorporating the definitions of User, Hosting User and Hosted Customer into the Fee Schedules, the change to the Hosting Fee and the change to the application of the Hosting Fee will not impose any burden on competition that is not necessary or appropriate in further of the purposes of the Act because the definitions have been previously filed with the Commission [17] and their inclusion in the Fee Schedules will provide further clarity in the application of the fees. The Exchange believes that the changes to the Hosting Fee will not impose any burden on competition that is not necessary or appropriate in further of the purposes of the Act because they are designed to reflect the expenses and resources expended by the Exchange in connection with hosting services and because NASDAQ takes the same approach to the same type of services in its Multi-Firm Cabinets Fee.[18]

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if, for example, they deem fee levels at a particular venue to be excessive or if they determine that another venue's products and services are more competitive than on the Exchange. In such an environment, the Exchange must continually review, and consider adjusting, the services it offers as well as any corresponding fees and credits to remain competitive with other 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

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 from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [19] and Rule 19b–4(f)(6) thereunder.[20]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca-2015–82 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–NYSEArca–2015–82. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2015–82 and should be submitted on or before October 26, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–25176 Filed 10–2–15; 8:45 am]

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[16] 15 U.S.C. 78f(b)(8).

[17] *See* 2011 Releases, *supra* note 7.

[18] *See supra* note 9.

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f)(6). Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of 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 Commission. The Exchange has satisfied this requirement.

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76020; File Nos. SR–NYSE–2011–55; SR–NYSEAmex–2011–84]

Self-Regulatory Organizations; New York Stock Exchange LLC; NYSE MKT LLC; Order Granting an Extension to Limited Exemptions From Rule 612(c) of Regulation NMS in Connection With the Exchanges' Retail Liquidity Programs Until March 31, 2016

September 29, 2015.

On July 3, 2012, the Securities and Exchange Commission (''Commission'') issued an order pursuant to its authority under Rule 612(c) of Regulation NMS (''Sub-Penny Rule'') [1] that granted the New York Stock Exchange LLC (''NYSE'') and NYSE MKT LLC [2] (''NYSE MKT'' and, together with NYSE, the ''Exchanges'') limited exemptions from the Sub-Penny Rule in connection with the operation of the Exchanges' respective Retail Liquidity Programs (''Programs'').[3] The limited exemptions were granted concurrently with the Commission's approval of the Exchanges' proposals to adopt their respective Programs for one-year pilot terms.[4] The exemptions were granted coterminous with the effectiveness of the pilot Programs; both the pilot Programs and exemptions are scheduled to expire on September 30, 2015.[5]

The Exchanges now seek to extend the exemptions until March 31, 2016.[6] The Exchanges' request was made in conjunction with immediately effective filings that extend the operation of the Programs through the same date.[7] In their request to extend the exemptions, the Exchanges note that the participation in the Programs has increased more recently. Accordingly, the Exchanges have asked for additional time to allow themselves and the Commission to analyze more robust data concerning the Programs, which the Exchanges committed to provide to the Commission.[8] For this reason and the reasons stated in the Order originally granting the limited exemptions, the Commission finds that extending the exemptions, pursuant to its authority under Rule 612(c) of Regulation NMS, is appropriate in the public interest and consistent with the protection of investors.

Therefore, it is hereby ordered that, pursuant to Rule 612(c) of Regulation NMS, each Exchange is granted a limited exemption from Rule 612 of Regulation NMS that allows it to accept and rank orders priced equal to or greater than $1.00 per share in increments of $0.001, in connection with the operation of its Retail Liquidity Program, until March 31, 2016.

The limited and temporary exemptions extended by this Order are subject to modification or revocation if at any time the Commission determines that such action is necessary or appropriate in furtherance of the purposes of the Securities Exchange Act of 1934. Responsibility for compliance with any applicable provisions of the Federal securities laws must rest with the persons relying on the exemptions that are the subject of this Order.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–25182 Filed 10–2–15; 8:45 am]

BILLING CODE 8011–01–P

[1] 17 CFR 242.612(c).

[2] At the time it filed the original proposal to adopt the Retail Liquidity Program, NYSE MKT went by the name NYSE Amex LLC. On May 14, 2012, the Exchange filed a proposed rule change, immediately effective upon filing, to change its name from NYSE Amex LLC to NYSE MKT LLC. *See* Securities Exchange Act Release No. 67037 (May 21, 2012), 77 FR 31415 (May 25, 2012) (SR–NYSEAmex–2012–32).

[3] *See* Securities Exchange Act Release No. 67347 (July 3, 2012), 77 FR 40673 (July 10, 2012) (SR–NYSE–2011–55; SR–NYSEAmex–2011–84) (''Order'').

[4] *See id.*

[5] The pilot terms of the Programs were originally scheduled to end on July 31, 2013, but the Exchanges initially extended the terms for an additional year, through July 31, 2014, *see* Securities Exchange Act Release Nos. 70096 (August 2, 2013), 78 FR 48520 (August 8, 2013) (SR–NYSE–2013–48), and 70100 (August 2, 2013), 78 FR 48535 (August 8, 2013) (SR–NYSEMKT–2013–60), and then subsequently extended the terms again through March 31, 2015, *see* Securities Exchange Act Release Nos. 72629 (July 16, 2014), 79 FR 42564 (July 22, 2014) (SR–NYSE–2014–35), and 72625 (July 16, 2014), 79 FR 42566 (July 22, 2014) (SR–NYSEMKT–2014–60), and September 30, 2015, *see* Securities Exchange Act Release Nos. 74454 (March 6, 2015), 80 FR 13054 (March 12, 2015) (SR–NYSE–2015–10), and 74455 (March 6, 2015), 80 FR 13047 (March 12, 2015) (SR–NYSEMKT–2015–14). Each time the pilot terms of the Programs were extended, the Commission granted the Exchanges' requests to also extend the Sub-Penny exemptions through July 31, 2014, *see* Securities Exchange Act Release No. 70085 (July 31, 2013), 78 FR 47807 (August 6, 2013), March 31, 2015, *see* Securities Exchange Act Release No. 72732 (July 31, 2014), 79 FR 45851 (August 6, 2014), and September 30, 2015, *see* Securities Exchange Act Release No. 74507 (March 13, 2015), 80 FR 14421 (March 19, 2015), respectively.

[6] *See* Letter from Martha Redding, Assistant Secretary, NYSE, to Brent J. Fields, Secretary, Securities and Exchange Commission, dated September 17, 2015.

[7] *See* Securities Exchange Act Release Nos. 75993 (September 28, 2015),—FR—(SR–NYSE–2015–41), and 75995 (September 28, 2015),—FR—(SR–NYSEMKT–2015–69).

[8] *See Order, supra* note 3, 77 FR at 40681.

[9] 17 CFR 200.30–3(a)(83).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76022; File No. SR–NYSEMKT–2015–68]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Modifying Certain Proprietary Options Data Products

September 29, 2015.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 18, 2015, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify certain proprietary options data products. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify certain proprietary options data products.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

The Exchange currently offers the following real-time options market data feeds through its ArcaBook for Amex Options data product (collectively, ''Current Options Products''): [3]

• ''ArcaBook for Amex Options—Trades'' makes available NYSE Amex Options last sale information on a real-time basis as it is reported to the Options Price Reporting Authority (''OPRA'') and disseminated on a consolidated basis under the OPRA Plan.[4]

• ''ArcaBook for Amex Options—Top of Book'' makes available NYSE Amex Options best bids and offers (''BBO'') (including orders and quotes) on a real-time basis as reported to OPRA and disseminated on a consolidated basis under the OPRA Plan.

• ''ArcaBook for Amex Options—Series Status'' makes available series status messages for each individual options series (and in the case of complex orders, per-instrument) relating to events such as a delayed opening or trading halt.

• ''ArcaBook for Amex Options—Order Imbalance'' makes available order imbalance information prior to the opening of the market and during a trading halt.

• ''ArcaBook for Amex Options—Depth of Book'' makes available NYSE Amex Options quotes and orders at the first five price levels in each series on a real-time basis.

• ''ArcaBook for Amex Options—Complex'' makes available NYSE Amex Options quote and trade information (including orders/quotes, requests for responses, and trades) for the complex order book on a real-time basis.[5]

The Exchange charges a single fee for its ArcaBook for Amex Options data product, which includes all six of the Current Options Products. The Exchange also charges a separate fee for ArcaBook for Amex Options—Complex for subscribers that seek to obtain this Current Options Product on a standalone basis.[6]

The Exchange proposes to modify the Current Options Products as follows:

First, the Exchange proposes to combine in one market data product, called ''Amex Options Top,'' the data made available currently in ''ArcaBook for Amex Options—Trades,'' ''ArcaBook for Amex Options—Top of Book,'' ''ArcaBook for Amex Options—Series Status,'' and ''ArcaBook for Amex Options—Order Imbalance.'' Offering a data product that combines, in one market data product, last sale data, BBO, and order imbalance information and series status messages, would provide greater efficiencies and better sequencing for vendors and subscribers that currently choose to integrate the data after receiving it from the Exchange. As with ArcaBook for Amex Options—Trades and ArcaBook for Amex Options—Top of Book, Amex Options Top would provide last sale and BBO information on a real-time basis as reported to OPRA and disseminated on a consolidated basis under the OPRA Plan.[7] Other exchanges offer options data products that similarly combine data elements.[8]

Second, the Exchange proposes to modify ''ArcaBook for Amex Options—Depth of Book'' market data product so that quotes and orders would be available at the first three price levels in each series on a real-time basis rather than at the first five price levels. The Exchange also proposes to change the name of this product to ''Amex Options Deep.'' The Exchange believes that reducing the number of levels in the feed will reduce the size of the messages by a significant amount, which the Exchange anticipates will reduce customers' bandwidth needs while retaining the functionality of this product.

Finally, the Exchange proposes to change the name of the ''ArcaBook for Arca [sic] Options—Complex'' market data product to ''Arca [sic] Options Complex.''

The proposed Amex Options Top, Amex Options Deep and Amex Options Complex market data products (the ''Amex Options Products'') would be distributed in a new format, Exchange Data Protocol (XDP), aligning the format of the Amex Options Products with that of other market data products offered by the Exchange. This format change would not affect the real-time data content other than as described herein.

The Exchange does not propose to make any changes to the fees. The single fee charged for the Current Options Products that comprise the ArcaBook for Amex Options market data product would similarly apply to subscribers to of all three proposed market data products—Amex Options Top, Amex Options Deep and Amex Options Complex. The standalone fee that now applies to ''ArcaBook for Amex Options—Complex,'' would likewise apply to Amex Options Complex market data product. The Exchange proposes to change the references to the names of the products in the NYSE Amex Options Proprietary Market Data Fee Schedule to the names of the products as proposed.

As with the Current Options Products, each of the Amex Options Products would be offered through the Exchange's Liquidity Center Network (''LCN''), a local area network in the Exchange's Mahwah, New Jersey data center that is available to users of the Exchange's co-location services. The Exchange would also offer the products through the Exchange's Secure Financial Transaction Infrastructure (''SFTI'') network, through which all other users and member organizations access the Exchange's trading and execution systems and other proprietary market data products.

The Exchange will announce the date that the Amex Options Products will be available through an NYSE Market Data Notice.

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[3] *See* Securities Exchange Act Release No. 67719 (August 23, 2012), 77 FR 52767 (August 30, 2012) (SR–NYSEMKT–2012–40) (proposing to offer certain proprietary options data products).

[4] The OPRA Plan is a national market system plan approved by the Securities and Exchange Commission (''Commission'') pursuant to section 11A of the Securities Exchange Act of 1934 (the ''Act'') and Rule 608 thereunder (formerly Rule 11Aa3–2). *See* Securities Exchange Act Release No. 17638 (March 18, 1981), 22 S.E.C. Docket 484 (March 31, 1981). The full text of the OPRA Plan is available at *http://www.opradata.com.* The OPRA Plan provides for the collection and dissemination of last sale and quotation information on options that are traded on the participant exchanges. Section 5.2(c) of the OPRA Plan also permits OPRA Plan participants to disseminate unconsolidated market information to certain of their members under certain circumstances.

[5] *See* Rule 6.62(e), which defines complex orders, and Rule 6.91, that describes electronic complex order trading, including requests for responses.

[6] *See* Securities Exchange Act Release No. 68004 (Oct. 9, 2012), 77 FR 62582 (Oct. 15, 2012) (SR–NYSEMKT–2012–49) (establishing fees for certain proprietary options market data products). *See also* Securities Exchange Act Release Nos. 69524 (May 6, 2013), 78 FR 27459 (May 10, 2013) (SR–NYSEMKT–2013–35) (establishing a schedule of NYSE Amex Options proprietary market data fees); 69553 (May 10, 2013), 78 FR 28926 (May 16, 2013) (SR–NYSEMKT–2013–40) (establishing non-display usage fees and amending the professional end-user fees); 71934 (April 11, 2014), 79 FR 21818 (April 17, 2014) (SR–NYSEMKT–2014–30) (amending the professional user fees); 73008 (Sept. 5, 2014), 79 FR 65325 [sic] (Sept. 11, 2014) (SR–NYSEMKT–2014–73) (amending fees for non-display use); and 73589 (Nov. 13, 2014), 79 FR 68933 (Nov. 19, 2014) (SR–NYSEMKT–2014–94) (establishing fees for the complex order book feed).

[7] *See supra* note 4. The manner in which the Exchange proposes to disseminate the products would comply with section 5.2(c) of the OPRA Plan, pursuant to which the Exchange may not disseminate the products ''on any more timely basis than the same information is furnished to the OPRA System for inclusion in OPRA's consolidated dissemination of Options Information.''

[8] For example, Chicago Board Options Exchange (''CBOE'') and NASDAQ Options Market (''NOM'') and NASDAQ OMX PHLX LLC (''PHLX'') offer proprietary products that include both last sale and BBO information. *See, e.g.,* Securities Exchange Act Release No. 73955 (Dec. 30, 2014), 80 FR 598 (Jan. 6, 2015) (SR–CBOE–2014–094); NOM Rules, Chapter VI, Section 1(a)(3) and Securities Exchange Act Release No. 64652 (June 13, 2011), 76 FR 35498 (June 17, 2011) (SR–NASDAQ–2011–075); and Securities Exchange Act Release No. 67352 (July 5, 2012), 77 FR 40930 (July 11, 2012) (SR–Phlx–2012–83), respectively.

The proposed change is not intended to address any issues other than those described herein, and the Exchange is not aware of any problems that vendors or subscribers would have in complying with the proposed change.

2. Statutory Basis

The proposed rule change is consistent with section 6(b)[9] of the Act, in general, and furthers the objectives of section 6(b)(5)[10] of the Act, 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 mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and it is not designed to permit unfair discrimination among customers, brokers, or dealers.

The Exchange also believes this proposal is consistent with section 6(b)(5) of the Act because it protects investors and the public interest and promotes just and equitable principles of trade by providing investors with improved options for receiving market data. The proposed rule changes would benefit investors by facilitating their prompt access to the real-time information contained in the Amex Options Products.

In particular, the Exchange believes that combining last sale data, best bids and offers, order imbalance information and series status messages in the Amex Options Top product is reasonable because it would provide greater efficiencies and reduce errors for vendors and subscribers that currently choose to integrate the data after receiving it from the Exchange. In addition, the change to the Amex Options Deep product reflects the interests and needs of vendors by streamlining the product using smaller message sizes. The changes are reasonable because they would provide vendors and subscribers with higher quality market data products.

In adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to consumers of such data. It was believed that this authority would expand the amount of data available to users and consumers of such data and also spur innovation and competition for the provision of market data. The Exchange believes that the options data product changes proposed herein are precisely the sort of market data product evolutions that the Commission envisioned when it adopted Regulation NMS. The Commission concluded that Regulation NMS—by lessening regulation of the market in proprietary data—would itself further the Act's goals of facilitating efficiency and competition:

> [E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.[11]

By removing ''unnecessary regulatory restrictions'' on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history.

The Exchange further notes that the existence of alternatives to the Exchange's products, including real-time consolidated data, free delayed consolidated data, and proprietary data from other sources, ensures that the Exchange is not unreasonably discriminatory because vendors and subscribers can elect these alternatives.

The proposed options data products will help to protect a free and open market by providing additional data to the marketplace and give investors greater choices. In addition, the proposal would not permit unfair discrimination because the products will be available to all of the Exchange's customers and broker-dealers through both the LCN and SFTI.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with section 6(b)(8) of the Act,[12] 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 market for proprietary data products is currently competitive and inherently contestable because there is fierce competition for the inputs necessary to the creation of proprietary data. Numerous exchanges compete with each other for listings, trades, and market data itself, providing virtually limitless opportunities for entrepreneurs who wish to produce and distribute their own market data. This proprietary data is produced by each individual exchange, as well as other entities (such as internalizing broker-dealers and various forms of alternative trading systems, including dark pools and electronic communication networks), in a vigorously competitive market. It is common for market participants to further and exploit this competition by sending their order flow and transaction reports to multiple markets, rather than providing them all to a single market.

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[13] and Rule 19b–4(f)(6) thereunder.[14] 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)[15] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[16] 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

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

[12] 15 U.S.C. 78f(b)(8).

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

under section 19(b)(2)(B)[17] 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.* Please include File Number SR–NYSEMKT–2015–68 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2015–68. 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 offices 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–NYSEMKT–2015–68, and should be submitted on or before October 26, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–25184 Filed 10–2–15; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(2)(B).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76019; File No. SR–BATS–2015–56]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change, as Modified by Amendments Nos. 1 and 2, To List and Trade Shares of the ProShares Managed Futures Strategy ETF of the ProShares Trust Under BATS Rule 14.11 on BATS Exchange, Inc.

September 29, 2015.

On July 30, 2015, BATS Exchange, Inc. (''BATS'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of the ProShares Managed Futures Strategy ETF (''Fund'') of the ProShares Trust under BATS Rule 14.11(i). The proposed rule change was published for comment in the **Federal Register** on August 17, 2015.[3] On August 19, 2015, the Exchange filed Amendment No. 1 to the proposed rule change.[4] On September 4, 2015, the Exchange filed Amendment No. 2 to the proposed rule change.[5] The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act[6] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The Commission is extending this 45-day time period. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change, as modified by the amendments.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[7] designates November 15, 2015, as the date by which the Commission shall either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change (File Number SR–BATS–2015–56).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–25181 Filed 10–2–15; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 75664 (August 11, 2015), 80 FR 49288 (''Notice'').

[4] Amendment No. 1 is available at: *http://www.sec.gov/comments/sr-bats-2015-56/bats201556-.pdf.*

[5] Amendment No. 2 is available at: *http://www.sec.gov/comments/sr-bats-2015-56/bats201556-2.pdf.*

[6] 15 U.S.C. 78s(b)(2).

[7] *Id.*

[8] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76017; File No. SR–EDGA–2015–37]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.15, Clearly Erroneous Executions

September 29, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 21, 2015, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 11.15, Clearly Erroneous

Executions, in order to conform to the rules of BATS Exchange, Inc. (''BZX'') and BATS Y-Exchange, Inc. (''BYX'').[3]

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In early 2014, the Exchange and its affiliate, EDGX Exchange, Inc. (''EDGX'') received approval to effect a merger (the ''Merger'') of the Exchange's parent company, Direct Edge Holdings LLC, with BATS Global Markets, Inc., the parent of BZX and the BATS Y-Exchange, Inc. (''BYX'', together with BZX, EDGA and EDGX, the ''BGM Affiliated Exchanges'').[4] In the context of the Merger, the BGM Affiliated Exchanges are working to align their rules, retaining only intended differences between the BGM Affiliated Exchanges. Thus, the Exchange proposes to restructure and amend Rule 11.15, Clearly Erroneous Executions, in order to conform to the corresponding rules of BYX and BZX and provide a consistent rule set across each of the BGM Affiliated Exchanges.[5]

Background

On September 10, 2010, the Commission approved, on a pilot basis, changes to Exchange Rule 11.15 to provide for uniform treatment: (1) Of clearly erroneous[6] execution reviews in multi-stock events involving twenty or more securities; and (2) in the event transactions occur that result in the issuance of an individual stock trading pause by the primary listing market and subsequent transactions that occur before the trading pause is in effect on the Exchange.[7] The Exchange also adopted additional changes to Rule 11.15 that reduced the ability of the Exchange to deviate from the objective standards set forth in Rule 11.15,[8] and in 2013, adopted a provision designed to address the operation of the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ''Limit Up-Limit Down Plan'' or the ''Plan'').[9] In 2014, the Exchange adopted two additional provisions providing that: (i) A series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions (the ''Multi-Day Event''); and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[10]

The Exchange proposes the below changes to conform Rule 11.15 to BYX and BZX Rules 11.17. None of these changes are designed to amend the Exchange's current review process for clearly erroneous executions. Rather, they are proposed in order to implement identical rules with regard to clearly erroneous executions across each of the BGM Affiliated Exchanges.[11] The proposed changes to Rule 11.15 are as follows:

- Amend the last sentence of the introductory paragraph to include the word ''replaced''.
- Replace references to ''Officer'' with ''Official'' in paragraphs (b), (b)(1), (c)(3), (d), (e)(1), (e)(2), (e)(2)(D), and (e)(2)(F).
- Replace the term ''Regular Market Session'' with ''Regular Trading Hours'' in paragraphs (c)(1), (e)(1), and (g).
- Amend paragraph (b)(1) to: (i) Clarify that requests for review must be received *by the Exchange* within thirty (30) minutes of the execution time; (ii) replace the word ''Section'' with ''paragraph'' and encase ''30'' in parentheses as well as insert the word ''thirty'' immediately before ''(30)'' in the second sentence; (iii) specify in the fourth sentence that if requested, each party shall provide *any supporting written information as may be reasonably requested by the Official to aid resolution of the matter* and remove the phrase ''any supporting written information.''
- Amend paragraph (b)(2) to encase both ''30'' and ''60'' in parentheses as well as insert the word ''thirty'' immediately before ''(30)'' and the word ''sixty'' immediately before ''(60)''.
- Amend paragraph (c)(1) to: (i) Delete the word ''the'' before the word ''Regular'' and add the word ''during'' before the phrase ''the Pre-Opening and . . . '' in the first sentence; (ii) remove the ''s'' from the word ''occur'' within the parenthetical in the third sentence; and (iii) insert the word ''paragraph'' before ''(c)(2)'' in the fourth sentence.
- Amend the first sentence of paragraph (c)(3) to: (i) Remove the ''s'' from the word ''system''; (ii) replace ''IPO'' with the term ''initial public offering''; and (iii) remove '' 's '' from the word ''tape''.
- Amend paragraph (d) to: (i) Replace the term ''at its'' with ''in his or her''; (ii) replace the word ''subsection'' with ''paragraph''; and (ii) encase both ''30'' and ''60'' in parentheses as well as insert the word ''thirty'' immediately before ''(30)''.
- Reformat and renumber paragraph (d)(1)(A) as (d)(1) and (d)(1)(B) as (d)(2).
- Amend renumbered and reformatted paragraph (d)(1) to: (i) Not

[3] *See* BYX and BZX Rule 11.17.

[4] *See* Securities Exchange Act Release No. 71449 (January 30, 2014), 79 FR 6961 (February 5, 2014) (SR–EDGX–2013–43; SR–EDGA–2013–34).

[5] The Exchange notes that EDGX intends to file an identical proposal with the Commission to restructure and amend its Rule 11.15, Clearly Erroneous Executions, to conform to BYX and BZX Rules 11.17.

[6] The terms of a transaction executed on the Exchange are ''clearly erroneous'' when there is an obvious error in any term, such as price, number of shares or other unit of trading, or identification of the security. A transaction made in clearly erroneous error and cancelled by both parties or determined by the Exchange to be clearly erroneous will be removed from the Consolidated Tape. *See* Exchange Rule 11.15(a).

[7] Securities Exchange Act Release No. 62886 (Sept. 10, 2010), 75 FR 56613 (Sept. 16, 2010) (SR–EDGX–2010–03).

[8] *Id.*

[9] *See* Securities Exchange Act Release No. 68814 (Feb. 1, 2013), 78 FR 9086 (Feb. 7, 2013) (SR–EDGX–2013–06); *see also* Exchange Rule 11.15(i).

[10] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–EDGA–2014–11).

[11] The Exchange notes that BYX and BZX are to file rule changes with the Commission to proposes a series of changes to their Rules 11.17, Clearly Erroneous Executions, to conform with other provisions of EDGA and EDGX Rule 11.15 to ensure each of the BGM Affiliated Exchange have identical rule text with regard to the review and handling of clearly erroneous executions.

capitalize the word ''Paragraph''; (ii) replace the word ''Section'' with ''Rule''; and (iii) delete '', or''.

• Amend renumbered and reformatted paragraph (d)(2) to: (i) Not capitalize the word ''Paragraph''; (ii) replace the words ''the Section'' with ''this Rule''; and (iii) replace ''11.15'' with the word ''paragraph'' before the reference to (c)(3).

• Amend paragraph (e)(1) to encase ''30'' in parentheses as well as insert the word ''thirty'' immediately before ''(30)'' in the third sentence.

• Amend paragraph (e)(2)(B) to rephrase the term '' ten (10) Member representatives'' with ''ten (10) representatives of Members''.

• Renumber paragraph (e)(3) as (e)(2)(C) and amend the paragraph to: (i) Specify that a request for review on appeal must be made, not only via email, but also in writing or other electronic means specified from time to time by the Exchange in a circular distributed to Members; and (ii) replace ''3:00 ET'' with ''3:00 p.m. Eastern Time'' in the third sentence.

• Renumber paragraph (e)(4) as (e)(2)(D).

• Renumber paragraph (e)(5) as (e)(2)(E) and: (i) Replace reference to ''Rule 11.15(e)(1)'' with ''paragraph (e)(1) above''; and (ii) add a sentence stating that in instances where the Exchange, on behalf of a Member, requests a determination by another market center that a transaction is clearly erroneous, the Exchange will pass any resulting charges through to the relevant Member.

• Renumber paragraph (e)(6) as (e)(2)(F).

• Within paragraph (f), amend: (i) The first sentence to replace the word ''the'' with ''an'' before the ''Officer'' and delete the word ''such'' before ''other senior level employee designee''; (ii) the second sentence to remove the ''s'' from the ''paragraphs'' before reference to paragraph (c)(1)–(3); (iii) the third sentence to delete the word ''such'' before ''other senior level employee designee''; (iv) amend the fourth sentence to delete the term ''such other'' before ''senior level employee designee'', replace the term ''Regular Session Trading'' with ''Regular Trading Hours'', and add the word ''trading'' before ''day''; and (v) amend the last sentence to clarify that notice shall be provided by the Exchange, replace the word ''Member'' with ''party'', remove the ''s'' from the ''paragraphss'' and delete reference to paragraph (e)(3) and (4) as those paragraph are now included in (e)(2).

• Amend paragraph (g) to: (i) Retitle it as ''Officer Acting On Own Motion''; (ii) delete the term ''such other'' before ''senior level employee designee'' and replace the term ''its'' with ''his or her'' in the first sentence; (iii) delete the word ''such'' before ''other senior level employee designee'' in the fourth sentence; and (iv) remove the ''s'' from the ''paragraphs'' and delete reference to paragraph (e)(3) and (4) as those paragraphs are now included in (e)(2) in the last sentence.

• Within paragraph (h), amend: (i) The first sentence to replace the term ''initial public offering'' with ''IPO''; (ii) the third and fourth sentences to delete the word ''such'' before ''other senior level employee designee''; (iii) the sixth sentence to delete the word ''such'' before ''other senior level employee designee'', replace the term ''Regular Session Trading'' with ''Regular Trading Hours'', and add the word ''trading'' before ''day''; and (v) amend the last sentence to replace the term ''subsection'' with ''paragraph'' and delete reference to paragraphs (e)(3) and (4) as those paragraphs are now included in (e)(2).

Amend the last sentence in paragraphs (j) and (k) to delete reference to paragraphs (e)(3) and (4) as those paragraphs are now included in (e)(2).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[12] Specifically, the proposed change is consistent with Section 6(b)(5) of the Act,[13] because it is designed to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, to protect investors and the public interest. None of these changes are designed to amend the Exchange's current review process for clearly erroneous executions. Rather, as mentioned above, the proposed rule changes, combined with the planned filing for the BYX, BZX, and EDGX, would allow the BGM Affiliated Exchanges to provide a consistent set of rules as it relates to clearly erroneous executions. Consistent rules, in turn, will simplify the regulatory requirements for Members of the Exchange that are also participants on EDGA, BYZ and/or BZX. The proposed rule change would provide greater harmonization between rules of similar purpose on the BGM Affiliated Exchanges, resulting in greater uniformity and less burdensome and more efficient regulatory compliance and understanding of Exchange Rules. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system. Similarly, the Exchange also believes that, by harmonizing the rules across each BGM Affiliated Exchange, the proposal will enhance the Exchange's ability to fairly and efficiently regulate its Members, meaning that the proposed rule change is equitable and will promote fairness in the market place. Finally, the Exchange believes that the non-substantive changes discussed above will contribute to the protection of investors and the public interest by helping to avoid confusion with respect to Exchange Rules.

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 not necessary or appropriate in furtherance of the purposes of the act. To the contrary, allowing the Exchange to implement substantively identical rules across each of the BGM Affiliated Exchanges regarding clearly erroneous executions does not present any competitive issues, but rather is designed to provide greater harmonization among Exchange, BZX, BYX, and EDGX rules of similar purpose. The proposed rule change should, therefore, result in less burdensome and more efficient regulatory compliance as well as a better understanding of Exchange Rules for common members of the BGM Affiliated Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) of the Act[14] and paragraph (f)(6) of Rule 19b–4

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78s(b)(3)(A).

thereunder.[15] The proposed rule change effects a change that (A) does not significantly affect the protection of investors or the public interest; (B) does not impose any significant burden on competition; and (C) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of 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 Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily temporarily suspend such rule change if it appears to the Commission that such action is: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGA–2015–37 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–EDGA–2015–37. 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–EDGA–2015–37, and should be submitted on or before October 26, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–25179 Filed 10–2–15; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 240.19b–4.

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76021; File No. SR–NYSEARCA–2013–107]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Granting an Extension to Limited Exemption From Rule 612(c) of Regulation NMS in Connection With the Exchange's Retail Liquidity Program Until March 31, 2016

September 29, 2015.

On December 23, 2013, the Securities and Exchange Commission (''Commission'') issued an order pursuant to its authority under Rule 612(c) of Regulation NMS (''Sub-Penny Rule'') [1] that granted NYSE Arca, Inc. (''Exchange'') a limited exemption from the Sub-Penny Rule in connection with the operation of the Exchange's Retail Liquidity Program (''Program'').[2] The limited exemption was granted concurrently with the Commission's approval of the Exchange's proposal to adopt the Program for a one-year pilot term.[3] The exemption was granted coterminous with the effectiveness of the pilot Program; both the pilot Program and exemption are scheduled to expire on September 30, 2015.[4]

The Exchange now seeks to extend the exemption until March 31, 2016.[5] The Exchange's request was made in conjunction with an immediately effective filing that extends the operation of the Program through the same date.[6] In its request to extend the exemption, the Exchange notes that the participation in the Program has increased more recently. Accordingly, the Exchange has asked for additional time to allow itself and the Commission to analyze more robust data concerning the Program, which the Exchange committed to provide to the Commission.[7] For this reason and the reasons stated in the Order originally granting the limited exemption, the Commission finds that extending the exemption, pursuant to its authority under Rule 612(c) of Regulation NMS, is appropriate in the public interest and consistent with the protection of investors.

Therefore, it is hereby ordered that, pursuant to Rule 612(c) of Regulation NMS, the Exchange is granted a limited exemption from Rule 612 of Regulation NMS that allows it to accept and rank orders priced equal to or greater than $1.00 per share in increments of $0.001, in connection with the operation of its Retail Liquidity Program, until March 31, 2016.

The limited and temporary exemption extended by this Order is subject to modification or revocation if at any time, the Commission determines that such action is necessary or appropriate in furtherance of the purposes of the Securities Exchange Act of 1934. Responsibility for compliance with any applicable provisions of the Federal securities laws must rest with the

[1] 17 CFR 242.612(c).

[2] *See* Securities Exchange Act Release No. 71176 (December 23, 2013), 78 FR 79524 (December 30, 2013) (SR–NYSEARCA–2013–107) (''Order'').

[3] *See id.*

[4] The pilot term of the Program was originally scheduled to end on April 14, 2015, but the Exchange extended the term through September 30, 2015. *See* Securities Exchange Act Release No. 74572 (March 24, 2015), 80 FR 16705 (March 30, 2015) (NYSEARCA–2015–22). When the pilot term of the Program was extended, the Commission granted the Exchange's requests to also extend the Sub-Penny exemption through September 30, 2015. *See* Securities Exchange Act Release No. 74609 (March 30, 2015), 80 FR 18272 (April 3, 2015).

[5] *See* Letter from Martha Redding, Assistant Secretary, NYSE, to Brent J. Fields, Secretary, Securities and Exchange Commission, dated September 17, 2015.

[6] *See* Securities Exchange Act Release No. 75994 (September 28, 2015),—FR—(SR–NYSEARCA–2015–84).

[7] *See* Order, *supra* note 2, 78 FR at 79529.

persons relying on the exemption that is the subject of this Order.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–25183 Filed 10–2–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76023; File No. SR–NYSEARCA–2015–83]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Modifying Certain Proprietary Options Data Products

September 29, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 18, 2015, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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 modify certain proprietary options data products. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify certain proprietary options data products.

The Exchange currently offers the following real-time options market data feeds through its ArcaBook for Arca Options data product (collectively, ''Current Options Products''): [3]

• ''ArcaBook for Arca Options—Trades'' makes available NYSE Arca Options last sale information on a real-time basis as it is reported to the Options Price Reporting Authority (''OPRA'') and disseminated on a consolidated basis under the OPRA Plan.[4]

• ''ArcaBook for Arca Options—Top of Book'' makes available NYSE Arca Options best bids and offers (''BBO'') (including orders and quotes) on a real-time basis as reported to OPRA and disseminated on a consolidated basis under the OPRA Plan.

• ''ArcaBook for Arca Options—Series Status'' makes available series status messages for each individual options series (and in the case of complex orders, per-instrument) relating to events such as a delayed opening or trading halt.

• ''ArcaBook for Arca Options—Order Imbalance'' makes available order imbalance information prior to the opening of the market and during a trading halt.

• ''ArcaBook for Arca Options—Depth of Book'' makes available NYSE Arca Options quotes and orders at the first five price levels in each series on a real-time basis.

• ''ArcaBook for Arca Options—Complex'' makes available NYSE Arca Options quote and trade information (including orders/quotes, requests for responses, and trades) for the complex order book on a real-time basis.[5]

The Exchange charges a single fee for its ArcaBook for Arca Options data product, which includes all six of the Current Options Products. The Exchange also charges a separate fee for ArcaBook for Arca Options—Complex for subscribers that seek to obtain this Current Options Product on a standalone basis.[6]

The Exchange proposes to modify the Current Options Products as follows:

First, the Exchange proposes to combine in one market data product, called ''Arca Options Top,'' the data made available currently in ''ArcaBook for Arca Options—Trades,'' ''ArcaBook for Arca Options—Top of Book,'' ''ArcaBook for Arca Options—Series Status,'' and ''ArcaBook for Arca Options—Order Imbalance.'' Offering a data product that combines, in one market data product, last sale data, BBO, and order imbalance information and series status messages, would provide greater efficiencies and better sequencing for vendors and subscribers that currently choose to integrate the data after receiving it from the Exchange. As with ArcaBook for Arca Options—Trades and ArcaBook for Arca Options—Top of Book, Arca Options Top would provide last sale and BBO information on a real-time basis as reported to OPRA and disseminated on a consolidated basis under the OPRA Plan.[7] Other exchanges offer options data products that similarly combine data elements.[8]

[8] 17 CFR 200.30–3(a)(83).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 67720 (August 23, 2012), 77 FR 52769 (August 30, 2012) (SR–NYSEArca–2012–89) (proposing to offer certain proprietary options data products).

[4] The OPRA Plan is a national market system plan approved by the Securities and Exchange Commission (''Commission'') pursuant to Section 11A of the Securities Exchange Act of 1934 (the ''Act'') and Rule 608 thereunder (formerly Rule 11Aa3–2). *See* Securities Exchange Act Release No. 17638 (March 18, 1981), 22 S.E.C. Docket 484 (March 31, 1981). The full text of the OPRA Plan is available at *http://www.opradata.com.* The OPRA Plan provides for the collection and dissemination of last sale and quotation information on options that are traded on the participant exchanges. Section 5.2(c) of the OPRA Plan also permits OPRA Plan participants to disseminate unconsolidated market information to certain of their members under certain circumstances.

[5] *See* Rule 6.62(e), which defines complex orders, and Rule 6.91, that describes electronic complex order trading, including requests for responses.

[6] *See* Securities Exchange Act Release No. 68005 (Oct. 9, 2012), 77 FR 63362 (Oct. 16, 2012) (SR–NYSEArca–2012–106) (establishing fees for certain proprietary options market data products). *See also* Securities Exchange Act Release Nos. 69523 (May 6, 2013), 78 FR 27452 (May 10, 2013) (SR–NYSEArca–2013–41) (establishing a schedule of NYSE Arca Options proprietary market data fees); 69554 (May 10, 2013), 78 FR 28917 (May 16, 2013) (SR–NYSEArca–2013–47) (establishing non-display usage fees and amending the professional end-user fees); 71933 (April 11, 2014), 79 FR 21821 (April 17, 2014) (SR–NYSEArca–2014–34) (amending the professional user fees); 73010 (Sept. 5, 2014), 79 FR 54307 (Sept. 11, 2014) (SR–NYSEArca 2014–94) (amending fees for non-display use); 73588 (Nov. 13, 2014), 79 FR 68922 (Nov. 19, 2014) (SR–NYSEArca–2014–129) (establishing fees for the complex order book feed).

[7] *See supra* note 4. The manner in which the Exchange proposes to disseminate the products would comply with Section 5.2(c) of the OPRA Plan, pursuant to which the Exchange may not disseminate the products ''on any more timely basis than the same information is furnished to the OPRA System for inclusion in OPRA's consolidated dissemination of Options Information.''

[8] For example, Chicago Board Options Exchange (''CBOE''), NASDAQ Options Market (''NOM''), and NASDAQ OMX PHLX LLC (''PHLX'') offer

Second, the Exchange proposes to modify ''ArcaBook for Arca Options—Depth of Book'' market data product so that quotes and orders would be available at the first three price levels in each series on a real-time basis rather than at the first five price levels. The Exchange also proposes to change the name of this product to ''Arca Options Deep.'' The Exchange believes that reducing the number of levels in the feed will reduce the size of the messages by a significant amount, which the Exchange anticipates will reduce customers' bandwidth needs while retaining the functionality of this product.

Finally, the Exchange proposes to change the name of the ''ArcaBook for Arca Options—Complex'' market data product to ''Arca Options Complex.''

The proposed Arca Options Top, Arca Options Deep and Arca Options Complex market data products (the ''Arca Options Products'') would be distributed in a new format, Exchange Data Protocol (XDP), aligning the format of the Arca Options Products with that of other market data products offered by the Exchange. This format change would not affect the real-time data content other than as described herein.

The Exchange does not propose to make any changes to the fees. The single fee charged for the Current Options Products that comprise the ArcaBook for Arca Options market data product would similarly apply to subscribers to of all three proposed market data products—Arca Options Top, Arca Options Deep and Arca Options Complex. The standalone fee that now applies to ''ArcaBook for Arca Options—Complex,'' would likewise apply to Arca Options Complex market data product. The Exchange proposes to change the references to the names of the products in the NYSE Arca Options Proprietary Market Data Fee Schedule to the names of the products as proposed.

As with the Current Options Products, each of the Arca Options Products would be offered through the Exchange's Liquidity Center Network (''LCN''), a local area network in the Exchange's Mahwah, New Jersey data center that is available to users of the Exchange's co-location services. The Exchange would also offer the products through the Exchange's Secure Financial Transaction Infrastructure (''SFTI'') network, through which all other users and member organizations access the Exchange's trading and execution systems and other proprietary market data products.

The Exchange will announce the date that the Arca Options Products will be available through an NYSE Market Data Notice.

The proposed change is not intended to address any issues other than those described herein, and the Exchange is not aware of any problems that vendors or subscribers would have in complying with the proposed change.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)[9] of the Act, in general, and furthers the objectives of Section 6(b)(5)[10] of the Act, 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 mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and it is not designed to permit unfair discrimination among customers, brokers, or dealers.

The Exchange also believes this proposal is consistent with Section 6(b)(5) of the Act because it protects investors and the public interest and promotes just and equitable principles of trade by providing investors with improved options for receiving market data. The proposed rule changes would benefit investors by facilitating their prompt access to the real-time information contained in the Arca Options Products.

In particular, the Exchange believes that combining last sale data, best bids and offers, order imbalance information and series status messages in the Arca Options Top product is reasonable because it would provide greater efficiencies and reduce errors for vendors and subscribers that currently choose to integrate the data after receiving it from the Exchange. In addition, the change to the Arca Options Deep product reflects the interests and needs of vendors by streamlining the product using smaller message sizes. The changes are reasonable because they would provide vendors and subscribers with higher quality market data products.

In adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to consumers of such data. It was believed that this authority would expand the amount of data available to users and consumers of such data and also spur innovation and competition for the provision of market data. The Exchange believes that the options data product changes proposed herein are precisely the sort of market data product evolutions that the Commission envisioned when it adopted Regulation NMS. The Commission concluded that Regulation NMS—by lessening regulation of the market in proprietary data—would itself further the Act's goals of facilitating efficiency and competition:

> [E]fficiency is promoted when broker-dealers who do not need the data beyond the prices, sizes, market center identifications of the NBBO and consolidated last sale information are not required to receive (and pay for) such data. The Commission also believes that efficiency is promoted when broker-dealers may choose to receive (and pay for) additional market data based on their own internal analysis of the need for such data.[11]

By removing ''unnecessary regulatory restrictions'' on the ability of exchanges to sell their own data, Regulation NMS advanced the goals of the Act and the principles reflected in its legislative history.

The Exchange further notes that the existence of alternatives to the Exchange's products, including real-time consolidated data, free delayed consolidated data, and proprietary data from other sources, ensures that the Exchange is not unreasonably discriminatory because vendors and subscribers can elect these alternatives.

The proposed options data products will help to protect a free and open market by providing additional data to the marketplace and give investors greater choices. In addition, the proposal would not permit unfair discrimination because the products will be available to all of the Exchange's customers and broker-dealers through both the LCN and SFTI.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[12] the Exchange does not believe that the proposed rule change will impose any burden on competition that

proprietary products that include both last sale and BBO information. *See, e.g.,* Securities Exchange Act Release No. 73955 (Dec. 30, 2014), 80 FR 598 (Jan. 6, 2015) (SR–CBOE–2014–094); NOM Rules, Chapter VI, Section 1(a)(3) and Securities Exchange Act Release No. 64652 (June 13, 2011), 76 FR 35498 (June 17, 2011) (SR–NASDAQ–2011–075); and Securities Exchange Act Release No. 67352 (July 5, 2012), 77 FR 40930 (July 11, 2012) (SR–Phlx–2012–83), respectively.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

[12] 15 U.S.C. 78f(b)(8).

is not necessary or appropriate in furtherance of the purposes of the Act. The market for proprietary data products is currently competitive and inherently contestable because there is fierce competition for the inputs necessary to the creation of proprietary data. Numerous exchanges compete with each other for listings, trades, and market data itself, providing virtually limitless opportunities for entrepreneurs who wish to produce and distribute their own market data. This proprietary data is produced by each individual exchange, as well as other entities (such as internalizing broker-dealers and various forms of alternative trading systems, including dark pools and electronic communication networks), in a vigorously competitive market. It is common for market participants to further and exploit this competition by sending their order flow and transaction reports to multiple markets, rather than providing them all to a single market.

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 [13] and Rule 19b–4(f)(6) thereunder.[14] 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) [15] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[16] 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) [17] 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.* Please include File Number SR–NYSEARCA–2015–83 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEARCA–2015–83. 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 offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2015–83, and should be submitted on or before October 26, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–25185 Filed 10–2–15; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A)(iii).

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] 15 U.S.C. 78s(b)(2)(B).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76015; File No. SR–BATS–2015–76]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Restructure and Amend Rule 11.17, Clearly Erroneous Executions

September 29, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 21, 2015, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to restructure and amend Rule 11.17, Clearly Erroneous Executions, in order to conform to the rules of EDGA Exchange, Inc. (''EDGA'') and EDGX Exchange, Inc. (''EDGX'').[3]

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* EDGA and EDGX Rule 11.15.

the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In early 2014, the Exchange and its affiliate, BATS Y-Exchange, Inc. (''BYX''), received approval to effect a merger (the ''Merger'') of the Exchange's parent company, BATS Global Markets, Inc., with Direct Edge Holdings LLC, the indirect parent of EDGX and EDGA (together with BZX, BYX and EDGX, the ''BGM Affiliated Exchanges'').[4] In the context of the Merger, the BGM Affiliated Exchanges are working to align their rules, retaining only intended differences between the BGM Affiliated Exchanges. Thus, the Exchange proposes to restructure and amend Rule 11.17, Clearly Erroneous Executions, in order to conform to the corresponding rules of EDGA and EDGX and provide a consistent rule set across each of the BGM Affiliated Exchanges.[5]

Background

On September 10, 2010, the Commission approved, on a pilot basis, changes to BATS Rule 11.17 to provide for uniform treatment: (1) Of clearly erroneous[6] execution reviews in multi-stock events involving twenty or more securities; and (2) in the event transactions occur that result in the issuance of an individual stock trading pause by the primary listing market and subsequent transactions that occur before the trading pause is in effect on the Exchange.[7] The Exchange also adopted additional changes to Rule 11.17 that reduced the ability of the Exchange to deviate from the objective standards set forth in Rule 11.17,[8] and in 2013, adopted a provision designed to address the operation of the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ''Limit Up-Limit Down Plan'' or the ''Plan'').[9] In 2014, the Exchange adopted two additional provisions providing that: (i) A series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions (the ''Multi-Day Event''); and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[10]

Proposed Amendments to Rule 11.17

First, the Exchange proposes to add new subparagraph (h) to Rule 11.17 which would describe the process for nullifying trades in UTP Securities that are the subject of an initial public offering (''IPOs''). The provisions of proposed paragraph (h) are substantially similar to EDGA and EDGX Rules 11.15(h) and differs only to the extent to conform to existing phrasing and terminology within other provisions of Rule 11.17.[11]

Pursuant to Rule 12f–2 of the Securities Exchange Act of 1934,[12] the Exchange may extend unlisted trading privileges to a security that is the subject of an IPO when at least one transaction in the subject security has been effected on the national securities exchange or association upon which the security is listed and the transaction has been reported pursuant to an effective transaction reporting plan. Under proposed paragraph (h), a clearly erroneous error may be deemed to have occurred in the opening transaction of the subject security if the execution price of the opening transaction on the Exchange is the lesser of $1.00 or 10% away from the opening price on the listing exchange or association. In such circumstances, the Officer of the Exchange or other senior level employee designee shall declare the opening transaction null and void or shall decline to take action in connection with the completed trade(s). Clearly erroneous executions of subsequent transactions of the subject security will be reviewed in the same manner as the procedure set forth in Exchange Rule 11.17(e)(1). Absent extraordinary circumstances, any such action of the Officer of the Exchange or other senior level employee designee pursuant to proposed subparagraph (h) shall be taken in a timely fashion, generally within thirty (30) minutes of the detection of the erroneous transaction. When extraordinary circumstances exist, any such action of the Officer of the Exchange or other senior level employee designee must be taken by no later than the start of Regular Trading Hours on the trading day following the date of execution(s) under review. Each party involved in the transaction shall be notified as soon as practicable by the Exchange, and the party aggrieved by the action may appeal such action in accordance with the provisions of Exchange Rule 11.17(e)(2). As stated above, proposed paragraph (h) is substantially similar to EDGA and EDGX Rules 11.15(h) and differs only to the extent to conform to existing phrasing and terminology within other provisions of Rule 11.17.

The Exchange also proposes the following ministerial amendments to Rule 11.17 as a result of proposing new paragraph (h). First, the Exchange proposes to renumber current paragraph

[4] *See* Securities Exchange Act Release No. 71375 (January 23, 2014), 79 FR 4771 (January 29, 2014) (SR–BATS–2013–059; SR–BYX–2013–039).

[5] The Exchange notes that BYX intends to file an identical proposal with the Commission to restructure and amend its Rule 11.17, Clearly Erroneous Executions, to conform to EDGA and EDGX Rules 11.15.

[6] The terms of a transaction executed on the Exchange are ''clearly erroneous'' when there is an obvious error in any term, such as price, number of shares or other unit of trading, or identification of the security. A transaction made in clearly erroneous error and cancelled by both parties or determined by the Exchange to be clearly erroneous will be removed from the Consolidated Tape. *See* Exchange Rule 11.17(a).

[7] Securities Exchange Act Release No. 62886 (Sept. 10, 2010), 75 FR 56613 (Sept. 16, 2010) (SR–BATS–2010–016).

[8] *Id.*

[9] *See* Securities Exchange Act Release No. 68797 (Jan. 31, 2013), 78 FR 8635 (Feb. 6, 2013) (SR–BATS–2013–008); *see also* current BATS Rule 11.17(h).

[10] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–BATS–2014–014).

[11] The Exchange notes that EDGA and EDGX are to file rule changes with the Commission to proposes a series of ministerial changes to their Rules 11.15, Clearly Erroneous Executions, to conform with other provisions of BZX and BYX Rule 11.17 to ensure each of the BGM Affiliated Exchange have identical rule text with regard to the review and handling of clearly erroneous executions. This filing would include changes to EDGA and EDGX Rules 11.15(h) to mirror Exchange Rule 11.17(h) as proposed herein.

[12] 17 CFR 240.12f–2.

(h) as (i), current paragraph (i) as (j), and current paragraph (j) as (k). In addition, the Exchange proposes to update the references to these paragraph in the introductory section of Rule 11.17 to reflect these changes and the addition of proposed paragraph (h).

Lastly, the Exchange proposes the following changes to further conform Rule 11.17 to EDGA and EDGX Rules 11.15:

• Amend paragraph (e)(1) to clarify that a determination made pursuant to this paragraph shall be made generally within thirty (30) minutes of receipt of the complaint, but in no case later than the start of Regular Trading Hours on the following *trading* day, rather than simply stating the following day. This proposed change would make paragraph (e)(1) identical to EDGA and EDGX Rule 11.15(e)(1).

• Amend paragraph (e)(2)(A) to define CRO as the ''Exchange's Chief Regulatory Officer''. This proposed change would make paragraph (e)(2)(A) identical to EDGA and EDGX Rule 11.15(e)(2)(A).

Amend paragraph (e)(2)(F) to replace the term ''Officer'' with ''Official'' in order to use consistent terminology throughout Rule 11.17.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[13] Specifically, the proposed change is consistent with Section 6(b)(5) of the Act,[14] because it is designed to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, to protect investors and the public interest. As mentioned above, the proposed rule changes, combined with the planned filing for the BYX, EDGA, and EDGX, would allow the BGM Affiliated Exchanges to provide a consistent set of rules as it relates to clearly erroneous executions. Consistent rules, in turn, will simplify the regulatory requirements for Members of the Exchange that are also participants on EDGA, EDGX and/or BYX. The proposed rule change would provide greater harmonization between rules of similar purpose on the BGM Affiliated Exchanges, resulting in greater uniformity and less burdensome and more efficient regulatory compliance and understanding of Exchange Rules. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system. Similarly, the Exchange also believes that, by harmonizing the rules across each BGM Affiliated Exchange, the proposal will enhance the Exchange's ability to fairly and efficiently regulate its Members, meaning that the proposed rule change is equitable and will promote fairness in the market place.

Finally, the Exchange believes that the non-substantive, ministerial changes discussed above will contribute to the protection of investors and the public interest by helping to avoid confusion with respect to Exchange Rules.

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 not necessary or appropriate in furtherance of the purposes of the act. To the contrary, allowing the Exchange to implement substantively identical rules across each of the BGM Affiliated Exchanges regarding clearly erroneous executions does not present any competitive issues, but rather is designed to provide greater harmonization among Exchange, BYX, EDGX, and EDGA rules of similar purpose. The proposed rule change should, therefore, result in less burdensome and more efficient regulatory compliance and understanding of Exchange Rules for common members of the BGM Affiliated Exchanges and an enhanced ability of the BGM Affiliated Exchanges to fairly and efficiently regulate Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) of the Act[15] and paragraph (f)(6) of Rule 19b–4 thereunder.[16] The proposed rule change effects a change that (A) does not significantly affect the protection of investors or the public interest; (B) does not impose any significant burden on competition; and (C) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of 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 Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily temporarily suspend such rule change if it appears to the Commission that such action is: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

• Send an email to *rule-comments@sec.gov*. Please include File Number SR–BATS–2015–76 on the subject line.

Paper Comments

• Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BATS–2015–76. 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

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4.

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–BATS–2015–76, and should be submitted on or before October 26, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–25177 Filed 10–2–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76009; File No. SR–NYSEMKT–2015–67]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Adding Definitions Applicable to Certain Co-location Services and Modifying the Fee for Users That Host Their Customers at the Exchange's Data Center

September 29, 2015.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on September 18, 2015, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to add definitions applicable to certain co-location services to the NYSE MKT Equities Price List (''Price List'') and the NYSE Amex Options Fee Schedule (''Fee Schedule'') and modify the fee for users that host their customers at the Exchange's Data Center. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange operates a data center in Mahwah, New Jersey, from which it provides co-location services to Users.[4] The Exchange's co-location services allow Users to rent space in the data center so they may locate their electronic servers in close physical proximity to the Exchange's trading and execution system.[5] The Exchange proposes to amend the Price List and the Fee Schedule as they apply to co-location services to add the definitions of User, Hosting User and Hosted Customer. The Exchange also proposes to modify the fee for users that host their customers at the Exchange's Data Center, effective January 1, 2016.[6]

Definitions of User, Hosting User and Hosted Customer

In 2011, the Exchange changed the definition of the term ''User,'' for the purposes of co-location services, to include any market participant that requests to receive co-location services directly from the Exchange.[7] As described in the 2011 Releases, Users could include member organizations, as that term is defined in the definitions section of the General and Floor Rules of the NYSE MKT Equities Rules (''Members''), and ATP Holders, as that term is defined in NYSE Amex Options Rule 900.2NY(5) (''ATP Holders'') (Members and ATP Holders together referred to herein as ''Member Organizations''); Sponsored Participants, as that term is defined in NYSE MKT Rule 123B.30(a)(ii)(B)—Equities and NYSE Amex Options Rule 900.2NY(77) (''Sponsored Participants''); and non-Member Organization broker-dealers and vendors that request to receive co-location services directly from the Exchange. At the time, the Exchange contemplated that such definition would encompass Users that would provide, for example, hosting, service bureau, technical support, risk management, order routing and market data delivery services to their customers while such Users are co-located in the Exchange's data center.

The Exchange proposes to add the current definition of User to the Price List and the Fee Schedule, without changes from the 2011 Releases, as follows:

A ''User'' means any market participant that requests to receive co-location services directly from the Exchange.

The proposed definition would, consistent with the 2011 Releases, encompass Member Organizations, Sponsored Participants and non-member broker-dealers, as well as vendors that provide hosting, service bureau and technical support, risk management services, order routing services and market data delivery services to their customers while such Users are co-located in the Exchange's data center. Any entity that could be a

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Exchange initially filed rule changes relating to its co-location services with the Securities and Exchange Commission (''Commission'') in 2010. *See* Securities Exchange Act Release No. 62961 (September 21, 2010), 75 FR 59299 (September 27, 2010) (SR–NYSEAmex–2010–80).

[5] *See id.* at 59299.

[6] As specified in the Price List and the Fee Schedule, a User that incurs co-location fees for a particular co-location service pursuant thereto would not be subject to co-location fees for the same co-location service charged by the Exchange's affiliates New York Stock Exchange LLC and NYSE Arca, Inc. *See* Securities Exchange Act Release No. 70176 (August 13, 2013), 78 FR 50471 (August 19, 2013) (SR–NYSEMKT–2013–67).

[7] *See* Securities Exchange Act Release Nos. 65974 (December 15, 2011), 76 FR 79249 (December 21, 2011) (SR–NYSEAmex–2011–81) and 65975 (December 15, 2011), 76 FR 79233 (December 21, 2011) (SR–NYSEAmex–2011–82) (the ''2011 Releases'').

User based on the term as described in the 2011 Releases would be considered a User under the proposed definition.

The Exchange also proposes to make a non-substantive change to the description in the Price List and the Fee Schedule of the Exchange's billing practice for co-location services received by Users that connect to the Exchange and one or more of its affiliates, by replacing the term, ''user,'' with the defined term, ''User.''

In the 2011 Releases, the Exchange also amended the Price List and the Fee Schedule to establish a fee applicable to Users that provide hosting services to their customers at the Exchange's data center. As described in the 2011 Releases, ''hosting'' is a service offered by a User to another entity in the User's space within the data center and can include, for example, a User supporting such other entity's technology, whether hardware or software, through the User's co-location space. The 2011 Releases used the term ''Hosted User'' to describe a customer to which a User provides hosting services.

The Exchange now proposes to include definitions relating to hosting services in the Price List and the Fee Schedule, as follows:

A ''Hosting User'' means a User that hosts a Hosted Customer in the User's co-location space.

A ''Hosted Customer'' means a customer of a Hosting User that is hosted in a Hosting User's co-location space.

The proposed definition of ''Hosting User'' incorporates the description of a User that hosts customers in its co-location space as set forth in the 2011 Releases. For the avoidance of doubt, a Hosting User must be a User pursuant to the proposed definition of User. Any User that could be a Hosting User based on the description of a User that hosts customers in the 2011 Releases would be considered a Hosting User under the proposed definition.

The proposed definition of ''Hosted Customer'' would be a customer of a Hosting User that is hosted in a Hosting User's co-location space, and would be consistent with the description of the term, ''Hosted User'' used in the 2011 Releases.[8] The Exchange proposes to change the name of the term from ''Hosted User'' to ''Hosted Customer'' to make it clear that the entities that are hosted are customers of the Hosting Users that do not, in contrast to Users, have a direct contractual relationship with the Exchange vis-à-vis co-location services. For consistency with this proposed change, the Exchange also proposes to change the term ''Hosted User'' as used in the ''Hosting Fee'' set forth in the Price List and the Fee Schedule, to ''Hosted Customer.'' Since, as noted above, only Users can be Hosting Users, a Hosted Customer may not provide hosting services to any other entities in the space in which it is hosted. Other than the change to the name of the definition, no other changes to the definition are intended and all current customers of a Hosting User would be ''Hosted Customers'' under the proposed definition.

Hosting Fee

In the 2011 Releases, the Exchange amended its Price List and the Fee Schedule to establish a fee charged to Users of $500.00 per month with respect to each Hosted Customer (defined as ''Hosted User'' in the 2011 Releases) that a User hosts in the Exchange's data center (the ''Hosting Fee'').

Effective January 1, 2016, the Exchange proposes to modify the Hosting Fee to provide that the Hosting Fee would be assessed to a Hosting User on a per Hosted Customer basis and for each cabinet in which the Hosting User hosts the Hosted Customer. This approach to hosting fees is comparable to the structure used by the NASDAQ Stock Market, Inc. (''NASDAQ'') in its Multi-Firm Cabinets Fee, and would similarly mean that a Hosting User would be assessed the Hosting Fee for each Hosted Customer that occupies space in a cabinet.[9] Thus, for example, if a Hosting User hosts a Hosted Customer in two of the Hosting User's cabinets, the Hosting User would be charged two Hosting Fees, one for each cabinet in which the Hosted Customer is hosted. The Exchange also proposes to increase the monthly Hosting Fee from $500 per Hosted Customer to $1,000 per Hosted Customer for each cabinet in which the Hosted Customer is hosted, effective January 1, 2016.

As is the case currently, Users may independently set fees for their Hosted Customers and the Exchange would not receive a share of any such fees.

General

As is the case with all Exchange co-location arrangements (i) neither a User nor any of the User's customers would be permitted to submit orders directly to the Exchange unless such User or customer is a Member Organization, a Sponsored Participant or an agent thereof (*e.g.,* a service bureau providing order entry services) and (ii) use of the co-location services proposed herein would be completely voluntary and available to all Users on a non-discriminatory basis.[10] In addition, a User would only incur one charge for the particular co-location service described herein, regardless of whether the User connects only to the Exchange or to the Exchange and one or both of its affiliates.[11]

The proposed change is not otherwise intended to address any other issues relating to co-location services and/or related fees, and the Exchange is not aware of any problems that Users 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,[12] in general, and furthers the objectives of Sections 6(b)(5) of the Act,[13] 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 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 proposal is not designed to permit unfair discrimination between

[8] A ''customer of a Hosting User,'' as used in the definition of a ''Hosted Customer'' would be any person that has a contractual relationship with a Hosting User to use that Hosting User's co-location space. There is no limitation on the types of persons who could be Hosted Customers.

[9] *See* Nasdaq Rule 7034(a) and Securities Exchange Act Release No. 71200 (Dec. 30, 2013), 79 FR 677 (Jan. 6, 2014) (SR–NASDAQ–2013–57). [sic]

[10] As is currently the case, Users that receive co-location services from the Exchange will not receive any means of access to the Exchange's trading and execution systems that is separate from, or superior to, that of others with access to the Exchange's trading and execution systems. In this regard, all orders sent to the Exchange enter the Exchange's trading and execution systems through the same order gateway, regardless of whether the sender is co-located in the data center or not. In addition, co-located Users do not receive any market data or data service product that is not available to users that have access to the Exchange's trading and execution systems, although Users that receive co-location services normally would expect reduced latencies in sending orders to, and receiving market data from, the Exchange.

[11] *See* SR–NYSEMKT–2013–67, *supra* note 6 at 50471. The Exchange's affiliates have also submitted substantially the same proposed rule change to propose the changes described herein. *See* SR–NYSE–2015–40 and SR–NYSEArca–2015–82.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

customers, issuers, broker, or dealers. First, the proposed addition of the definitions for User, Hosting User and Hosted Customer to the Price List and the Fee Schedule, would, by their addition to the Price List and the Fee Schedule, make the application of such definitions more accessible and transparent. There is no change to the definition of User. There is no change to the definition of ''Hosted User'' as described in the 2011 Releases other than to change the name to ''Hosted Customer'' to add clarity to the use and the application of the definition. The proposed new term, ''Hosting User'' reflects the description of a User that hosts customers in its co-location space as set forth in the 2011 Releases. Finally, an entity that could be a User, a User that hosts customers and a Hosted User based on the 2011 Releases, would be considered a User, Hosting User or Hosted Customer, respectively under the proposed definitions. The proposed definitions would be applied uniformly for comparable services provided by the Exchange.

The Exchange believes that the proposal would 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 because by including definitions in the Price List and the Fee Schedule, the proposed change would provide Users with clarity as to the availability and application of co-location hosting services and fees.

The proposed change to the Hosting Fee would be applied uniformly for comparable services provided by the Exchange to comparable Hosting Users and their customers and would not unfairly discriminate between similarly situated Hosting Users. The Exchange notes that assessing a fee per Hosted Customer per cabinet is comparable to the approach that NASDAQ takes to the same type of services in its Multi-Firm Cabinets Fee.[14] The Exchange also notes that the Hosting Fee has not been changed since it was established in 2011. The Exchange believes the proposed Hosting Fee is reasonable in that the fee is designed to reflect the expenses and resources expended by the Exchange in connection with hosting services. In addition, while Hosting Users may independently set fees for their Hosted Customers, and the Exchange would not receive a share of any such fees, the Hosting Fee on a per Hosted Customer per cabinet basis continues to be lower than the fees a Hosted Customer would pay for co-location space purchased directly from the Exchange.

The Exchange also believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,[15] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its Member Organizations, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. Overall, the Exchange believes that the proposed change is consistent with the Act because the Exchange offers the co-location services described herein as a convenience to Users, but in so doing incurs certain costs, including costs related to the data center facility, hardware and equipment and costs related to personnel required for initial installation and ongoing monitoring, support and maintenance of such services.

For the reasons above, the proposed change would not unfairly discriminate between or among market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange.

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 these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[16] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act because any market participants that are otherwise capable of satisfying any applicable co-location fees, requirements, terms and conditions established from time to time by the Exchange could have access to the co-location services provided in the data center. This is also true because, in addition to the services being completely voluntary, they are available to all Users on an equal basis (*i.e.,* the same range of products and services are available to all Users).

The Exchange believes that incorporating the definitions of User, Hosting User and Hosted Customer into the Price List and the Fee Schedule, the change to the Hosting Fee and the change to the application of the Hosting Fee will not impose any burden on competition that is not necessary or appropriate in further of the purposes of the Act because the definitions have been previously filed with the Commission [17] and their inclusion in the Price List and the Fee Schedule will provide further clarity in the application of the fees. The Exchange believes that the changes to the Hosting Fee will not impose any burden on competition that is not necessary or appropriate in further of the purposes of the Act because they are designed to reflect the expenses and resources expended by the Exchange in connection with hosting services and because NASDAQ takes the same approach to the same type of services in its Multi-Firm Cabinets Fee.[18]

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if, for example, they deem fee levels at a particular venue to be excessive or if they determine that another venue's products and services are more competitive than on the Exchange. In such an environment, the Exchange must continually review, and consider adjusting, the services it offers as well as any corresponding fees and credits to remain competitive with other 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

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 from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [19] and Rule 19b–4(f)(6) thereunder.[20]

[14] *See supra* note 9.

[15] 15 U.S.C. 78f(b)(4).

[16] 15 U.S.C. 78f(b)(8).

[17] *See* 2011 Releases, *supra* note 7.

[18] *See supra* note 9.

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f)(6). Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to provide the Commission with written notice of its intent to

Continued

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments:

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to rule-comments@sec.gov. Please include File Number SR–NYSEMKT–2015–67 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–NYSEMKT–2015–67. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2015–67 andshould be submitted on or before October 26, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Robert W. Errett,

Deputy Secretary.

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file the proposed rule change, along with a brief description and text of 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 Commission. The Exchange has satisfied this requirement.

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76018; File No. SR–EDGX–2015–42]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.15, Clearly Erroneous Executions

September 29, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 21, 2015, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 11.15, Clearly Erroneous Executions, in order to conform to the rules of BATS Exchange, Inc. (''BZX'') and BATS Y-Exchange, Inc. (''BYX'').[3]

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In early 2014, the Exchange and its affiliate, EDGA Exchange, Inc. (''EDGA'') received approval to effect a merger (the ''Merger'') of the Exchange's parent company, Direct Edge Holdings LLC, with BATS Global Markets, Inc., the parent of BZX and the BATS Y-Exchange, Inc. (''BYX'', together with BZX, EDGA and EDGX, the ''BGM Affiliated Exchanges'').[4] In the context of the Merger, the BGM Affiliated Exchanges are working to align their rules, retaining only intended differences between the BGM Affiliated Exchanges. Thus, the Exchange proposes to restructure and amend Rule 11.15, Clearly Erroneous Executions, in order to conform to the corresponding rules of BYX and BZX and provide a consistent rule set across each of the BGM Affiliated Exchanges.[5]

Background

On September 10, 2010, the Commission approved, on a pilot basis, changes to Exchange Rule 11.15 to provide for uniform treatment: (1) Of clearly erroneous[6] execution reviews in multi-stock events involving twenty or

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* BYX and BZX Rule 11.17.

[4] *See* Securities Exchange Act Release No. 71449 (January 30, 2014), 79 FR 6961 (February 5, 2014) (SR–EDGX–2013–43; SR–EDGA–2013–34).

[5] The Exchange notes that EDGA intends to file an identical proposal with the Commission to restructure and amend its Rule 11.15, Clearly Erroneous Executions, to conform to BYX and BZX Rules 11.17.

[6] The terms of a transaction executed on the Exchange are ''clearly erroneous'' when there is an obvious error in any term, such as price, number of shares or other unit of trading, or identification of the security. A transaction made in clearly erroneous error and cancelled by both parties or determined by the Exchange to be clearly erroneous will be removed from the Consolidated Tape. *See* Exchange Rule 11.15(a).

more securities; and (2) in the event transactions occur that result in the issuance of an individual stock trading pause by the primary listing market and subsequent transactions that occur before the trading pause is in effect on the Exchange.[7] The Exchange also adopted additional changes to Rule 11.15 that reduced the ability of the Exchange to deviate from the objective standards set forth in Rule 11.15,[8] and in 2013, adopted a provision designed to address the operation of the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ''Limit Up-Limit Down Plan'' or the ''Plan'').[9] In 2014, the Exchange adopted two additional provisions providing that: (i) A series of transactions in a particular security on one or more trading days may be viewed as one event if all such transactions were effected based on the same fundamentally incorrect or grossly misinterpreted issuance information resulting in a severe valuation error for all such transactions (the ''Multi-Day Event''); and (ii) in the event of any disruption or malfunction in the operation of the electronic communications and trading facilities of an Exchange, another SRO, or responsible single plan processor in connection with the transmittal or receipt of a trading halt, an Officer, acting on his or her own motion, shall nullify any transaction that occurs after a trading halt has been declared by the primary listing market for a security and before such trading halt has officially ended according to the primary listing market.[10]

The Exchange proposes the below changes to conform Rule 11.15 to BYX and BZX Rules 11.17. None of these changes are designed to amend the Exchange's current review process for clearly erroneous executions. Rather, they are proposed in order to implement identical rules with regard to clearly erroneous executions across each of the BGM Affiliated Exchanges.[11] The proposed changes to Rule 11.15 are as follows:

- Amend the last sentence of the introductory paragraph to include the word ''replaced''.
- Replace references to ''Officer'' with ''Official'' in paragraphs (b), (b)(1), (c)(3), (d), (e)(1), (e)(2), (e)(2)(D), and (e)(2)(F).
- Replace the term ''Regular Market Session'' with ''Regular Trading Hours'' in paragraphs (c)(1), (e)(1), and (g).
- Amend paragraph (b)(1) to: (i) Clarify that requests for review must be received *by the Exchange* within thirty (30) minutes of the execution time; (ii) replace the word ''Section'' with ''paragraph'' and encase ''30'' in parentheses as well as insert the word ''thirty'' immediately before ''(30)'' in the second sentence; (iii) specify in the fourth sentence that if requested, each party shall provide *any supporting written information as may be reasonably requested by the Official to aid resolution of the matter* and remove the phrase ''any supporting written information.''
- Amend paragraph (b)(2) to encase both ''30'' and ''60'' in parentheses as well as insert the word ''thirty'' immediately before ''(30)'' and the word ''sixty'' immediately before ''(60)''.
- Amend paragraph (c)(1) to: (i) Delete the word ''the'' before the word ''Regular'' and add the word ''during'' before the phrase ''the Pre-Opening and . . . '' in the first sentence; (ii) remove the ''s'' from the word ''occur'' within the parenthetical in the third sentence; and (iii) insert the word ''paragraph'' before ''(c)(2)'' in the fourth sentence.
- Amend the first sentence of paragraph (c)(3) to: (i) Remove the ''s'' from the word ''system''; (ii) replace ''IPO'' with the term ''initial public offering''; and (iii) remove ''s'' from the word ''tape''.
- Amend paragraph (d) to: (i) Replace the term ''at its'' with ''in his or her''; (ii) replace the word ''subsection'' with ''paragraph''; and (ii) encase both ''30'' and ''60'' in parentheses as well as insert the word ''thirty'' immediately before ''(30)''.
- Reformat and renumber paragraph (d)(1)(A) as (d)(1) and (d)(1)(B) as (d)(2).
- Amend renumbered and reformatted paragraph (d)(1) to: (i) Not capitalize the word ''Paragraph''; (ii) replace the word ''Section'' with ''Rule''; and (iii) delete '', or''.
- Amend renumbered and reformatted paragraph (d)(2) to: (i) Not capitalize the word ''Paragraph''; (ii) replace the words ''the Section'' with ''this Rule''; and (iii) replace ''11.15'' with the word ''paragraph'' before the reference to (c)(3).
- Amend paragraph (e)(1) to encase ''30'' in parentheses as well as insert the word ''thirty'' immediately before ''(30)'' in the third sentence.
- Amend paragraph (e)(2)(B) to rephrase the term ''ten (10) Member representatives'' with ''ten (10) representatives of Members''.
- Renumber paragraph (e)(3) as (e)(2)(C) and amend the paragraph to: (i) Specify that a request for review on appeal must be made, not only via email, but also in writing or other electronic means specified from time to time by the Exchange in a circular distributed to Members; and (ii) replace ''3:00 ET'' with ''3:00 p.m. Eastern Time'' in the third sentence.
- Renumber paragraph (e)(4) as (e)(2)(D).
- Renumber paragraph (e)(5) as (e)(2)(E) and: (i) Replace reference to ''Rule 11.15(e)(1)'' with ''paragraph (e)(1) above''; and (ii) add a sentence stating that in instances where the Exchange, on behalf of a Member, requests a determination by another market center that a transaction is clearly erroneous, the Exchange will pass any resulting charges through to the relevant Member.
- Renumber paragraph (e)(6) as (e)(2)(F).
- Within paragraph (f), amend: (i) The first sentence to replace the word ''the'' with ''an'' before the ''Officer'' and delete the word ''such'' before ''other senior level employee designee''; (ii) the second sentence to remove the ''s'' from the ''paragraphs'' before reference to paragraph (c)(1)–(3); (iii) the third sentence to delete the word ''such'' before ''other senior level employee designee''; (iv) amend the fourth sentence to delete the term ''such other '' before ''senior level employee designee'', replace the term ''Regular Session Trading'' with ''Regular Trading Hours'', and add the word ''trading'' before ''day''; and (v) amend the last sentence to clarify that notice shall be provided by the Exchange, replace the word ''Member'' with ''party'', remove the ''s'' from the ''paragraphs'' and delete reference to paragraph (e)(3) and (4) as those paragraph are now included in (e)(2).
- Amend paragraph (g) to: (i) Retitle it as ''Officer Acting On Own Motion''; (ii) delete the term ''such other '' before ''senior level employee designee'' and replace the term ''its'' with ''his or her'' in the first sentence; (iii) delete the word ''such'' before ''other senior level employee designee'' in the fourth sentence; and (iv) remove the ''s'' from the ''paragraphs'' and delete reference to paragraph (e)(3) and (4) as those

[7] Securities Exchange Act Release No. 62886 (Sept. 10, 2010), 75 FR 56613 (Sept. 16, 2010) (SR–EDGX–2010–03).

[8] *Id.*

[9] *See* Securities Exchange Act Release No. 68814 (Feb. 1, 2013), 78 FR 9086 (Feb. 7, 2013) (SR–EDGX–2013–06); *see also* Exchange Rule 11.15(i).

[10] *See* Securities Exchange Act Release No. 72434 (June 19, 2014), 79 FR 36110 (June 25, 2014) (SR–EDGX–2014–12).

[11] The Exchange notes that BYX and BZX are to file rule changes with the Commission to propose a series of changes to their Rules 11.17, Clearly Erroneous Executions, to conform with other provisions of EDGA and EDGX Rule 11.15 to ensure each of the BGM Affiliated Exchange have identical rule text with regard to the review and handling of clearly erroneous executions.

paragraphs are now included in (e)(2) in the last sentence.

• Within paragraph (h), amend: (i) The first sentence to replace the term ''initial public offering'' with ''IPO''; (ii) the third and fourth sentences to delete the word ''such'' before ''other senior level employee designee''; (iii) the sixth sentence to delete the word ''such'' before ''other senior level employee designee'', replace the term ''Regular Session Trading'' with ''Regular Trading Hours'', and add the word ''trading'' before ''day''; and (v) amend the last sentence to replace the term ''subsection'' with ''paragraph'' and delete reference to paragraphs (e)(3) and (4) as those paragraphs are now included in (e)(2).

Amend the last sentence in paragraphs (j) and (k) to delete reference to paragraphs (e)(3) and (4) as those paragraphs are now included in (e)(2).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[12] Specifically, the proposed change is consistent with Section 6(b)(5) of the Act,[13] because it is designed to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, to protect investors and the public interest. None of these changes are designed to amend the Exchange's current review process for clearly erroneous executions. Rather, as mentioned above, the proposed rule changes, combined with the planned filing for the BYX, BZX, and EDGA, would allow the BGM Affiliated Exchanges to provide a consistent set of rules as it relates to clearly erroneous executions. Consistent rules, in turn, will simplify the regulatory requirements for Members of the Exchange that are also participants on EDGA, BYZ and/or BZX. The proposed rule change would provide greater harmonization between rules of similar purpose on the BGM Affiliated Exchanges, resulting in greater uniformity and less burdensome and more efficient regulatory compliance and understanding of Exchange Rules. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system. Similarly, the Exchange also believes that, by harmonizing the rules across each BGM Affiliated Exchange, the proposal will enhance the Exchange's ability to fairly and efficiently regulate its Members, meaning that the proposed rule change is equitable and will promote fairness in the market place. Finally, the Exchange believes that the non-substantive changes discussed above will contribute to the protection of investors and the public interest by helping to avoid confusion with respect to Exchange Rules.

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 not necessary or appropriate in furtherance of the purposes of the act. To the contrary, allowing the Exchange to implement substantively identical rules across each of the BGM Affiliated Exchanges regarding clearly erroneous executions does not present any competitive issues, but rather is designed to provide greater harmonization among Exchange, BZX, BYX, and EDGA rules of similar purpose. The proposed rule change should, therefore, result in less burdensome and more efficient regulatory compliance as well as a better understanding of Exchange Rules for common members of the BGM Affiliated Exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) of the Act[14] and paragraph (f)(6) of Rule 19b–4 thereunder.[15] The proposed rule change effects a change that (A) does not significantly affect the protection of investors or the public interest; (B) does not impose any significant burden on competition; and (C) by its terms, does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of 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 Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily temporarily suspend such rule change if it appears to the Commission that such action is: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

• Send an email to *rule-comments@sec.gov*. Please include File Number SR–EDGX–2015–42 on the subject line.

Paper Comments

• Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–EDGX–2015–42. 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

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b-4.

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–EDGX–2015–42, and should be submitted on or before October 26, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–25180 Filed 10–2–15; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Regulatory Fairness Hearing; Regions VI and IX—Arizona and New Mexico

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open Hearing of Regions VI and IX Small Business Owners and Business Leaders.

SUMMARY: The SBA, Office of the National Ombudsman is issuing this notice to announce the date and time of a Regulatory Fairness Hearing for Regions VI and IX. This hearing is open to the public and will be conducted via teleconference.

DATES: The hearing will be held on Wednesday, October 14, 2015, from 8:30 a.m. to 5:00 p.m. (MST), providing there is not a Federal government shut-down or SBA furlough.

ADDRESSES: The hearing will be conducted via teleconference only. You can join the hearing by dialing the toll-free conference number (888) 858–2144 followed by the access code 2235366#.

SUPPLEMENTARY INFORMATION: Pursuant to the Small Business Regulatory Enforcement Fairness Act (Pub. L. 104–121), Sec. 222, SBA announces the hearing for Small Business Owners, Business Leaders, Business Organizations, Trade Associations, Chambers of Commerce and related organizations serving small business concerns to report experiences regarding unfair or excessive Federal regulatory enforcement issues affecting their members.

FOR FURTHER INFORMATION CONTACT: The hearing is open to the public; however, advance notice of participation is requested. Anyone wishing to testify at the hearing must contact José Méndez by October 9, 2015, in writing, by fax, or email in order to be placed on the agenda. For further information, please contact José Méndez, Case Management Specialist, Office of the National Ombudsman, 409 3rd Street SW., Suite 7125, Washington, DC 20416, by fax (202) 481–5719, by email at *ombudsman-events@sba.gov*, or by phone (202) 205–6178. Additionally, if you need accommodations because of a disability, translation services, or require additional information, please contact José Méndez as well at least 1 week in advance.

For more information on the Office of the National Ombudsman, see our Web site at *www.sba.gov/ombudsman*.

Sincerely,

Dated: September 29, 2015.

Miguel J. L'Heureux,

SBA Committee Management Officer.

[FR Doc. 2015–25243 Filed 10–2–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

National Small Business Development Center Advisory Board

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open Federal Advisory Committee meetings.

SUMMARY: The SBA is issuing this notice to announce the location, date, time and agenda for the 1st quarter meetings of the National Small Business Development Center (SBDC) Advisory Board.

DATES: The meetings for the 1st quarter will be held on the following dates:

Tuesday, October 20, 2015 at 1:00 p.m. EST

Tuesday, November 17, 2015 at 1:00 p.m. EST

Tuesday, December 15, 2015 at 1:00 p.m. EST

ADDRESSES: These meetings will be held via conference call.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) of the Federal Advisory Committee Act (5 U.S.C. Appendix 2), SBA announces the meetings of the National SBDC Advisory Board. This Board provides advice and counsel to the SBA Administrator and Associate Administrator for Small Business Development Centers.

The purpose of these meetings is to discuss following issues pertaining to the SBDC Advisory Board:

SBA Update Annual
Meetings Board
Assignments
Member Roundtable

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public however advance notice of attendance is requested. Anyone wishing to be a listening participant must contact Monika Nixon by fax or email. Her contact information is Monika Nixon, Program Specialist, 409 Third Street SW., Washington, DC 20416, Phone, 202–205–7310, Fax 202–481–5624, email, *monika.nixon@sba.gov*.

Additionally, if you need accommodations because of a disability or require additional information, please contact Monika Nixon at the information above.

Miguel L' Heureux,

White House Liaison.

[FR Doc. 2015–24856 Filed 10–2–15; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in Alaska

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the FHWA and other Federal agencies.

SUMMARY: The FHWA is issuing this notice to announce actions taken by FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway reconstruction project: Knik-Goose Bay Road Reconstruction: MP 0.3 to 6.8, Centaur Avenue to Vine Road, in the Matanuska-Susitna Borough, Alaska. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA 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 listed highway project will be barred unless the claim is filed on or before March 3, 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: Mr. John Lohrey, Statewide Programs Team

[16] 17 CFR 200.30–3(a)(12).

Leader, FHWA Alaska Division, P.O. Box 21648, Juneau, Alaska 99802–1648; office hours 7 a.m.–4:30 p.m. (AST), phone (907) 586–7428; email *John.Lohrey@dot.gov.* You may also contact Brian Elliott, DOT&PF Central Region Environmental Manager, Alaska Department of Transportation and Public Facilities, 4111 Aviation Drive, P.O. Box 196900, Anchorage, Alaska 99519–6900; office hours 7:30 a.m.–5 p.m. (AST), phone (907) 269–0539, email *Brian.Elliott@alaska.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway reconstruction project in the State of Alaska: Knik-Goose Bay Road (KGB) Reconstruction: MP 0.3 to 6.8, Centaur Avenue to Vine Road. KGB Road will be improved as follows: Six-lanes (three lanes in each direction) from Palmer-Wasilla Highway (PWH) to Mack Road with a raised urban median and four-lanes (two in each direction) from Mack Road to Vine Road, with a non-traversable depressed grass median. The section from Centaur Avenue to PWH would provide space to expand from two to four lanes. The six-lane section (PWH to Mack Road) would consist of three 12-foot wide travel lanes in each direction with six-foot wide outside shoulders with curb and gutter, four-foot wide inside shoulders, and a 30-foot wide raised median. The four-lane section (Mack Road to Vine Road) would consist of two 12-foot wide lanes in each direction with eight-foot outside shoulders, four-foot inside shoulders, and a 30-foot wide depressed grass median. The section from PWH to Mack Road will have continuous illumination and a 45 mile-per-hour speed limit. Turn lanes will be included as appropriate and median breaks will be placed approximately every one-eighth to one-half mile along the corridor as necessary. The existing 10-foot wide separated multi-use pathway along the north side of the road would be reconstructed as necessary. The environmental effects of the KGB Road Reconstruction project are evaluated and described in the Environmental Assessment (EA) pursuant to the National Environmental Policy Act. Key issues identified in the EA include acquisition of right-of-way, traffic noise, access to and from KGB Road, project development is too slow, temporary construction effects, and concerns from the City of Wasilla over the design within city limits. Measures to avoid, minimize, and/or mitigate adverse environmental effects are included in the EA and Finding of No Significant Impact (FONSI).

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the EA for the project, approved on July 13, 2015, in the FONSI issued on August 31, 2015, and in other documents in the FHWA project records. The EA, FONSI, and other project records are available by contacting FHWA or the State of Alaska Department of Transportation & Public Facilities at the addresses provided above. The EA and FONSI documents can be viewed and downloaded from the project Web site at *www.knikgoosebayroad.com* or viewed at 4111 Aviation Avenue, Anchorage, Alaska 99519.

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 *et seq.*).
2. Council on Environmental Quality Regulations (40 CFR parts 1500–1508).
3. Federal-Aid Highway Act of 1970, 23 U.S.C. 109.
4. MAP–21, the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112–141).
5. Migratory Bird Treaty Act (16 U.S.C. 703–712)
6. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470(f) *et seq.*).
7. Clean Water Act (Section 401) (33 U.S.C. 1251–1377) of 1977 and 1987 (Federal Water Pollution Control Act of 1972).
8. Federal Endangered Species Act of 1973 (16 U.S.C. 1531–1543).
9. Fish and Wildlife Coordination Act of 1934, as amended.
10. Noise Control Act of 1972.
11. Safe Drinking Water Act of 1944, as amended.
12. Executive Order 11990—Protection of Wetlands
13. Executive Order 11988—Floodplain Management
14. Executive Order 13112, Invasive Species
15. Executive Order 12898, Federal Actions to Address Environmental Justice and Low Income Populations
16. Title VI of the Civil Rights Act of 1964, as amended.
17. Department of Transportation Act of 1966, Section 4(f) (49 U.S.C. 303).
18. Anadromous Fish Conservation Act [16 U.S.C. 757(a)–757(g)] Magnuson-Stevenson Fishery Conservation and Management Act 1976 as amended [16 U.S.C. 1801 *et seq.*].
19. Historic and Cultural Resources: Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)].
20. Social and Economic: Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].
21. Wetlands and Water Resources: Coastal Zone Management Act [16 U.S.C. 1451–1465]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287].
22. Executive Orders: E.O. 13186 Migratory Birds; E.O. 11514 Protection and Enhancement of Environmental Quality.

(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(l)(1)

Dated: September 28, 2015.

Sandra A. Garcia-Aline,

Division Administrator, Juneau, Alaska.

[FR Doc. 2015–25229 Filed 10–2–15; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0032]

Commercial Driver's License Standards: Application for Exemption; Daimler Trucks North America (Daimler)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; grant of application for exemption.

SUMMARY: FMCSA announces its decision to grant Daimler Trucks North America's (Daimler) application for an exemption to allow a Daimler employee to drive commercial motor vehicles (CMV) in the United States without having a commercial driver's license (CDL) issued by one of the States. The driver, Christian Urban, will test-drive Daimler vehicles on U.S. roads to better understand product requirements for these vehicles in ''real world'' environments and verify results. He holds a valid German commercial

license but lacks the U.S. residency necessary to obtain a CDL issued by one of the States. FMCSA believes that the process for obtaining a German commercial license is comparable to or as effective as the U.S. CDL requirements and ensures that this driver will likely achieve a level of safety that is equivalent to or greater than the level of safety that would be obtained in the absence of the exemption.

DATES: This exemption is effective October 5, 2015 and expires October 5, 2017.

FOR FURTHER INFORMATION CONTACT: Mrs. Pearlie Robinson, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–4325, Email: *MCPSD@dot.gov,* Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE. Washington, DC 20590–0001.

Docket: For access to the docket to read background documents or comments submitted to notice requesting public comments on the exemption application, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line Federal document management system is available 24 hours each day, 365 days each year. The docket number is listed at the beginning of this notice.

SUPPLEMENTARY INFORMATION:

Legal Basis

The Secretary of Transportation (the Secretary) has the authority to grant exemptions from any of the Federal Motor Carrier Safety Regulations (FMCSRs) issued under chapter 313 or § 31136 of title 49, United States Code, to a person(s) seeking regulatory relief (49 U.S.C. 31136(e), and 31315(b)). Prior to granting an exemption, the Secretary must request public comment and make a determination that the exemption is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the exemption. Exemptions may be granted for a period of up to 2 years and may be renewed.

The FMCSA Administrator has been delegated authority under 49 CFR 1.87(e)(1) and (f) to carry out the functions vested in the Secretary by 49 U.S.C. chapter 313 and subchapters I and III of chapter 311, relating, respectively, to the CDL program and to CMV programs and safety regulation.

Background

In the May 25, 2012, **Federal Register** (77 FR 31422) FMCSA granted an exemption for two of Daimler's test drivers similar to the one requested for Mr. Urban. Each held a valid German commercial license but lacked the U.S. residency necessary to obtain a CDL. FMCSA concluded that the process for obtaining a German commercial license is comparable to or as effective as the U.S. CDL requirements and ensures that these drivers will likely achieve a level of safety equivalent to or greater than the level that would be obtained in the absence of the exemption.

Daimler Application for Exemption

Daimler applied for the same CDL exemption for Christian Urban. Notice of the application was published on June 2, 2015 (80 FR 31452). No comments were received. A copy of the Daimler request is in the docket identified at the beginning of this notice. The exemption allows Mr. Urban to operate CMVs to support Daimler field tests to meet future vehicle safety and environmental requirements and to promote the development of technology and advancements in vehicle safety systems and emissions reductions. He will typically drive for no more than 6 hours per day for 2 consecutive days, and 10 percent of the test driving will be on two-lane state highways, while 90 percent will be on interstate highways. The driving will consist of no more than 200 miles per day, for a total of 400 miles during a two-day period on a quarterly basis.

Section 383.21 requires CMV drivers in the United States to have a CDL issued by a State. Mr. Urban is a citizen and resident of Germany. Only residents of a State can apply for a CDL. Without the exemption, Mr. Urban would not be able to test-drive prototype CMVs on U.S. roads.

Mr. Urban holds a valid German commercial license and is an experienced operator of CMVs. In the application for exemption, Daimler also submitted documentation showing his safe German driving record.

Method To Ensure an Equivalent or Greater Level of Safety

According to Daimler, the requirements for a German-issued commercial license ensure that drivers meet or exceed the same level of safety as if these drivers had obtained a U.S. CDL. Mr. Urban is familiar with the operation of CMVs worldwide and will be accompanied at all times by a driver who holds a U.S. CDL and is familiar with the routes to be traveled. FMCSA has determined that the process for obtaining a commercial license in Germany is comparable to that for obtaining a CDL issued by one of the States and adequately assesses the driver's ability to operate CMVs safely in the United States.

FMCSA Decision

Based upon the merits of this application, including Mr. Urban's extensive driving experience and safety record, and the fact that he has successfully completed the requisite training and testing to obtain a German commercial license, FMCSA concluded that the exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption, in accordance with § 381.305(a).

Terms and Conditions for the Exemption

FMCSA grants Daimler and Mr. Christian Urban an exemption from the CDL requirement in 49 CFR 383.23 to allow Mr. Urban to drive CMVs in this country without a U.S. State-issued CDL, subject to the following terms and conditions: (1) The driver and carrier must comply with all other applicable provisions of the Federal Motor Carrier Safety Regulations (FMCSRs) (49 CFR parts 350–399); (2) the driver must be in possession of the exemption document and a valid German commercial license; (3) the driver must be employed by and operate the CMV within the scope of his duties for Daimler; (4) at all times while operating a CMV under this exemption, the driver must be accompanied by a holder of a U.S. CDL who is familiar with the routes traveled; (5) Daimler must notify FMCSA in writing within 5 business days of any accident, as defined in 49 CFR 390.5, involving this driver; and (6) Daimler must notify FMCSA in writing if this driver is convicted of a disqualifying offense under § 383.51 or § 391.15 of the FMCSRs.

In accordance with 49 U.S.C. 31315 and 31136(e), the exemption will be valid for 2 years unless revoked earlier by the FMCSA. The exemption will be revoked if (1) Mr. Urban fails to comply with the terms and conditions of the exemption; (2) the exemption results in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would be inconsistent with the goals and objectives of 49 U.S.C. 31315 and 31136.

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation applicable

to interstate or intrastate commerce that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption.

Issued on: September 25, 2015.

T.F. Scott Darling, III,

Acting Administrator.

[FR Doc. 2015–25130 Filed 10–2–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Emergency Relief Program Guidance

AGENCY: Federal Transit Administration (FTA), U.S. Department of Transportation (DOT).

ACTION: Notice of availability of final guidance for FTA's Emergency Relief Program.

SUMMARY: The Federal Transit Administration (FTA) has published final guidance on FTA's Emergency Relief (ER) Program for states and transit agencies that may be affected by a declared emergency or disaster and that may seek Federal funding under FTA's ER Program. The guidance is contained in the newly revised *Reference Manual for States & Transit Agencies on Response and Recovery from Declared Disasters and FTA's Emergency Relief Program,* which replaces *Response and Recovery from Declared Emergencies and Disasters: A Reference for Transit Agencies,* last updated in June 2013. This final guidance addresses one public comment received in response to the proposed guidance published on February 4, 2015. In addition to guidance on the ER Program, this document provides information on other disaster relief resources available through FTA and from the Federal Emergency Management Agency (FEMA). This guidance is now available on FTA's Web site at *www.fta.dot.gov/emergencyrelief.*

FOR FURTHER INFORMATION CONTACT: For questions about the ER Program, contact Adam Schildge, Office of Program Management, 1200 New Jersey Ave. SE., Washington, DC 20590, phone: (202) 366–0778, or email, *adam.schildge@dot.gov.* For legal questions regarding the final program regulations, contact Bonnie Graves, Office of Chief Counsel, 1200 New Jersey Ave. SE., Washington, DC 20590, phone: (202) 366–0944, or email, *Bonnie.Graves@dot.gov.*

SUPPLEMENTARY INFORMATION: The FTA has published final guidance on FTA's ER Program for states and transit agencies that may be affected by a declared emergency or disaster and that may seek Federal disaster assistance for emergency related expenses. This guidance document, *Reference Manual for States & Transit Agencies on Response and Recovery from Declared Disasters and FTA's Emergency Relief Program,* includes information on disaster relief resources available for transit systems from both FTA and FEMA, in addition to detailed program guidance and application instructions for FTA's Emergency Relief Program. This manual has been produced in coordination with FEMA, and incorporates current guidance on FEMA disaster relief programs. It also includes guidance for transit agencies on the appropriate circumstances under which to apply to FTA or FEMA for disaster relief assistance.

This reference manual includes background information on other sources of Federal disaster relief assistance, in addition to recommended practices for states and transit agencies for disaster preparation and response previously included in ''Response and Recovery from Declared Emergencies and Disasters: A Reference for Transit Agencies.'' This information has been updated and is contained in Chapters 1, 2 and 3 of this reference manual.

Guidance specific to FTA's ER Program is contained in Chapter 4 of this reference manual.

This includes an overview of eligible recipients, eligible projects, application procedures, and other key program policies and requirements. The guidance in this manual is based on final program regulations published on October 7, 2014 at 49 C.F.R part 602 (79 FR 60349), which were developed through a public notice and comment process. The guidance document includes previously issued policy statements and information from **Federal Register** notices that FTA published subsequent to Hurricane Sandy.

The final Emergency Relief program guidance incorporates several clarifications in response to the one consolidated public comment received on the proposed guidance published February 4, 2015. Specific comments and responses are explained below:

Chapter 1: Introduction

Comment 1: The commenter suggests that FTA avoid using the term ''should'' in the context of recommended practices, because local circumstances may make certain disaster relief preparation recommendations inappropriate or insufficient.

FTA response: The final guidance retains the use of ''should'' where appropriate. The term ''should'' is not intended to impose a requirement, but is used where the recommendation is clear and consistent for the majority of potentially affected transit agencies.

Chapter 2: Disaster Preparation Considerations for Transit Agencies

Comment 2: Given the wide range of governmental structures and variation across regions with regard to the mandate and/or capacity of Metropolitan Planning Organizations (MPOs), Emergency Operations Centers (EOCs), transit agencies, and local governments, the commenter suggests that the section on coordinating and pre-planning evacuations should be revised to lay out the critical activities involved in coordinating an evacuation, without assigning responsibilities.

FTA Response: This manual is directed specifically to transit agencies and related entities, and contains recommendations on the types of coordination, in which a transit agency should be involved. Such recommendations do not override local arrangements where a transit agency is a subordinate party to such a coordinated emergency plan.

In response, this section has been revised to emphasize cooperation with other responsible organizations and levels of government.

Comment 3: Regarding the manual's recommendation that transit agencies develop policies for suspending fare collection during an emergency, the commenter noted that the decision to suspend fares is likely to depend on particular circumstances of the emergency and that transit agencies should have flexibility to make this decision on a case-by-case basis.

FTA response: The section has been clarified to emphasize that this recommendation pertains not only to the development of policies on when and how such a decision might be made, but also to the development of operational plans for implementing such a policy.

Comment 4: With regard to contracting requirements, the commenter recommends that FTA add a discussion regarding the recommended use of federal provisions in emergency response and recovery contracts and to clarify the timeline and potential for waivers of Federal contracting requirements.

FTA response: The FTA has added language to clarify that although contracting provisions and requirements may be waived, recipients should not assume that FTA will waive requirements; therefore it is advisable to follow Federal procurement requirements for any emergency relief

contracts where Federal funding may be sought. The FTA has made further clarifications regarding the timeline and process for requesting and receiving waivers of Federal requirements for emergency relief projects.

Comment 5: The commenter suggested that FTA revise a footnote about cost effectiveness methodologies and recommended that FTA point out that cost effectiveness can be measured by evaluating the criticality of the asset to the transit system, the vulnerability of asset given different threats, and the replacement cost.

FTA response: The footnote refers to an analytical tool used by FTA to evaluate projects for competitively selected resilience funding, but FTA does not require the use of that tool by transit agencies investing in resilience improvements. Nonetheless, the factors cited by the commenter are insufficient to determine the cost effectiveness of a resilience project, which must also include the probability of various damage scenarios and differing degrees of damage and disruption posed by each scenario and mitigated by the proposed projects. The FTA notes that it is developing a simplified tool that will make this type of analysis more available for transit agencies to use as a tool for decision-making.

Chapter 3: Overview of Disaster Response and Recovery Funding and Resources

Comment 6: The commenter recommends that FTA expand the discussion of FTA–ER appropriations to state that in the absence of FTA funding, transit agencies should follow both FTA and FEMA procedures until it is clear whether Congress will provide Federal funding for the FTA ER Program. The commenter also requests that FTA further clarify how FTA and FEMA will coordinate on Federal emergency relief capabilities, including the damage assessment process.

FTA Response: Although this manual already makes this recommendation and discusses FTA–FEMA coordination in depth, additional language has been added to further address this topic.

Comment 7: The commenter suggests that FTA discuss the differences between FEMA and FTA procurement guidelines to clarify that FEMA allows local procedures to be followed for the duration of recovery, while the FTA ER program requires agencies to follow all federal procedures after an initial waiver period. Reiterating this difference could help grantees maximize their ability to recover costs from federal sources.

FTA Response: The manual addresses coordination between FTA and FEMA in the aftermath of a disaster, but is not intended to provide specific guidance on FEMA procurement requirements.

Comment 8: Funds for emergency transportation services under FTA's ER Program. The commenter recommended that the flow chart be revised to include the disaster declaration process and a decision point regarding the need for congressional action to provide FTA ER funding.

FTA Response: The FTA intends to keep in the flow chart a level of detail appropriate for users to quickly understand the general procedures and milestones in FTA's ER Program. Detailed discussion on the criteria for each box is better suited for the chapter narratives.

Chapter 4: Federal Transit Administration Emergency Relief Program Policies and Requirements

Comment 9: The commenter recommended that FTA delete the statement that FTA may ''establish additional requirements for recipients of ER funding,'' or at a minimum acknowledge that all efforts will be made to adhere to published ER program requirements. The commenter stated that the proposed open-ended statement will hinder agencies' ability to ensure compliance, particularly since the waiver period may be over before FTA issues new requirements. The commenter also suggested that FTA revise the proposed manual to include a time frame for waiver approval and also make it very clear that waiver approvals should not be assumed. This will help agencies plan repair projects following the waiver period.

FTA Response: The FTA has made revisions to further clarify that waivers of Federal requirements might not be granted. Furthermore, FTA retains the discretion to establish additional requirements as necessary for recipients of ER funding. In response to the comment, FTA has revised this section to clarify various types of additional requirements that may be necessary, and to state that FTA will advise recipients as early as possible regarding any additional requirements for recipients of ER funding.

Comment 10: The commenter states that interim measures, such as emergency repairs, should be included as part of a disaster damage assessment, particularly in instances where the damage assessment report is used to inform Congress on the need for a special appropriation.

FTA Response: The FTA concurs with emergency repairs and other interim measures generally will be eligible for emergency relief funding, and has revised this section to recommend that emergency repairs be included in the post-disaster damage assessment report.

Comment 11: The commenter requested that FTA allow for local entities to determine what may be considered a capital expenses versus an operating expense, with regard to eligibility for funding under the ER Program.

FTA Response: Standard FTA definitions for capital and operating expenses will continue to apply under the ER program. This manual explains how these definitions apply to emergency response and rebuilding activities.

Comment 12: The commenter recommends that increased maintenance and inspections be added to the category of emergency repairs and explicitly be identified as eligible expenses. The commenter further recommends that these costs not be specifically designated as ''capital'' or ''operating''.

FTA Response: The FTA does not agree that increased maintenance and inspections should be considered emergency repairs. Such costs should be considered either as part of an emergency or permanent repair, or should be budgeted as an ongoing preventive maintenance expense.

Comment 13: The commenter suggests that FTA state that emergency operations ''include, but are not limited to'' the listed activities.

FTA Response: The FTA has revised this section as requested. This revision is consistent with program regulations, which do not define an exclusive list of eligible emergency operations activities.

Comment 14: The commenter does not agree that force account plans should be required for emergency repairs. In the normal course of business, force account plans are required when an agency uses in-house labor rather than a third party contractor to implement a project, and the use of in-house labor for access and protection does not trigger the need for a force account plan.

FTA Response: The FTA concurs that force account plans will not be required for emergency repairs, and has updated this section accordingly. Force account plans will continue to be required for permanent repairs, in accordance with FTA Circular 5010: Grant Management Requirements.

Comment 15: The commenter strongly supports FTA's proposal that transit agencies be allowed to replace damaged assets with new assets that incorporate current design standards, replace

obsolete equipment, and bring assets to a state of good repair as part of its recovery effort. We request that FTA clarify that ''current design standards'' may include standards developed by the transit agency or industry as well as state, local, or federal codes or standards.

FTA Response: This section has been revised to clarify that current design standards also includes the industry's or an agency's own current operational specifications.

Comment 16: The commenter states that to be consistent with FEMA and the Federal Highway Administration's (FHWA's) emergency relief programs, heavy maintenance should be an eligible expense for declared disasters. However, FTA should not adopt FHWA's approach of utilizing a dollar threshold to define heavy maintenance, since transit agency size, utilization, regional costs and other factors impact the cost of work. Instead, we suggest that the heavy maintenance definition be based on each agency's annual maintenance budget, including its budget for emergency contingency.

FTA Response: The FTA has added language to clarify that the threshold for heavy maintenance will be determined on a case-by-case basis and that damages in excess of heavy maintenance to an asset or system will mean that all otherwise eligible disaster-related repair and emergency response costs may be eligible for reimbursement. Further, FTA does not propose to establish a dollar value threshold, either absolute or relative to agencies' annual budgets, for defining heavy maintenance.

Comment 17: The commenter requests that if a State or local building code requires a higher minimum elevation than FEMA requires, that higher elevation should apply. In cases where the transit agency has its own documented standards, those should be allowable as well.

FTA Response: This section has been revised to allow a transit agency's documented flood elevation standards to apply for emergency relief projects, provided that they are higher than FEMA's elevations and comply with State and local building codes.

Comment 18: The commenter expressed appreciation for the detailed discussion of different insurance settlement scenarios since policy structures vary widely across agencies. In this section or elsewhere in the proposed manual, FTA should address the scenario where the cost to repair damages exceeds the total of insurance proceeds plus FTA ER funding.

FTA Response: The FTA has added language addressing this potential scenario. In some cases, multiple similar or closely related comments have been summarized in this discussion of comments and responses.

The final guidance document is available on FTA's Web site at: *www.fta.dot.gov/emergencyrelief.*

Therese W. McMillan,

Acting Administrator.

[FR Doc. 2015–25187 Filed 10–2–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket Nos. FTA–2014–0024, FTA–2014–0003, FTA–2012–0045]

Americans With Disabilities Act: Final Circular

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of availability of final circular.

SUMMARY: The Federal Transit Administration (FTA) has placed in the docket and on its Web site, guidance in the form of a Circular to assist grantees in complying with the Americans with Disabilities Act (ADA). The purpose of this Circular is to provide recipients of FTA financial assistance with instructions and guidance necessary to carry out the U.S. Department of Transportation's ADA regulations.

DATES: *Effective Date:* The final Circular becomes effective November 4, 2015.

FOR FURTHER INFORMATION CONTACT: For program questions, Dawn Sweet, Office of Civil Rights, Federal Transit Administration, 1200 New Jersey Ave. SE., Room E54–306, Washington, DC 20590, phone: (202) 366–4018, or email, *dawn.sweet@dot.gov*. For legal questions, Bonnie Graves, Office of Chief Counsel, same address, Room E56–306, phone: (202) 366–4011, fax: (202) 366–3809, or email, *bonnie.graves@dot.gov*.

SUPPLEMENTARY INFORMATION:

Availability of Final Circular

This notice provides a summary of the final changes to the ADA Circular and responses to comments. The final Circular itself is not included in this notice; instead, an electronic version may be found on FTA's Web site, at *www.fta.dot.gov*, and in the docket, at *www.regulations.gov*. Paper copies of the final Circular may be obtained by contacting FTA's Administrative Services Help Desk, at (202) 366–4865.

Table of Contents

I. Overview

FTA is publishing Circular C 4710.1, regarding the Americans with Disabilities Act (ADA), to provide recipients of FTA financial assistance with information regarding their ADA obligations under the regulations, and to provide additional optional good practices and suggestions to local transit agencies.

The proposed Circular was submitted to the public for notice and comment in three phases. FTA issued a notice of availability of the proposed first phase, entitled ''Americans with Disabilities Act: Proposed Circular Chapter, Vehicle Acquisition,'' in the **Federal Register** on October 2, 2012 (77 FR 60170). The comment period closed December 3, 2012. FTA issued a notice of availability of the second phase, entitled ''Americans with Disabilities Act: Proposed Circular Amendment 1,'' in the **Federal Register** on February 19, 2014 (79 FR 9585). The comment period closed April 21, 2014. Amendment 1 introduced the following chapters: Chapter 1 (Introduction and Applicability); Chapter 2 (General Requirements); Chapter 5 (Equivalent Facilitation); and Chapter 8 (Complementary Paratransit Service). FTA issued a notice of availability of the third phase, entitled ''Americans with Disabilities Act: Proposed Circular Amendment 2,'' in the **Federal Register** on November 12, 2014 (79 FR 67234). The comment period was scheduled to close on January 12, 2015, but at the request of commenters, FTA extended the comment period until February 11, 2015. Amendment 2 introduced the following chapters: Chapter 3 (Transportation Facilities); Chapter 6 (Fixed Route Service); Chapter 7 (Demand Responsive Service); Chapter 9 (ADA Paratransit Eligibility); Chapter 10 (Passenger Vessels); Chapter 11 (Other Modes); and Chapter 12 (Oversight,

Complaints, and Monitoring). This amendment also proposed additional text on monitoring practices as addenda to Chapter 2 (General Requirements) and Chapter 8 (Complementary Paratransit Service).

FTA received comments from 75 unique commenters, with many commenters submitting comments on two or three of the notices. Commenters included individuals, transit agencies, disability rights advocates, State DOTs, trade associations, and vehicle manufacturers. This notice addresses comments received and explains changes we made to the proposed Circular in response to comments.

FTA developed the Circular subsequent to a comprehensive management review of the agency's core guidance to transit grantees on ADA and other civil rights requirements. A primary goal of the review was to assess whether FTA was providing sufficient, proactive assistance to grantees in meeting civil rights requirements, as opposed to reacting to allegations of failure to comply with the requirements. Based on the review, FTA identified the need to develop an ADA circular similar to the circulars long in place for other programs. FTA recognizes there is value to the transit industry and other stakeholders in compiling and organizing information by topic into a plain English, easy-to-use format. A circular does not alter, amend, or otherwise affect the DOT ADA regulations themselves or replace or reduce the need for detailed information in the regulations. Its format, however, will provide a helpful outline of basic requirements with references to the applicable regulatory sections, along with examples of practices used by transit providers to meet the requirements. Simply stated, this circular is a starting point for understanding ADA requirements in the transit environment and can help transit agencies avoid compliance review findings of deficiency.

Several commenters objected to FTA's development of an ADA Circular. They asserted that a ''best practices'' manual might be a more useful tool for stakeholders. The purpose of a Circular is to provide grantees with direction on program-specific issues, and this final Circular does that. Most of FTA's program circulars provide guidance on statutory provisions in the absence of a robust regulatory scheme. Here, we are providing guidance on a regulatory scheme that can be imposing and, in some cases, extremely technical. FTA has found stakeholder comments on the various phases of the proposed Circular to be extremely helpful in developing a final document that we believe will be useful to transit agencies, advocates, and persons with disabilities alike.

Some commenters asserted the Circular was a ''de facto regulation'' that would have significant cost impacts and should be subject to evaluation under Executive Orders 12866 and 13563, which direct federal agencies to assess costs and benefits of available regulatory alternatives. FTA is confident the final Circular does not include any new requirements and thus has no cost impacts. Where commenters asserted we had ''blended'' the regulations with good practices in the proposed Circular, we have clearly distinguished between the regulations and optional good practices or recommendations in the final Circular.

Commenters also asserted that FTA does not have the authority to interpret the DOT ADA regulations, and that any such interpretations must come from DOT. FTA is the agency charged with enforcing the ADA as it applies to public transportation services, and has been interpreting the regulations through complaints, letters of finding, and compliance reviews for many years. We note that we coordinated development of the Circular with DOT, and we also consulted with the U.S. Department of Justice (DOJ) and the United States Architectural and Transportation Barriers Compliance Board (Access Board).

Some commenters requested that FTA publish all twelve chapters one more time for additional notice and comment. Given that interested stakeholders have had an opportunity to comment on all of the guidance presented in the final Circular, and providing a second opportunity to comment would not be consistent with past practice, we decline to undertake a second round of notice and comment.

FTA received numerous comments outside the scope of the Circular, such as comments objecting to the DOT regulations themselves or requesting amendments to the regulations, comments rendered moot by publication of DOT's ''Final Rule on Transportation for Individuals with Disabilities; Reasonable Modification of Policies and Practices'' [hereinafter, ''final rule on reasonable modification''] (80 FR 13253) (*http://www.gpo.gov/fdsys/pkg/FR-2015-03-13/pdf/2015-05646.pdf*), and comments with specific factual scenarios that are better addressed through requests for technical assistance. This notice does not respond to comments outside the scope of the Circular.

II. Chapter-by-Chapter Analysis

A. General Comments

The Circular is organized topically, as requested by several commenters. Each chapter begins with an introduction, and is divided into sections and subsections. In response to many comments requesting inclusion and clear delineation of the regulations in the text of each section, we revised the organizational structure to include the text of the regulations, followed by a clearly delineated discussion section that provides means of complying with the provisions and optional good practices. Thus, many sections and subsections begin with a ''Requirement'' section, which states the regulations relevant for that section, and then a ''Discussion'' section, which includes explanation of the requirement, relevant DOT or FTA guidance, and suggested optional good practices.

The Circular does not, and is not intended, to exhaustively cover all of the DOT ADA requirements applicable to FTA grantees. Additionally, the Circular does not establish new requirements; it represents current regulations, guidance, and policy positions of DOT and FTA.

Many commenters suggested that throughout the proposed Circular, FTA was imposing requirements not otherwise found in the regulations. For example, several commenters stated that FTA expanded regulatory requirements by mixing the DOT ADA regulations with suggestions and good practices. Commenters in particular were concerned with use of the word ''should,'' which they asserted creates ambiguity as to whether a statement is mandatory or permissive. In response, we removed ''should'' from the final Circular (except, for example, where we quoted 49 CFR part 37 and Appendix language) and clarified which items are mandatory requirements, and which are permissive. In addition to delineating requirements by having separate ''Requirement'' and ''Discussion'' sections as discussed above, we indicated requirements with mandatory words such as ''must,'' ''obligates,'' or ''requires.'' Similarly, we indicated a certain action or activity is not a requirement by using terms such as ''encourages,'' ''optional,'' ''recommends,'' or ''suggests.''

We added regulatory text and citations to 49 CFR part 37, Appendices D and E of 49 CFR part 37, and previously published DOT guidance throughout the final Circular to provide support for requirements. Several commenters requested clarification of items presented as ''good practices.''

They expressed concern that these ''good practices'' might form the basis for a deficiency in a future FTA oversight review, and some asserted these suggested ''good practices'' would take the place of local planning processes. Good practices, while encouraged, are not requirements, will not lead to findings in compliance reviews, and should not take the place of local planning and decision-making processes. To address these concerns we added this statement in the introduction of each chapter: ''FTA recommendations and examples of optional practices are included throughout the Circular and do not represent requirements. FTA recognizes that there are many different ways agencies can implement the regulatory requirements and ensure the delivery of compliant service. FTA encourages transit agencies to engage riders with disabilities when making decisions about local transit service.''

Many commenters requested specific citations to the regulations, letters of finding, existing guidance and case law. As stated above, we added the citations to the regulations in each section and subsection of the final Circular, as well as direct quotes from and hyperlinks to Appendix D and Appendix E to Part 37. In addition, we included several links to letters of finding from FTA's Office of Civil Rights, as well as DOT guidance documents. Similarly, a commenter asked for a thorough explanation of the role of other federal agencies regarding the ADA. Where relevant and helpful, we included references to other agencies such as the Access Board, the Department of Justice, the Federal Highway Administration and the Federal Railroad Administration. We did not, however, include citations to case law in the final Circular. FTA circulars typically do not include case law citations, and where we included one in chapter 3 of the proposed Circular, commenters objected. We have removed the citation from chapter 3 and instead discuss the relevant case law in this **Federal Register** notice in the chapter 3 discussion, below.

Commenters made stylistic and word choice suggestions throughout the Circular. In many cases, we adopted them because they improve the readability, accuracy, or clarity of the document. Commenters also pointed out typographical errors, grammatical mistakes, bad web links, lack of citations, and inconsistent numbering and cross references throughout the Circular. We made corrections based on those comments, and we made additional stylistic, grammatical, and minor technical changes to improve readability of the document.

In addition, we made changes to enhance clarity for the reader. We reduced repetition in the text and honed the language to be clearer and more direct. We added more headings and subheadings throughout to make it easier for the reader to find and reference sections. We reorganized chapters and moved sections around for more logical flow and ease of read. We deleted text that either was not relevant or provided little value to the reader. We also added internal cross-reference citations to assist the reader in following topical discussions throughout the document.

Several commenters suggested the circular should provide specificity when discussing the types of public transportation systems and services, particularly in regard to ADA complementary paratransit and general public demand responsive service. Throughout the Circular, we refrain from using the term ''paratransit'' in isolation unless the type of paratransit—ADA complementary or general public demand response—to which we are referring is clear. Another commenter asked for definitions for ''fixed route'' and ''demand responsive service,'' and we have provided definitions of those terms and other terms where relevant; for example, at the start of Chapter 7 we provide the section 37.3 definitions for fixed route and demand responsive service and include a brief discussion.

Commenters noted that portions of the text included the term ''common wheelchair'' although the term was removed from the DOT ADA regulations in the 2011 Amendments. The dimensions of a common wheelchair (30 inches by 48 inches, weighing 600 pounds when occupied) remain the minimum dimensions that must be accommodated on a transit vehicle, pursuant to 49 CFR part 38. In the final Circular, we use the term only when referring to securement areas (vehicle acquisition bus and van checklist in chapter 4), and when quoting 49 CFR 37.123 in chapter 9. In addition, we have added some explanatory text to chapter 2.

B. Chapter 1—Introduction and Applicability

Chapter 1 introduces the Circular, provides a brief summary of the regulations applicable to public transit providers, discusses the applicability of the DOT ADA regulations, includes a list of transportation services not addressed in the Circular, and outlines the organization of the document.

To clarify the types of entities addressed, we added a footnote with the DOT ADA regulatory definition of public entity. Consistent with organizing the final Circular by topic, we removed the discussions included in the proposed Circular on university transportation systems, vanpools, airport transportation systems, and supplemental services for other transportation modes from Chapter 1. We moved the discussions on university transportation systems and supplemental services for other transportation modes to Chapter 6 and vanpools to Chapter 7. We added airport transportation systems to the list of transportation services not covered in the Circular.

Several commenters expressed concern about which entities are covered or not covered by the ADA regulations and which are addressed in the Circular. In response, we made edits to Chapter 1 to address the coverage of both the Circular specifically and the DOT ADA regulations generally.

On the topic of services under contract or other arrangements, one commenter requested guidance on whether the ''stand-in-the-shoes'' requirements referenced in the DOT ADA regulations apply to a situation in which a public entity contracts with another public entity. We added Appendix D language to clarify that a public entity may contract out its service but not its ADA responsibilities. Another commenter suggested adding an example in the section, ''When the Stand-in-the-Shoes Requirements Do Not Apply'' to clarify when private entities do not ''stand in the shoes'' of the public entity. We added language to clarify this point. Moreover, one commenter expressed concern about the stand-in-the-shoes requirement as it relates to private entities receiving section 5310 funding (Enhanced Mobility for Seniors and Individuals with Disabilities Formula Program). In the proposed Circular we distinguished between ''traditional section 5310 projects'' and other projects when applying the ''stand-in-the-shoes'' provisions. We revised this section to instead draw a distinction between closed-door and open-door service. Essentially, subrecipients that receive section 5310 funding and provide closed-door service to their own clientele do not stand in the shoes of the state administering agencies or designated recipients. Subrecipients that provide open door service, defined as service that is open to the general public or to a segment of the general public, do stand in the shoes of state agencies or designated recipients.

One commenter expressed concern about the following statement: ''FTA grantees are also subject to the

Department of Justice (DOJ) ADA regulations. Public entities are subject to 28 CFR part 35, which addresses state and local government programs.'' To be more precise, we removed the statement and directly cited 49 CFR 37.21(c).

C. Chapter 2—General Requirements

Chapter 2 discusses the regulations related to nondiscrimination and other applicable crosscutting requirements, including prohibitions against various discriminatory policies and practices, equipment requirements for accessible services, assistance by transit agency personnel, service animals, oxygen supplies, accessible information, personnel training, reasonable modification of policy, and written policies and procedures. The content of Chapter 2 of the final Circular is substantially similar to Chapter 2 of the proposed Circular, except we have added Reasonable Modification of Policy, and we removed the discussion on monitoring. In addition to edits made in response to comments, we have made stylistic and technical changes, and reorganized the chapter to be consistent with the format of the rest of the Circular.

We did not include reasonable modification in the proposed Circular, but several commenters preemptively objected to the concept of reasonable modification being included in the Circular without the support of a final rule. The DOT's final rule on reasonable modification was published on March 13, 2015 (80 FR 13253), and became effective on July 13, 2015. Therefore, we added the ''Reasonable Modification of Policy'' section to this chapter, provided background on the final rule, and discussed requirements of and exceptions to the rule with language from the preamble and the final rule itself. In particular, we noted the rule does not require an agency to establish a separate process for handling reasonable modification requests; an agency can use some or all of its procedures already in place. The ''discussion'' sections following the regulatory text do not attempt to interpret the regulation beyond what is published in the final rule, the preamble, and Appendix E to 49 CFR part 37.

We received a number of comments on nondiscrimination and prohibited policies and practices. In the examples of policies and practices FTA considers discriminatory, one commenter suggested including related state laws. Due to the wide variation of nondiscrimination laws across states and local jurisdictions, we decided not to include state laws in the examples. While one commenter supported the examples listed, another commenter, citing the example of boarding passengers with disabilities separately, noted there are situations where requiring persons with disabilities to board separately is valid, such as allowing a rider with a mobility device to board first or last to ensure space in the securement area. We determined that including the example about separate boarding could create confusion, so we removed it from the bulleted list.

Regarding the prohibition against imposition of special charges, one commenter suggested including an additional example regarding cancelled and no-show trips. We added this example to the bulleted list of examples of prohibited charges. Another commenter asserted providers must not charge extra for paratransit service. Charging twice the fixed route fare is an allowable charge for complementary paratransit service and is not a special charge. As discussed in chapter 8, charging for premium complementary paratransit service (*e.g.,* same day trips, ''will call'' service, etc.) is permitted.

On service denials due to rider conduct, several commenters suggested making clear that verbal assault of a driver or other passengers can be grounds for refusing service. We included this suggestion and added an example. A few commenters wanted clarification on the statement that a transit agency cannot deny service to persons with disabilities based on what the transit agency perceives to be safe or unsafe. Because a transit agency is permitted to deny service to someone who is a direct threat to the health or safety of *others,* we added the qualification that an agency cannot deny service to persons with disabilities based on what it perceives to be safe or unsafe ''for that individual.'' Another commenter was concerned we had expanded the meaning of ''direct threat'' without providing clarity as to how to make a direct threat determination. In response, we note the final rule on reasonable modification amended sections 37.3 and 37.5 to include direct threat as a cause for service denial. We incorporated relevant language from Appendix D about an agency making an individualized assessment based on reasonable judgment that accounts for several factors. We also added clarification that direct threat to others may overlap with seriously disruptive behavior.

One commenter expressed support for the discussion on the right of individuals to contest service denials. Another commenter suggested inclusion of additional language related to appeal rights. We revised the language to reflect that riders must have the opportunity to present information to have service reinstated.

We received multiple comments on equipment requirements for accessible service. One commenter stated that FTA should encourage transportation providers to perform routine maintenance and updates to features over which they have control. We note both the proposed and final Circular include language that transit agencies must inspect all accessibility features often enough to ensure they are operational and to undertake repairs or other necessary actions when they are not.

In response to a comment requesting clarification on snow removal and asking for a specific timeframe in which snow must be removed to allow for accessible routes to transit service, we added a subsection, ''Ensuring Accessibility Features Are Free from Obstructions.'' We stated in the subsection that agencies have an obligation to keep accessible features clear of obstructions if they have direct control over the area. We included an illustrative example of how a particular transit agency clears snow, but we do not prescribe a specific timeframe because there are context-specific factors to account for, as well as local laws governing timeframes for snow removal. Another commenter asked whether a transit agency has an obligation to tow illegally parked vehicles occupying accessible parking spaces. We stated in this subsection that agencies have an obligation to enforce parking bans and to keep accessible features clear where they have direct control over the area, which may include removing illegally parked vehicles.

We received numerous comments on lifts, ramps, and securement use. In the final Circular, throughout the section, we added language from Appendix D and previously published DOT Disability Law Guidance to clarify the discussion.

In regard to wheelchairs, one commenter indicated it required footrests for personal safety of the passenger while maneuvering. We made clear in the final Circular a transit agency cannot require a wheelchair to be equipped with specific features, and noted that a policy requiring wheelchairs to be so equipped is prohibited by the general nondiscrimination provision of 49 CFR 37.5. Another commenter requested an express statement that blocking an aisle is a legitimate safety concern for which

a wheelchair can be excluded. In response, we included language from the preamble to DOT's September 19, 2011, ''Final Rule on Transportation for Individuals with Disabilities at Intercity, Commuter, and High Speed Passenger Railroad Station Platforms; Miscellaneous Amendments'' (76 FR 57924) to address this concern, and we added Appendix D text. In regards to securement areas, a commenter suggested adding a qualification that wheelchairs need to fit in the securement area, and we included the suggested language in the final Circular. One commenter also supported the discussion on maintaining an inventory of lifts, ramps, and securement areas. On boarding and alighting direction, one commenter asked us to clarify that the requirements applied to ramps as well as lifts. In response, we added a reference including ramps. Another commenter suggested we include language that an agency advertise how its vehicles meet or exceed the Part 38 design standards as to wheelchair accessibility. In response, we included examples of where agencies may provide such up-to-date information: On schedules, rider guides, agency Web sites, and through outreach.

A few commenters requested further guidance on other mobility devices. We included language from DOT Disability Law Guidance that a provider is not required to allow onto a vehicle a device that is too big or poses a direct threat to the safety of others, and provided a link to the guidance in a footnote. Another commenter requested guidance related to a bicycle as a mobility device. In response, we added bicycles to the list of items not primarily designed for use by individuals with mobility impairments, along with shopping carts and skateboards. A few commenters sought clarification as to whether users of non-wheelchair mobility devices, such as rollators, can be required to transfer to a vehicle seat. In response, we added language stating an agency can require people using such devices to transfer to a vehicle seat.

One commenter pointed out an inconsistency of using both ''lap and/or shoulder belts'' and ''lap and shoulder belts'' and suggested using a consistent term. In response to this and other comments on the subject, we used the more accurate terms of ''seat belts and shoulder harnesses.'' Further, we provided a link to DOT Disability Law Guidance for more information on seat belts.

On allowing standees on lifts, one commenter suggested explicitly mentioning passengers with non-visible disabilities as eligible users. In response, we added language specifying that the standees on lifts requirement applies to riders who may not have a visible or apparent disability. In addition, we provided Appendix D language about allowing individuals who have difficulty using steps to use a lift on request.

Regarding assistance by transit agency personnel, one commenter suggested clarification of assistance with securement systems, ramps, and lifts. We provided examples of types of assistance, and clarified the interaction between direct threat and required assistance for securement systems, ramps, and lifts. Of note, we explained the regulations do not set a minimum or maximum weight for an occupied wheelchair that drivers are obligated to help propel, and that transit agencies will need to assess whether a level of assistance constitutes a direct threat to a driver on a case-by-case basis.

We received several comments related to service animals. Some commenters requested that DOJ and DOT reconcile their rules on service animals; the Circular explains the current requirements, and we have forwarded those comments to DOT for their consideration. One commenter appreciated the specification that emotional support is not enough to meet the regulatory definition for service animal because animals that provide emotional support passively as ''emotional support animals'' are not trained to perform a certain task. Another commenter asked whether service animals include those to detect onset of illnesses like seizures. In response, we included examples of service animals that serve individuals with hidden disabilities such as seizures or depression. In response to comments requesting clarification on how to determine if an animal is a service animal, we added to the final Circular the two questions transit personnel may ask a passenger with a service animal: (1) Is the animal a service animal required because of a disability? and, (2) What work or task has the animal been trained to perform?

On the bulleted list of guidance on service animals, one commenter supported the point about transit agencies not imposing limits on the number of service animals accompanying a rider, as well as the examples of when a service animal is under the owner's control and when it is not. A few commenters suggested including more examples to the bulleted list of guidance applicable to service animals: A driver is not required to take control of a service animal, and clarification regarding passengers with animal allergies. In response, we edited the list to state a rider's request regarding the driver taking charge of a service animal may be denied and, because the regulations expressly state that service animals must be allowed to accompany individuals on vehicles and in facilities, we added text stating that other passengers' allergies to animals would not be grounds for denying service to a person with a service animal. Further, we added a footnote referencing DOJ guidance on service animals with the note that some of the guidance may be inapplicable to a transit environment.

One commenter asked for clarification regarding the ADA regulation and DOT safety guidance related to oxygen. We revised the discussion to make clear that commonly used portable oxygen concentrators do not require the same level of special handling as compressed oxygen cylinders. This revision includes a citation to the regulation and an explanation of the referenced FTA complaint response.

We received multiple comments on the provision of information in accessible formats. One commenter requested guidance on when and how often a transit agency should provide information on system limitations, such as elevator/escalator outages and service delays. We do not prescribe a single standard because of the vast differences among transit agencies, but we cited the regulation and explained that a transit agency is obligated to ensure access to information, including information related to temporary service changes/outages, for individuals with disabilities. One commenter supported the nuance that information needs to be in usable format, even if it is not a preferred format. On the topic of Web site accessibility, a few commenters requested clarification on requirements and examples of good practices. Another commenter noted Web site accessibility is a requirement, not a good practice. In response, we added an ''Accessible Web sites'' subsection, in which we specified that section 37.167(f) requires information concerning transportation services to be available and accessible. We also referred to DOJ and Access Board guidance. Another commenter stated visual displays must be made available for people who have hearing disabilities. In response, we added the ''Alternatives to Audio Communications'' subsection, which addresses visual information, and referenced DOT Standard 810.7. One commenter stated the voice relay services must be maintained despite advances in smartphone and other

communications technology. In response, we included language on the importance of continuing to advertise relay service numbers for riders who cannot access the latest technologies.

We received a few comments on personnel training. One commenter disagreed with the statement that, ''rider comments and complaints can be the ultimate tests of proficiency; comments that reveal issues with the provision of service are good indicators employees are not trained proficiently,'' because the rider comments may not contain violations of the regulations. In response, we replaced ''are'' with ''may serve as'' in the sentence at issue. Another commenter suggested including more language on training, specifically for contractors and third-party operators. Accordingly, we included language directly from Appendix D.

We received numerous comments related to monitoring as proposed in Chapter 2, which was comprised primarily of bulleted lists on data collection, reviewing data, and direct observation. Several commenters disagreed with its inclusion and asked for the regulatory basis for these requirements. Multiple commenters disagreed with the discussion, asserting it would be time consuming and costly. Several commenters called for its deletion. Conversely, there were commenters who supported the inclusion of this section. In response to commenters' concerns—and in recognition that the specifics of a monitoring approach are developed locally—we removed the proposed monitoring section from this chapter.

D. Chapter 3—Transportation Facilities

Chapter 3 discusses the regulations related to transportation facilities, with emphasis on the requirements for new construction and alterations. It also addresses common issues with applying the requirements.

On the topic of coordinating with other entities, several commenters objected to this section, asserting that FTA was adding a requirement that did not exist in the regulation, while one commenter believed the discussion was critically important to accessibility for individuals who use public transportation and required more than a single paragraph on the topic. Some commenters noted that coordination with public agencies and other stakeholders, whether formally or informally, is a routine part of their local decision-making process. The commenters who objected believed this discussion created a new, open-ended responsibility that was not supported by the regulations; one particular concern was that this language appeared to create an active monitoring requirement for every facility element in their service area. In response, we added a subsection on ''Coordination with Other Entities,'' which states FTA encourages a transit agency to engage with other entities that control facility elements used to access the transportation facility when undertaking a construction or alteration project involving its own facilities. This subsection also explains the goal of coordination efforts and uses the terms ''engage'' and ''encourage'' to distinguish the efforts from a highly formalized coordination process. Thus, there is no open-ended responsibility with unlimited obligations on the part of transit agencies.

Several commenters asked for specifics as to what coordination efforts should look like. Because these are context-specific engagement efforts, we did not provide extensive examples of what engagement looks like. We did, however, include an example on advising a municipality that its sidewalks adjacent to a transit agency's facilities were inaccessible. Another commenter suggested the agencies document coordination efforts to demonstrate a good faith effort to coordinate, in the event the other entity is uncooperative or nonresponsive, and we adopted this suggestion. In a related comment, another commenter was concerned with the recourse available for unsuccessful engagement efforts. We added language that a transit agency can contact the FTA Office of Civil Rights to help facilitate coordination with the Federal Railroad Administration (FRA), the Federal Highway Administration (FHWA), or other counterparts.

Next, we received numerous comments on the section, ''Common Issues in Applying the DOT Standards.'' Some commenters supported this section because it provided a good level of detail and explained important issues. One commenter suggested discussing escalators and elevators, but we declined to add these topics because in the context of applying the DOT Standards, they are not common issues.

We received several comments on passenger loading zones. Some of the commenters asked for added details or further explanation of the discussion and figures. We did not add all of the suggestions because we wanted the figures to be easily readable and focused on common issues. But we did revise figures based on suggestions, such as including a curb ramp as part of an accessible route to the facility entrance in Figure 3–2, which depicts the required dimensions for passenger loading zones and access aisles. On the topic of curb ramps, a few commenters asked for clarification on level landing, and in response we added text providing the slope requirement for a level landing to Figure 3–3, which depicts curb ramp requirements and common deficiencies. One commenter suggested additional guidance on slopes and vertical lips rather than only pointing them out in Figure 3–3. We added an example regarding slopes in curb ramps that were too steep for wheelchairs to maneuver them, and cited to the relevant DOT Standards and FHWA guidance. In Figure 3–3, a commenter pointed out the detectable warnings incorrectly extend through the curb line, so we corrected the figure.

Regarding station platforms, a few commenters stated the guidance on detectable warning orientation was unclear. We revised the statement on orientation and alignment to state they are commonly aligned at 90 degrees, but 45 degrees is acceptable.

We received one comment regarding new construction. The commenter suggested including the manner in which conditions of structural impracticability may be petitioned to FTA. In response, we added the suggestion that transit agencies should contact the FTA Office of Civil Rights.

We received numerous comments on the ''Alteration of Transportation Facilities'' section. Several commenters believed this section expanded the regulations concerning the various concepts of alterations, technical infeasibility, usability, and disproportionate cost. In response, we revised the section by incorporating suggestions and clarifying the requirements and discussion. Although we proposed to introduce the topic by citing the regulatory language and providing definitions and a case law example, commenters expressed concern with this approach. In response, we revised the section's introductory paragraph to explain the two types of alterations (as described in 49 CFR 37.43(a)(1) and (a)(2), discussed below), as well as to note the difference between the two types, and the requirements for alterations.

Commenters' concerns generally centered on FTA's interpretation of 49 CFR 37.43(a)(1) and (a)(2). Importantly, there is a distinction between these two provisions. Section 37.43(a)(1) applies to alterations of existing facilities that could affect the usability of the facility—what we have labeled in the final Circular, ''General Alterations.'' When making general alterations, the entity ''shall make the alterations . . . in such a manner, to the maximum extent feasible, that the altered portions

of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon the completion of such alteration.'' In section 37.43(a)(1), cost is not a factor.

On the other hand, section 37.43(a)(2) provides that when a public entity ''undertakes an alteration that affects or could affect the usability of or access to an area of a facility containing a primary function, the entity shall make the alteration in such a manner that, to the maximum extent feasible, the path of travel to the altered area . . . [is] readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon completion of the alteration. *Provided,* that alterations to the path of travel . . . are not required to be made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, if the cost and scope of doing so would be disproportionate.'' This provision is discussed in the subsection, ''Areas of Primary Function and Path of Travel.''

Some commenters asserted this is a new interpretation, the interpretation adds regulatory requirements related to alterations, is inconsistent with the statute, and amounts to an unfunded mandate. Importantly, while the issue of alterations to the path of travel itself does not arise frequently, this is not a new interpretation by FTA. For example, in 2011, subsequent to a compliance review, we found a transit agency deficient when it made alterations to a pedestrian overpass and two sets of stairs but did not analyze the feasibility of making the station fully accessible, and did not make the station fully accessible. Further, the plain language of the ADA and DOT's implementing regulations, federal appellate case law, and the Department of Justice's (DOJ) interpretation of the ADA's legislative history each dictate that costs and cost-disproportionality related to alterations may be considered by a public entity *only* under circumstances where a public entity is undertaking an alteration to a primary function area of the facility (*e.g.,* train or bus platforms, passenger waiting areas, etc.) and therefore must also make alterations to the path of travel to make it accessible to the maximum extent feasible.[1]

Thus, where an element of a path of travel (such as a sidewalk, pedestrian ramp, passageway between platforms, staircase, escalator, etc.) in an existing facility is itself the subject of alteration—that is, not in connection with an alteration to a primary function area—and is therefore subject to 49 CFR 37.43(a)(1), the public entity is required to conduct an analysis of the technical feasibility of making the altered portion (*i.e.,* the element of the path of travel) readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, without regard to cost or cost-disproportionality, and making the facility accessible to the maximum extent feasible. We have included this discussion in the subsection, ''When the Altered Area is the Path of Travel.''

Some commenters expressed concern that the language in this subsection was drafted broadly, and that an alteration to a sidewalk or parking lot could trigger the requirement to conduct an analysis regarding the feasibility of installing an elevator. We have amended the text to clarify that it is the element of the path of travel undergoing the alteration that must be made accessible. Only alterations to stairs or escalators would require an analysis of whether it is technically feasible to install a ramp, elevator, or other level-change method or device. A commenter expressed concern about multiple station entrances and an apparent requirement for each station entrance to be accessible. Specifically, where one entrance has an accessible path of travel, the commenter was concerned that alteration to escalators or stairs at other station entrances would require those station entrances be made accessible. We have added language citing Exception 1 to DOT Standard 206.4, providing that where an alteration is made to an entrance, and the building or facility has another accessible entrance that is on an accessible route, the altered entrance does not have to be accessible.

Several commenters asserted the language in the proposed Circular would require agencies to add an elevator any time even minor repairs are made to stairs or escalators. We included the definition of ''alteration'' in both the proposed and final Circular. The definition of alteration specifically excludes normal maintenance, and we would consider minor repairs to be normal maintenance. We have provided examples of what would be considered an alteration to staircases in the final Circular.

Finally, some commenters asserted that requiring an accessible vertical path of travel whenever alterations are made to staircases or escalators is a costly endeavor, and that some transit agencies may simply not make those alterations, thus allowing path of travel elements to fall out of a state of good repair. Further, commenters asserted that prioritizing accessibility over state of good repair would necessarily divert resources from state of good repair needs to elevator installations. FTA notes that accessibility and state of good repair are two critical responsibilities of transit agencies. In an arena of insufficient capital resources, priorities and choices must always be made. Accessibility is a civil right, and civil rights must be assured in all operating and capital decisions. State of good repair is also essential to the effective provision of service, particularly when the safety of all passengers—with and without disabilities—is dependent on the condition of infrastructure. It is the role of the transit agency management and governing board to balance both accessibility and state of good repair to ensure the civil rights and safety needs of all passengers and employees are met.

On the subsection of ''Maximum Extent Feasible,'' a few commenters asserted we had redefined ''technically infeasible'' as physically impossible. That was not our intention; rather, we cited the definition of technical infeasibility found in section 106.5 of the DOT Standards. Given that we cited the definition without explanatory text, one commenter requested guidance on determinations for technical infeasibility or disproportionate cost. In response, we provided the necessary elements an entity must document to demonstrate technical infeasibility, which include a detailed project scope, coordination efforts where necessary and appropriate, a description of facility-specific conditions, and a step-by-step discussion on how the entity determined the facility could not be made accessible. Entities have provided this information to FTA in the past to demonstrate technical infeasibility.

Several commenters were concerned that FTA appeared to expand the definition of ''usability'' by referencing a court case in the text of the proposed Circular. We have removed the case reference, and provided guidance regarding the concept of usability consistent with the legislative history of the ADA and federal case law. Importantly, the legislative history of the ADA states that ''[u]sability should

[1] See 42 U.S.C. § 12147(a); 49 CFR § 37.43(a), (c); DOJ Final Rule Implementing Title III of the ADA, 56 FR 35544, 35581 (July 26, 1991) (Title II of the ADA regarding public services and public transportation is identical in pertinent language to Title III of the ADA) (''Costs are to be considered only when an alteration to an area containing a primary function triggers an additional requirement to make the path of travel to the altered area accessible''); see also *Disabled in Action of Pa.* v. *Southeast Pa. Transp. Auth.,* 635 F.3d 87, 95 (3d Cir. 2011); *Roberts* v. *Royal Atlantic Corp.,* 542 F.3d 363, 371–72 (2d Cir. 2008).

be broadly defined to include renovations which affect the use of facility, and not simply changes which relate directly to access.'' [2] Further, a facility or part of a facility does not have to be ''unusable'' for an alteration to affect usability; resurfacing a platform or a stairway are alterations that make the platform or stairway safer and easier to use.[3]

We have amended the subsection, ''Disproportionate Costs'' in response to comments. Many of the comments reflected a misunderstanding of the difference between 49 CFR 37.43(a)(1) and (a)(2), as discussed above, suggesting that FTA was adding a requirement for elevators when a stairway or escalator was repaired, as opposed to altered, and generally disagreeing that elevators are required irrespective of costs when a stairway or escalator is altered. In response, we cited the regulatory authority, reorganized the subsection, and retained the example of when the cost of adding an elevator would be deemed disproportionate and, therefore, not required.

For the subsection, ''Accessibility Improvements When Costs Are Disproportionate,'' we refined the language and added more specific citations to the regulations and DOT Standards. One commenter expressed concern that the proposed language eliminated an agency's ability to limit the scope of an alteration along the path of travel to discrete elements that could be evaluated independently. In response, we included the text of section 37.43(g), which prohibits public entities from circumventing the requirements for path of travel alterations by making a series of small alterations to the area served by a single path of travel. We also removed irrelevant regulatory citations, specifically section 37.43(h)(2) and (3) because they were unnecessary to the discussion.

On platform and vehicle coordination, several commenters requested clarification and further guidance for specific situations. In response to comments, we determined platform and vehicle coordination would be better served in a discussion separate from the other common issues with station platforms, so we reorganized the chapter and provided a new section entitled, ''Platform-Vehicle Coordination.'' In this section, we described level boarding in plain language, listed various ways to meet the Part 38 requirements, and provided photos of level boarding, mini-high platforms, bridge plates, and platform-based lifts.

We received a number of comments related to rapid rail and light rail, specifically as to gaps and level boarding. In response, we added sections for rapid rail platforms and light rail platforms. The ''Rapid Rail Platforms'' section cites the gaps allowed by the regulation for new and retrofitted vehicles and new and key stations. The ''Light Rail Platforms'' section includes the gap requirements and provides a discussion related to platform heights and level boarding requirements in light rail systems.

We have slightly reorganized the section, ''Intercity, Commuter, and High-Speed Rail Platforms,'' and provided further detail and clarification by adding regulatory citations and a link to DOT guidance. In addition, we added a subsection on ''Platform Width of New or Altered Platforms,'' which provides suggestions from DOT guidance.

One commenter applauded the inclusion of Attachment 3–1, ''Rail Station Checklist for New Construction and Alterations.'' A few commenters expressed concern that the checklist could be misconstrued as requirements for the transportation facilities rather than a guidance tool to determine needs. Another commenter was concerned with the blurring of requirements and best practices in regards to the checklist.

As we did throughout the final Circular, we connected each requirement to its relevant authority with citations to the regulation. Although there are requirements and standards contained in the checklist, use of the checklist itself is not a requirement. Accordingly, we amended the checklist title and stated that the checklist is ''optional.'' Other commenters stated the checklist included a number of erroneous citations and omitted several sections that are part of the DOT Standards. In response, we reviewed the citations to ensure accuracy and noted the checklist does not cover all of the DOT Standards. Another commenter asserted the accessible routes checklist was unusable without distances to compare with inaccessible routes. We did not provide distances because of local discretion and the variety of different contexts and possible situations. On signage at defined entrances, one commenter asked for clarification as to maps, and we specified signage must comply with DOT Standard 703.5. Another commenter pointed out that we used ''area of refuge'' and ''area of rescue assistance'' interchangeably, so we revised the text for consistency. Further, the commenter asked for guidance on what signs at inaccessible exits should look like and where they need to be placed. Because of the great variety of possibilities, we do not provide more specific guidance other than citing the International Building Code, which the DOT Standards follow as to accessible means of egress.

One commenter noted the proposed Circular did not include guidance to transit facility operators regarding facility illumination levels or illumination quality, and requested the final Circular include this information. Given the Access Board has not issued specific ambient lighting standards for compliance under the ADA, we decline to include guidance on this topic in the final Circular.

E. Chapter 4—Vehicle Acquisition and Specifications

Chapter 4 discusses accessibility requirements and considerations for acquiring buses, vans, and rail cars. We covered new, used, and remanufactured vehicles for various types of service, and then we provided considerations for each type. This chapter was initially titled, ''Vehicle Acquisition,'' but we revised the title to more accurately describe what is included in the chapter.

We amended the organization and content of this chapter to align this chapter with the format of the subsequently published chapters and to respond to comments. For example, one commenter suggested the section on demand responsive systems follow the section on fixed route as it does in the regulations. In response, we changed the order of the sections. In the introduction to the chapter, we added a footnote that the Part 38 vehicle requirements closely follow the Access Board Guidelines set forth in 36 CFR 1192.

One commenter suggested removing the word ''covers'' from the regulation subparts listed as redundant since they are requirements. We agreed and removed the word ''covers'' from the list of subparts, added text clarifying Part 38 contains technical design requirements, and clarified this chapter broadly covers crucial, often-overlooked accessibility elements. We also clarified that bus rapid transit (BRT) is covered under buses, and streetcars are covered under light rail operating on non-exclusive rights of way.

One commenter suggested replacing usage of the term ''acquire'' with ''purchase or lease'' wherever applicable because using ''acquire'' can lead to the impression the requirements in the chapter only apply to the purchasing

[2] H. Rep. No. 485, 101st Cong., 2d Sess., Pt. 3, at 64 (1990), reprinted in 1990 U.S.C.C.A.N. 445, 487.

[3] *See, e.g., Kinney* v. *Yerusalim,* 9 F.3d 1067 (3d Cir. 1993).

rather than leasing of vehicles. We retained use of ''acquire'' because its plain language meaning includes both purchasing and leasing, as evidenced by Part 37. Another commenter suggested explaining the relationship of Part 38 to the Access Board's regulations at 36 CFR part 1192. We added a footnote in the introductory paragraph of the chapter explaining that the vehicle requirements closely follow the Access Board guidelines. Another commenter suggested breaking Table 4.1 into two tables, rail and non-rail, for legibility. We retained one table because the ''vehicle'' column specifies ''non-rail'' or ''rail car'' and it is clearer as one table.

We received several comments on bus and van acquisition. A commenter objected to the inclusion of demand responsive service and equivalent service in this chapter. In response, we moved the discussion of demand responsive service to Chapter 7. We did retain a brief discussion of demand responsive bus and van acquisition in this chapter. We did so to explain that inaccessible used vehicles may be acquired, so long as the equivalent service standards in section 37.77 are met. The commenter also objected to usage of the term ''designated public transportation'' in the chapter, and we removed the term because it was unnecessary, but we added it to Chapter 7 when defining ''demand responsive'' and ''fixed route.''

We received several comments on the considerations for acquiring accessible buses and vans. On the topic of lifts, one commenter recommended separating from the discussion of design load weight the mention of safety factor, which is based on the ultimate strength of the material, because it was awkward. In response, we edited the discussion on lifts so the minimum design load and minimum safety factor language is easier to understand.

On the topic of securement systems, several commenters objected to conducting tests or the use of ''independent laboratory test results'' for securement-system design specifications because they are rarely available, difficult for a transit agency to pursue, and not required by regulation. In response, we changed the language to an FTA recommendation that design specifications be in ''compliance with appropriate industry standards.'' We also added the recommendation to consult with other agencies that use the same securement system under consideration. Further, we added language on the purpose of securement systems, including that the securement system is not intended to function as an automotive safety device. Another commenter pointed out we included a reference to the ''versatility'' of a securement system for the ''Mobility Aids'' bullet point, which does not appear in the regulation. In response, we removed the reference to versatility. Under the bullet point for ''Orientation,'' a commenter suggested replacing ''backward'' with ''rearward'' because it is more technically accurate and appropriate. We adopted this suggestion. Under the bullet point for ''Seat belt and shoulder harness,'' a commenter suggested changes to the bullet point. We adopted these changes and revised ''seat belt'' to ''lap belt'' to be more descriptive. Another commenter questioned our securement system example of short straps and ''S'' hooks and suggested using the example of a ''strap-type tie-down'' system. We adopted this suggestion in an effort to avoid confusion from the proposed language. The commenter also suggested replacing the reference to ''connecting loops'' with ''tether straps,'' a more recognizable term—we made the change based on this comment.

We received several comments on the various rail car sections (rapid rail, light rail, and commuter rail). One commenter noted the omission of restroom accessibility requirements. In discussing the standards for accessible vehicles, we chose to highlight common issue areas, which includes doorway-platform gaps, boarding devices, priority seating signs, and between-car barriers. Several commenters asserted that level boarding is not always practical or feasible. Based on these comments, we determined boarding devices are an area of particular interest and included a subsection on them under considerations for light rail and commuter rail vehicles. We explained that where level boarding is not required or where exceptions to level boarding are permitted, various devices can be used to board and alight wheelchair users, including car-borne lifts, ramps, bridge plates, mini-high platforms, and wayside lifts.

On the topic of priority seating signs, one commenter stated the requirement does not account for situations where priority seating and wheelchair seating occupy the same space or where the first forward-facing seat is up a stair at the rear of a bus. In response, we clarified that aisle-facing seats may be designated and signed as priority seats, as long as the first forward-facing seats are also designated and signed as priority seating. One commenter noted it supplements priority seating signage with automated audible and visual messages that ask customers to leave priority seats unoccupied for seniors and persons with disabilities. In line with this comment, we clarified the language an agency places on its signs does not need to match exactly the text in section 38.55(a), but instead capture the general requirement.

On the topic of between-car barriers, one commenter suggested adding text recognizing that track and tunnel geometry may prohibit the use of vehicle-borne between-car barriers. To clarify the discussion on between-car barriers, we revised and explained their purpose and the distinction between between-car barriers and detectable warnings. The commenter also suggested FTA include more information on design and standards for between-car barriers. We enhanced the discussion related to between-car barriers in light rail systems and added Figure 4–7 to illustrate various between-car barrier options. Notably, FTA issued a Dear Colleague letter on September 15, 2015, related to between-car barriers on light rail systems, available here: *http://www.fta.dot.gov/newsroom/12910_16573.html.*

Chapter 4 uses multiple figures for illustration, and we received several comments on those figures. For Figure 4–1, which depicts the accessibility requirements for a bus that is 22 feet or longer, one commenter suggested labeling the clear path to or from securement areas. We revised the figure and added label ''E'' to denote the clear path to and from securement areas. For Figure 4–2, which depicts the exterior components of an accessible bus, a few commenters pointed out that the international symbol of accessibility, while helpful, is not required on buses as it is on rail cars. In response, we replaced the photograph with a diagram that does not include the international symbol of accessibility. Another commenter suggested adding an arrow pointing out the transition from ground to ramp. The diagram replacing the photograph indicates the transition from ground to ramp without the need for an arrow. For Figure 4–3, a photograph of a deployed lift, one commenter expressed difficulty in seeing what the arrows pointed to and suggested adding a label for ''Transition from ground to platform.'' In response, used a different photograph, and provided a label for that element and made the existing labels more accurate. We also lightened the background elements to draw attention to specific lift elements. For Figure 4–4, which depicts a securement and passenger restraint system, several commenters suggested removing unmarked angles from the figure; we agree the angles were unnecessary and

we removed them. Another commenter suggested the front tie-down in the diagram be shown attaching slightly higher so it is at the frame junction instead of at the footrest support. We edited the figure to incorporate this suggestion.

We received several comments related to ensuring vehicles are compliant. One commenter suggested the reference to ''detailed specifications'' be changed to ''required specifications.'' We made this change because the specifications are required. A few commenters suggested more specificity with the requirements for measurements and tolerances because the language was too generalized. We added more specific measurements and tolerances where needed; for example, we specified that securement straps have required minimum load tolerances of 5,000 pounds rather than stating the straps have required minimum load tolerances. Another commenter pointed out the phrase, ''Sample Documentation of Test Results'' was present without any explanation or accompanying text. We removed the text because its inclusion was in error.

On the topic of obtaining public input, one commenter suggested using an alternative phrase to, ''full-size sample.'' We revised the language to, ''partial, full-scale mockups'' to be more specific and avoid confusion. Another commenter suggested that in addition to public input, transit agencies involve their board members and staff. This may be an important process for a transit agency to have, but it is unrelated to the public input section and we did not include it in the final Circular. A couple of commenters disagreed with the ramp example used to illustrate that a transit agency may exceed the minimum requirements. They disagreed because ramps are a complex topic which is under continued discussion and study at the Access Board. In response, we used a simpler example of exceeding the minimum requirements: a transit agency acquiring buses with three securement locations when the minimum requirement is two securement locations.

We received numerous comments on the checklist for buses and vans. Multiple commenters expressed support for the inclusion of checklists and found this checklist helpful. In line with our efforts to distinguish between requirements and good practices, we renamed the checklist to: ''Optional Vehicle Acquisition Checklist of Buses and Vans.'' A few commenters asked for a similar checklist for rail cars or other vehicle types, but we declined to include one because the bus and van checklist is designed to be only a sample; transit agencies may create their own checklists for buses, vans, or rail cars to ensure compliance with the regulations. In the section on securement areas, several commenters took issue with the mention of common wheelchairs as being incorrect or inappropriate, given the recent change in the regulation. We added a note clarifying the dimensions and weight of a common wheelchair still represent the minimum requirements for compliance in accordance with 49 CFR part 38. A few commenters also asked for an explanation of what ''average dexterity'' means. We declined to provide a standard or definition for this term and expect readers to use a plain language meaning. Another commenter pointed out the regulations require ''at least'' one or two securement locations and not only one or two, so we corrected the text to reflect this.

F. Chapter 5—Equivalent Facilitation

Chapter 5 discusses equivalent facilitation, including the requirements for seeking a determination of equivalent facilitation, and provides considerations and suggested practices when submitting requests.

This final Chapter remains largely unchanged from the proposed Chapter except for some reorganization and edits made for clarity and responsiveness to comments. Several commenters expressed support for inclusion of this chapter, and in particular the discussion of requests for and documentation of equivalent facilitation. One commenter asked for an explanation regarding the equivalent facilitation determination process. The commenter believed it was inconsistent to state that a determination pertains only to the specific situation for which the determination is made (and that each entity must submit its own request), yet the FTA Administrator is permitted to make a determination for a class of situations concerning facilities. In response, FTA notes the specific situation for which a determination of equivalent facilitation is made may be a class of situations, and where the Administrator makes such a determination, the determination will explicitly state it applies to a class of situations, in which case other transit agencies would not be required to submit new requests for equivalent facilitation for the same situation. We have added language to clarify this.

Several commenters sought clarification on the type of information or materials that must be submitted to FTA in order to support a request for equivalent facilitation. A few commenters asked to whom these submissions must be sent. We added language specifying that the submissions are to be addressed to the FTA Administrator, and we request a copy be sent to the FTA Office of Civil Rights. A few commenters were concerned about costs of testing, particularly with mockups. We listed a mockup as an example of part of the evidence that may be presented with the submission, but we do not expect requestors to send mockups to FTA. Detailed information such as drawings, data, photographs, and videos are valuable forms of documentation and we encourage their inclusion in submission materials.

One commenter expressed concern with the ''Dos and Don'ts'' section of this chapter, asserting we conflated requirements with recommendations, so we added ''suggested'' to the heading to make clear the included items are suggestions and not requirements.

G. Chapter 6—Fixed Route Service

Chapter 6 discusses the DOT ADA regulations that apply specifically to fixed route service, including alternative transportation when bus lifts are inoperable, deployment of lifts at bus stops, priority seating and the securement area, adequate vehicle boarding and disembarking time, and stop announcements and route identification.

The final chapter remains substantively similar to the proposed chapter. However, we moved several sections that applied across modes to other chapters to minimize repetition, and also made several changes based on specific comments.

There were a few comments regarding alternative transportation requirements when a fixed route vehicle is unavailable because of an inoperable lift. These commenters noted the proposed Circular stated, ''agencies must provide the alternative transportation to waiting riders within 30 minutes'' when a bus lift is inoperable, but implied the regulations were more flexible. In response, we substituted language with a direct quote from Appendix D, which provides examples for providing alternative transportation. We also added text explaining that with regard to ramp-equipped buses, FTA finds local policies to require drivers to manually deploy ramps instead of arranging alternative transportation acceptable because Part 38 does not require ramps to have a mechanical deployment feature. We merged the sections regarding alternative transportation when the driver knows the lift is not

working and when lifts do not deploy, because the requirements are the same for both.

One commenter, discussing when a bus may not be available to riders because it is full, noted the description of a ''full'' bus should also include a bus where securement areas are already occupied by riders whom the driver has asked to move, but are unwilling to do so. In response, we added this point to the description of ''full.'' Some commenters asked what a transit agency must do if an individual is unable to board a bus because all of the wheelchair positions were full. We added text encouraging agencies to instruct drivers to explain the policy to waiting riders, so the riders do not believe they are being passed by.

One commenter praised the text regarding deployment of lifts and ramps, specifically the suggestion that when a driver cannot deploy a lift or ramp at a specific location, the preferred solution is to move the bus slightly. This suggestion is now mirrored by 49 CFR part 37, Appendix E, Example 4, and we incorporated the example into the final Circular. Another commenter requested examples for what operators can do when passengers seek to disembark at a stop without accessible pathways. Example 4 also addresses this issue.

There were many comments regarding priority seating. Commenters sought clarification regarding when bus drivers can ask individuals, including persons with disabilities or seniors, to move. We edited the text to make clear when the operator must ask individuals to move. We also explained that while operators must ask individuals to move, they are not required to enforce the request and force an individual to vacate the seat. However, we highlighted that agencies may adopt a ''mandatory-move'' policy that requires riders to vacate priority seating and securement areas upon request, and encouraged agencies with these policies to inform all riders and post signage regarding these policies. Some of the priority seating comments noted the proposed chapters did not address situations in which the priority seats were also fold-down seats in the securement area. We edited the text to encourage transit agencies to develop local policies regarding whom drivers may ask to move from priority seats if an individual using a wheelchair needs the securement location.

One commenter sought clarification as to whether operators are required to proactively assist seniors or persons with disabilities or whether the customers need to ask for assistance, citing concern for individuals without visible disabilities. We clarified that while the regulations do not require operators to proactively lead riders with disabilities or seniors to the priority seating area, we encourage local agencies to develop policies for drivers regarding serving riders who need assistance and not just those with apparent disabilities. One commenter provided an example of stroller and luggage policies on their vehicles. Consequently, we added a hyperlink to an example of a local policy governing the use of strollers in the securement space on its fixed route buses.

Several commenters expressed concerns about adequate boarding time. Some of these commenters noted that agencies should institute pre-boarding policies for individuals with disabilities who need to use the ramp or lift, to ensure that wheeled mobility device users were not denied service as a result of overcrowding. We maintained the text stating transit agencies may develop policies to allow riders with wheeled mobility devices to board first, but we added that transit agencies do not need to, and are not advised to, compel individuals on a vehicle to leave the vehicle to allow individuals with a wheeled mobility device to board. There were also comments related to ensuring individuals with disabilities are safely seated on a bus or rail vehicle before it moves, and conversely, commenters stated the discussion of this issue seems to assume individuals with disabilities require additional time to sit. Another commenter noted an operator may not always know that a rider has a disability. We edited the text to encourage transit agencies to develop wait-time standards or other procedures and instruct personnel to pay attention to riders who may need extra time, including those who use wheelchairs and others who may need extra time boarding or disembarking, rather than allowing time for riders with disabilities to be safely seated before moving the vehicle. We also added a suggestion for rail vehicles, where it is more difficult to have visual contact with riders: Instead of having drivers and conductors assess on their own how long it takes for a rider to board, transit agencies can establish local wait-time policies to give riders sufficient time to sit or situate their mobility device before the vehicle moves.

There were a number of comments regarding stop announcements and route identification. Many commenters echoed the general comment that the proposed Circular instituted requirements for stop announcements not included in the regulations, specifically with announcing transfer route numbers and the ''ability to transfer'' at transit stops. We addressed these comments by making clear what is required and what is suggested and removing the use of the term ''should.'' Additionally, we removed the sentence suggesting route numbers be announced, and we specified that it is a suggestion, but not a requirement, to announce the first and last stops in which two routes intersect. Another commenter noted asking an agency employee for a stop announcement is not always possible. We added language encouraging riders to approach an agency employee ''when possible'' to request a stop announcement when boarding the vehicle. We also clarified that while the DOT ADA regulations have certain requirements for stop announcements, the selection of which locations are the major intersections and major destinations to be announced, or what are sufficient intervals to announce, are deliberately left to the local planning process. A few commenters also noted a transit agency may not know about all private entities that intersect with their routes and, therefore, it may be difficult to announce these entities during stop announcements. In response, we clarified that the requirement to announce transfer points with other fixed routes does not mean an agency must announce the other routes, lines, or transportation services that its stop shares—only that it announce the stop itself (*e.g.,* ''State Street'' or ''Union Station'').

One commenter noted that if an automated stop announcement system does not work, the operator must make the announcement. We added text stating the operator must make stop announcements if the automated announcement system does not work. Another commenter noted it would be challenging to test speaker volume in the field. In response, we note the suggestion to test speaker volume in the field is one of several suggestions provided, and it is not a requirement. We also added the DOT Standards requirement providing that where public address systems convey audible information on a vehicle to the public, the same or equivalent information must be provided in visual format, often in the form of signage displaying the route and direction of the vehicle.

We clarified that transit agencies must sufficiently monitor drivers and the effectiveness of the announcement equipment to ensure compliance with the regulatory stop announcement requirements. There were also several comments about the sample data collection forms, stating FTA was

presenting this as a ''best example'' when it was only one example, and it could be interpreted as required. The form included in the proposed Circular was a resource and only one example of how to monitor stop announcements. A local agency, at its discretion, may choose to use it. In response to comments, we added text noting FTA recognizes there are many different ways of collecting data and monitoring compliance.

One commenter asked us to clarify a sentence regarding rail station signage visibility requirements. We reworded this sentence to be clearer and to include regulatory text.

H. Chapter 7—Demand Responsive Service

Chapter 7 discusses characteristics of demand responsive service; the equivalent service standard; and types of demand responsive service, including dial-a-ride, taxi subsidy service, vanpools, and route deviation service; and offers suggestions for monitoring demand responsive service. We have reorganized the chapter and made edits in response to comments.

We received multiple comments on equivalent service. Several commenters expressed concern that the concepts of demand responsive service were being mixed with equivalent service and vehicle acquisition. In response, we reorganized this chapter to better explain the service requirements for demand responsive systems. First, we discussed characteristics of demand responsive systems. Next, we mentioned vehicle acquisition, which the regulations directly tie to demand responsive service requirements. Then, we discussed equivalent service, followed by coverage of types of demand responsive services. We revised the equivalent service discussion to specify that the equivalent service standard does not apply when a vehicle fleet is fully accessible, and we clarified the applicability of the section 37.5 nondiscrimination requirements to all demand responsive services.

A commenter expressed concern with a statement in the proposed chapter about equivalent service being ''the same'' implies ''the same or better,'' asserting it might result in preferential treatment for individuals with disabilities. In response, we emphasized in the final Circular that providing a higher level of service to individuals with disabilities would be a local decision, but equivalent service remains a regulatory requirement. That is, service must be at least ''equivalent,'' though it may be better. When discussing restrictions or priorities based on trip purpose, a commenter suggested not using the phrase ''regardless of ability,'' so we reworded the concept.

Following the equivalent service discussion, each type of demand responsive service is discussed with equivalency considerations for the respective service. For taxi subsidy service, we received comments expressing concern about the language on equivalency and monitoring, with one commenter suggesting it would effectively end all taxi subsidy service across the nation and hurt customers with disabilities. We disagree with this characterization. The entity administering a taxi subsidy program has the responsibility to ensure equivalent service, and can do this through a number of different methods as described in the final Circular. We recognize taxi service is generally subject to DOJ's Title III jurisdiction.

Regarding route deviation service, we received comments requesting further clarification about the service requirements. We included additional discussion on service delivery options and inserted Table 7.1, Service Delivery Options, to highlight the service options in a quick-reference table format. One commenter suggested modifying Figure 7–1, which depicts route deviation service, to show a requested pickup or drop-off location with a dotted line, and we revised the figure to incorporate the suggestion. Several commenters had questions related to the subsection, ''Combining Limited Deviation and Demand Responsive Services to Meet Complementary Paratransit Requirements.'' In response to comments, we removed the discussion and added other subsections that clarify ways an agency can meet ADA requirements. We emphasized three route deviation-related service options, including comingling complementary paratransit and fixed route service on the same vehicle, and included a link to an FTA letter further explaining service options.

Regarding other types of demand responsive service, we noted for innovative, emerging forms of transportation there may be applicable ADA requirements that may not be immediately clear. We added a suggestion to contact the FTA Office of Civil Rights for guidance on identifying applicable ADA requirements.

We received a few comments on monitoring as it relates to demand responsive systems, and we incorporated these into the suggestions for monitoring service. One commenter objected to what it perceived as additional requirements to monitor and report on subrecipients. We added language explaining that agencies must monitor their service to confirm the service is being delivered consistent with the ADA requirements, and that FTA does not dictate the specifics of an agency's monitoring efforts. Another commenter asked if there were options for monitoring equivalency that were allowed or accepted other than the approaches in Table 7.2, ''Suggested Approaches for Determining Equivalency for Each Service Requirement.'' We note the approaches in Table 7.2 are suggestions and there are other ways to fulfill monitoring obligations. Another commenter suggested adding information about what it means for online service to be accessible. We added a reference to Chapter 2 in the section leading up to the table because Chapter 2 discusses accessible information in greater detail. Because the items in Table 7.2 focus on determining equivalency, in the final Circular we added additional suggestions for monitoring specific service types: Comingled dial-a-ride and complementary paratransit services, taxi subsidy services, and demand responsive route deviation services.

Finally, we received a couple of comments on certification. One commenter requested FTA clarify the extent to which a state administering agency has a duty to confirm the statements made by grant subrecipients in connection with the certification process. In response, we added language clarifying that state administering agencies need to have review procedures in place to monitor subrecipients' compliance with certification requirements. Another commenter noted the section contained confusing cross-references and suggested we reexamine it for accuracy. We addressed this by using Appendix D language and a bulleted list with references to specific FTA program Circulars. The commenter also questioned why Attachment 7–1 was labeled as a sample certification if it was the same as the one found in Appendix C to Part 37. In response, in Attachment 7–1 we removed the word ''Sample'' from the title and removed the date line to mirror the Appendix C Certification of Equivalent Service.

I. Chapter 8—Complementary Paratransit Service

Chapter 8 addresses complementary paratransit service delivery, including topics such as service criteria, types of service options, capacity constraints, and subscription and premium service.

This chapter was reformatted and reorganized from the proposed chapter

to include new sections with regulatory text, and we made several changes and clarifications in response to comments.

One commenter noted paratransit is not supposed to be a guarantee of ''special'' or ''extra'' service. We emphasized that any services beyond the minimum requirements are optional and local matters. We added a reference and link to FTA's existing bulletin ''Premium Charges for Paratransit Services'' to highlight further that premium services are not required, and if transit agencies provide premium services, they are permitted to charge an additional fee.

A few commenters questioned why commuter service and intercity rail were not included in the list of entities excluded from complementary paratransit. In the final Circular we added the definitions for commuter rail and bus and intercity rail. These commenters also suggested the Circular include more explanation as to when a route called a ''commuter bus'' route may be required to provide paratransit service, and they suggested including FTA findings regarding this issue. We added a more thorough explanation, cross-referencing to Chapter 6, explaining why a case-by-case assessment by the transit agency is needed to determine whether a particular route meets the definition of commuter bus. We also provided a link to a complaint decision letter regarding the elements FTA examined to determine whether the service in question in the complaint was in fact commuter service.

We received a number of comments regarding origin-to-destination service. Most of these comments questioned FTA's requirement for door-to-door service, in at least some cases, which they asserted was related to the then-pending rulemaking on reasonable modification and not required by the DOT regulations. Commenters asserted the proposed Circular was essentially requiring door-to-door service and expanding service beyond the standard curb-to-curb service many transit agencies provide. Commenters also expressed concerns about the safety issues of leaving a vehicle unattended for a long period of time to provide door-to-door service to an individual.

As DOT has explained, the requirement for door-to-door service was not contingent upon the reasonable modification rulemaking, but rather rooted in § 37.129. However, this argument is moot since DOT issued its final rule on reasonable modification subsequent to publication of Amendment 2 of the proposed Circular. The final rule, incorporated into Part 37, includes a definition of origin-to-destination consistent with the long-standing requirement (See 80 FR 13253, Mar. 13, 2015). We edited this section to incorporate the regulatory text, preamble text from the final rule on reasonable modification, and relevant examples from the new Appendix E to Part 37. We incorporated several Appendix E examples verbatim that address origin-to-destination issues, including a driver leaving a vehicle unattended.

A few commenters requested clarification on the responsibilities of the transit agency to provide hand-to-hand attended transfers to riders on paratransit. We explained that if an agency requires riders to transfer between two vehicles to complete the complementary paratransit trip within that agency's jurisdiction, then the agency is required to have an employee (driver or other individual) wait with any riders who cannot be left unattended. But, we added specific language emphasizing that the requirement for attended transfers does not apply when an agency is dropping off a rider to be picked up by another provider to be taken outside the agency's jurisdiction.

One commenter argued it is not accurate to state that ''double feeder'' service, a service where complementary paratransit is used to provide feeder service to and from the fixed route on both ends of the trip, is typically not realistic. We revised the text and added Appendix D text for clarification, which states ''the transit provider should consider carefully whether such a 'double feeder' system, while permissible, is truly workable in its system.''

A few commenters suggested clarifications to the figures regarding paratransit service areas, Figures 8–1 and 8–2, depicting bus and rail service areas, such as clarifying the terms in the figures and making the graphics easier to read and less blurry. We made these changes.

There were a few comments regarding access to restricted properties. One commenter requested clarification on what to do in the case of a gated community. Another commenter questioned what recourse transit agencies and passengers have when a commercial facility limits access to paratransit vehicles. In response to these comments, we added a section entitled, ''Access to Private or Restricted Properties'' and added an Appendix E example from Part 37 that discusses transit agencies' obligations with respect to service to restricted properties. Another commenter stated passengers should be required to arrange access to locked communities or private property if they want to be picked up or dropped off in a restricted area. The Appendix E example specifically notes the possibility of the transit agency working with the passenger to get permission of the of the property owner to permit access for the paratransit vehicle.

There were many comments regarding negotiating trip times with riders, mostly regarding drop-off windows and next day scheduling. Many commenters expressed that paratransit scheduling to drop-off time is not required, while one commenter supported scheduling to drop-off times. We revised the text to explain that a true negotiation considers the rider's time constraints. While some trips have inherent flexibility (*e.g.,* shopping or recreation), other trips have constraints with respect to when they can begin (*e.g.,* not before the end of the individual's workday or not until after an appointment is over). A discussion of the rider's need to arrive on time for an appointment will sometimes be part of the negotiation between the transit agency and the rider during the trip scheduling process. We do not prescribe specific scheduling practices an agency must adopt. Instead, we state simply that if trip reservation procedures and subsequent poor service performance cause riders to arrive late at appointments and riders are discouraged from using the service as a result, this would constitute a prohibited capacity constraint. Commenters expressed a related concern regarding a statement that transit agencies should not drop off riders before a facility opens. We revised the text to state more generally that FTA encourages transit agencies to establish policies to drop off riders no more than 30 minutes before appointment times and no later than the start of appointment times, recognizing that it is the customer's responsibility to know when a facility opens.

Several commenters requested clarification on next-day scheduling as to what ''no later than one day ahead'' means. One commenter suggested changing the text to ''on the day before,'' which we did, to make clear that scheduling can be done the day before, and not only 24 hours before. A few commenters asked for clarification as to how late ''the day before'' goes to, specifically for transit agencies that operate service past midnight. We maintained the text stating transit agencies with service past midnight must allow riders to schedule during normal business hours on the day before the trip, including for a trip that would begin after midnight. And we added

language specifying ''normal business hours'' means ''during administrative office hours'' and not necessarily during all hours of transit operations.

There was also a comment regarding changing negotiated trip times. The commenter questioned to what extent leaving a voicemail is adequate to notify the passenger of a change in pickup time. We clarified that when voicemail is used for trip reservations, if an agency needs to negotiate the pickup time or window, they must contact the rider and conduct a negotiation. Any renegotiation situation is treated similarly, such that if the transit agency calls the rider, and the rider cannot be reached, the transit agency must provide the trip at the time previously negotiated. We also expanded the discussion on how call-backs relate to trip negotiation requirements.

We added clarifications to the section on negotiating trip times. Transit agencies are permitted to establish a reasonable window around the negotiated pickup time, during which the vehicle is considered ''on time.'' We explained that FTA considers pickup windows longer than 30 minutes to be unacceptable, as they cause unreasonably long wait times for service. We also included examples to describe the 30 minute window.

A few comments regarding ''no strand'' policies sought clarification on the sentence that suggested providing a return trip, ''even if later than the original schedule time,'' and requested FTA to state the ''no strand'' policies are optional. We edited the sentence to specify these policies are optional and that the return trip will typically be within regular service hours.

We received several comments on paratransit fares. A few commenters were concerned about the fare rules regarding how to choose between the minimum alternative base fares for paratransit when there is more than one fixed route option. We clarified by adding Appendix D language specifying that the agency chooses the mode or route that the typical fixed route user would use. A few commenters questioned whether transit agencies using distance based fares on fixed route are required to vary paratransit fares as well. We clarified that transit agencies are not required to use distance based fares on paratransit, but must set the fares at no more than double the lowest full-price fixed route fare for the same trip. One commenter requested the citation for the regulatory requirement to provide free paratransit trips in situations with free fare zones. We provided the relevant regulatory citation. Another commenter suggested it should be pointed out that agency trips, or fares negotiated with social service agencies or other organizations, can be more than double the fixed route fare. We made this change. We also added text stating that FTA finds monthly passes on fixed route are considered discounts, and, therefore, cannot be used to calculate the maximum paratransit fare, which is capped at double the full-price fixed route fare.

We received a number of comments regarding capacity constraints. A commenter requested clarification on the meaning of considering ''two closely spaced trips by the same rider so they do not overlap'' during scheduling. We added an example of when this occurs to better explain that scenario. Another commenter requested clarification that it is not a waiting list, and, therefore, not a capacity constraint, to tell riders they will provide the trip, but then state the transit agency will call back before ''X'' p.m. to give a precise time to the rider. We added language to more clearly explain what is and what is not a waiting list. We also added text specifying that as long as the call-taker accepts the trip request and confirms the requested time with the rider, this is not a waiting list.

Within the topic of capacity constraints, there were many comments on untimely service. On the topic of pickup windows, one commenter expressed it is important to point out that if the local agency has instituted a 5-minute waiting period for paratransit pickups, the 5 minute wait cannot begin until the start of the pickup window. The text in the final Circular states this explicitly. In addition, there were several comments on assessing on-time performance. One commenter requested a clarification of what ''on-time'' means, and whether this includes only the 30 minute window or also early pickups. We edited the language to express that on-time is only within the 30-minute window, but service standards may evaluate on-time pickups and early pickups together by setting a goal of ''X'' percent of pickups will be on-time or early. Another commenter requested we include a standard for ''very early pickups'' in the Circular. While we did not add a specific standard, we provided examples of service standards some agencies have instituted for very early pickups.

There were several comments on trip denials and missed trips. Regarding trip denials, one commenter expressed that when a trip is actually made, it cannot be counted as a denial, referring to DOT's September 2011 amendments to the regulation. We agree with the commenter, and clarified the language and linked to the preamble to the amendments. Regarding missed trips, we added more clarification on what constitutes a missed trip and provided examples. One commenter suggested it would be a good practice for dispatchers to ask drivers to describe the pickup location and document the description in case a no-show is later questioned. We added the requested language. Another commenter requested substantiation for stating that a transit agency with a high rate of missed trips may not be able to arrive on time, possibly indicating the need to add capacity. We substantiated this statement based on complementary paratransit reviews completed by FTA's Office of Civil Rights.

A few commenters stated that untimely drop-offs and poor telephone performance are not mentioned in the regulations, and are therefore only good practices and should be presented as such. We clarified why we consider these actions capacity constraints under the regulations, and, therefore, a requirement to ensure a transit agency is not allowing these situations to occur, and tied it to the relevant regulation at section 37.131(f)(3)(i).

There were many comments about poor telephone performance, including call wait times and busy signals. One commenter requested we more directly address long hold times, and we clarified this section to focus more clearly on long hold times. A couple of commenters stated it is unclear what specific telephone hold times are required without actual numbers of minutes or percentages, and recommended FTA adopt a best practice standard for maximum hold times of two minutes. We did not set absolute maximum hold times; however, we added optional good practices of setting certain thresholds, and provided examples. For example, ''an optional good practice is to define a minimum percentage (*e.g.,* X percent) of calls with hold times shorter than a specific threshold (*e.g.,* two minutes) and a second (higher) percentage (*e.g.,* Y percent) of calls with hold times shorter than a longer threshold (*e.g.,* five minutes).'' We also added optional good practices for measuring averages over hourly periods. One commenter requested the Circular state that a rider should never encounter a busy signal, other than in rare emergency situations. FTA did not state explicitly that a rider should never encounter a busy signal, but we added recommendations about using telephone systems with sufficient capacity to handle all incoming calls, providing suggestions of how to avoid

busy signals, and stating that excessive wait times and hold times would constitute a capacity constraint.

One commenter asked why steering eligible individuals to different services would be considered discouraging the use of complementary paratransit if the other service might serve the individual better. We deleted references to ''steering'' in the document and instead added language to clarify that while transit agencies may not discourage use of ADA complementary paratransit, which is a capacity constraint, it is a good practice to make people aware of their transportation options so they can make informed decisions. Making sure people are aware of their transportation options so that they can make informed decisions is very different from discouraging paratransit use. We added text stating FTA encourages agencies to coordinate their services with other services available to individuals with disabilities.

Numerous commenters suggested that as long as an agency doesn't have capacity constraints, there should not be a limit on subscription service to 50 percent of an agency's paratransit service. While this language was included in the proposed Circular, in the final Circular we clarified the language, and added language stating FTA encourages transit agencies to maximize use of subscription service as long as there are no capacity constraints.

One commenter noted will-call trips should be premium services, and asked for clarification. We edited the text to reflect that will-call trips are premium services and added them to the list of premium service provided in the, ''Exceeding Minimum Requirements (Premium Service)'' section. We also clarified in the earlier sections that will-call trips may be restricted by trip purpose and transit agencies may charge higher fares for these trips.

Regarding complementary paratransit plans, a few commenters requested FTA provide reasons for requiring a plan when a system is not in compliance, and why there is no requirement for compliance with paratransit on the first day of a fixed route service. We edited the text in line with the regulations and FTA policy requiring implementation of complementary paratransit immediately upon introduction of a fixed route service, and not over time. Additionally, we added the regulatory support for requiring a complementary paratransit plan when a transit system is not in compliance with its paratransit obligations.

A commenter suggested the section on public participation add a ''good practice,'' stating when a transit agency proposes a reduction in service, the transit agency should consider a review similar to a Title VI analysis. We clarified that under 49 U.S.C. 5307 there are requirements for public comment on fare and service changes, and a major reduction in fixed route service must also include consideration of the impact on complementary paratransit service.

We received many comments regarding the ''Monitoring and Data Collection'' section of this chapter, generally questioning the value of this section to the reader. Upon review, we concluded that many of the points were repetitive of earlier sections and removed the section from the Circular.

J. Chapter 9—ADA Paratransit Eligibility

Chapter 9 discusses ADA paratransit eligibility standards, the paratransit eligibility process, the types of eligibility, recertification, and appeals processes, no-show suspensions, and issues involving personal care attendants and visitors.

Several commenters asked for clarification on the dilemma between having mobility device weight restrictions and paratransit eligibility. We clarified that ADA paratransit eligibility is based on an individual's functional ability, and while the size or weight of a mobility device exceeding the vehicle's capacity is not grounds to reject paratransit eligibility, in some cases, an individual will be granted eligibility, but cannot be transported on a transit agency vehicle. We added language stating the vehicle capacity should be communicated to the rider, and the individual's eligibility will be maintained, so if the individual later obtains a smaller or lighter mobility device, he or she will be able to be transported.

A few commenters inquired regarding the role of the age of children in paratransit eligibility. One commenter suggested specifying that policies limiting the availability of transit service to children cannot be imposed solely on the paratransit system. Another commenter stated an agency's fare policies should not be indicative of a child's ability to travel on fixed route, and a reasonable person standard should apply: Whether a child can travel independently without the assistance and supervision of an adult is set not to a certain age, but to what a reasonable person would conclude. Several commenters asserted these policies should be decided at the local level because eligibility requirements must be ''strictly limited'' and based solely on ''an individual's ability.'' We clarified the language to state transit agencies can set requirements on what age children must be accompanied by an adult based on the age a child is able to use fixed route independently. This age requirement must be uniform across fixed route and paratransit. We also clarified that fare policies alone, such as providing that children under a certain age ride free, or children accompanied by an adult ride free, do not set a requirement for a child to be accompanied by an adult, and, therefore, do not extend to paratransit policies.

One commenter wondered why a discussion of individuals with psychiatric disabilities who may not be able to travel in unfamiliar areas would be found paratransit eligible under two different categories of eligibility. We clarified that these individuals may be eligible for multiple reasons.

One commenter stated that eligibility based on current functional ability may lead to confusion about impairment-related conditions that vary from time to time. We added language stating it would be inappropriate to deny eligibility to someone with a variable disability if the assessment happened to take place on a ''good day,'' and transit agencies should consider that an individual's functional ability may change from day to day because of the variable nature of the person's disability.

One commenter requested FTA note the qualification for a half-fare discount under 49 U.S.C. 5307 for seniors and riders with disabilities does not have a bearing on one's complementary paratransit eligibility. We added a section explaining that the standards for half-fare eligibility are different from the paratransit eligibility requirements, and half-fare eligibility does not automatically give the rider ADA paratransit eligibility.

There were a few comments regarding conditional paratransit eligibility. Commenters emphasized that in the section discussing the necessity for conditional eligibility for individuals where hot or cold weather exacerbates their health conditions to the point that they are unable to use fixed route, it should be clarified that it is the local agency's decision what the temperature thresholds are. We added a footnote explaining that the Circular text provides specific examples of temperatures where it may be ''too hot;'' establishing different thresholds for specific regions is appropriate because climates vary from region to region. Another commenter noted conditional eligibility should not be limited based on trip purpose. We added text specifying that giving eligibility to individuals for ''dialysis trips only'' is

not appropriate, but granting eligibility to an individual who is suffering from severe fatigue from a medical condition or treatment is appropriate.

A commenter requested FTA clarify that while confidentiality in paratransit eligibility is vital, agencies can still tell drivers that riders need particular types of assistance. We added text noting an optional good practice for transit agencies is to add necessary information to the manifest that the operators may need to safely serve the rider, without including specific information on the nature of the rider's disability.

Regarding the eligibility determination process, we emphasized that local agencies devise the specifics of their process, including how and when they will conduct functional assessments, within the broad requirements of the regulations. One commenter requested the Circular go more in depth on having assessments conducted by professionals trained to evaluate the disabilities at issue. We added text, including support from Appendix D, stating while the ultimate determination is a functional one, medical evaluation from a physician may be helpful to determine the ability of the applicant, particularly if a disability is not apparent. We also stated that the professional verification is not limited to physicians, but may include other professionals such as mobility specialists, clinical social workers, and nurses, among others. Several commenters requested specific guidance regarding appropriate assessments and eligibility applications, including sample applications and assessments. We provided links to Easter Seals Project Action, which provides information on implementing functional assessments, administering the Functional Assessment of Cognitive Transit Skills (FACTS), and other technical assistance materials.

A couple of commenters suggested adding information regarding making applications available in alternative formats. We added relevant language from Appendix D regarding alternative formats and deleted the suggestion that transit agencies ask applicants if they want future communications in alternative formats to prevent a reader from concluding that providing an accessible format is optional when a rider needs it. We also added information regarding the Title VI Limited English Proficiency (LEP) requirements for complementary paratransit, which ensure that those who do not speak English as their primary language can access paratransit services. This was added for consistency with a similar section in Chapter 8.

One commenter indicated the content on identification cards for paratransit eligibility should be left to local agencies. We clarified that the decision of whether to have identification cards and the content on them are local decisions, but if the card does not contain all the information required by section 37.125(e) (*e.g.,* name of passenger, name of transit agency, limitations or conditions on eligibility, etc.), then letters of determination with the required information must be provided to the passenger.

We clarified that FTA considers any determination less than unconditional eligibility, such as conditional and temporary eligibility, to be forms of ineligibility. Therefore, transit agencies must send letters regarding appeals to any applicant that receives any type of eligibility less than unconditional eligibility.

There were several comments regarding recertification. One commenter requested clarification of what is a ''reasonable interval'' between eligibility determination and recertification. We added language from Appendix D explaining that requiring recertification too frequently would be burdensome to riders. Another commenter requested information regarding what steps a transit agency should take for recertification under a new or revised process. We added language encouraging agencies to consider the impact on riders when they tighten eligibility processes.

There were many comments regarding the paratransit eligibility appeals process. We noted that transit agencies must inform riders they have the right to appeal any eligibility denial and added text explaining that riders can reapply for eligibility at any time. Many of these commenters stated the draft text encouraging transit agencies to provide free transport to and from paratransit appeals was not appropriate, and it was not required, and, therefore, should not be included in the Circular. A few comments supported FTA's inclusion encouraging free transport to and from paratransit appeals. While it was only a recommendation, we removed the text encouraging free transport, instead encouraging agencies to ''ensure that hearing locations are easy for appellants to reach.''

Another commenter indicated the draft text was ambiguous regarding transit agencies arranging appeals without unreasonable delays. We clarified the statement by recommending that, although the regulations do not specify a deadline for which agencies must hold an in-person appeal after an applicant requests a hearing, FTA encourages transit agencies to hold the appeal hearings promptly and suggests that hearings be held within 30 days of the request. A couple of commenters requested clarification regarding who can be on an appeals panel, specifically requesting FTA to specify that although someone hearing an appeal should not represent one particular point of view, it is acceptable to have an impartial employee of the transit agency participate in the appeals hearing. We edited the text to note if transit agency staff or members of the disability community are selected to hear paratransit eligibility appeals, it is important for them to remain impartial.

There were many comments regarding personal care attendants (PCAs). A couple of commenters noted the terminology was inconsistent throughout, and requested the references to ''personal attendants'' be changed to ''personal care attendants.'' We edited the relevant text in Chapters 8 and 9 to consistently reference ''personal care attendants.'' Many commenters questioned the draft text stating that if a rider needs a PCA during the eligibility process that may be an indication the paratransit rider must be ''met at both ends of the trip'' and ''never left unattended.'' Commenters argued the language was inaccurate because there is no requirement for a paratransit rider not to be left unattended or met at both ends of the trip. We deleted this sentence as it was inconsistent with the regulations and policy, and clarified that a transit agency cannot impose a requirement for a rider to travel with a PCA. We also clarified the reasoning for asking during the eligibility process whether a complementary paratransit applicant needs a PCA or not, which is to ''prevent potential abuse'' of the provision. By documenting a rider's need for a PCA during the eligibility process, the agency can determine if an individual traveling with the rider is a PCA or a companion, which in turn simplifies determining required fares. One commenter noted the regulation is singular, and, therefore, transit agencies are only required to provide each paratransit eligible rider with one PCA. We amended the language to state each rider is only entitled to travel with one PCA. Likewise, another commenter asked FTA to clarify that while transit agencies are required to accommodate only one companion per paratransit eligible rider, the regulations also require the transit agency to accommodate additional companions if space is available. We added text

reflecting this requirement. A few commenters requested that FTA reword the sentence saying transit agencies are encouraged to ''make it easy for riders to reserve trips with PCAs and not require that they re-apply'' if they previously did not need a PCA and now require one. We deleted this sentence as it did not add value as a recommendation.

We received several comments praising regional paratransit eligibility approaches and encouraging FTA to support this concept. In response, we added a section entitled, ''Coordination of Eligibility Determination Processes,'' and stated FTA encourages transit agencies to coordinate eligibility determinations to make regional travel easier for customers.

There were many comments regarding no-show suspensions. One commenter requested that the Circular provide specific guidance on how suspensions for no-shows should be calculated, and what constitutes a no-show outside the passenger's control. We addressed these items by providing the regulatory text and examples of when no-shows are outside the passenger's control, and providing examples of no-show policies that lead to suspensions. We also added language specifying that agencies are permitted to suspend riders who establish a pattern or practice of missing scheduled trips, but only after providing a rider with due process. In the case of no-show suspensions, due process means first notifying the individual in writing of the reasons for the suspension and of their right to appeal as outlined in section 37.125(g). We also added language specifying the purpose of no-show suspensions, which is to deter chronic no-shows. We explained that transit agencies must consider a rider's frequency of use in order to determine if a pattern or practice of no-shows exist and recommended a two-step process for determining pattern or practice. We also clarified that FTA recommends the no-show suspension notification letters inform riders that no-shows beyond their control will not be counted, and we provided examples of how riders can explain the no-shows outside of their control. We recommended transit agencies have ''robust procedures'' to verify the no-shows were recorded accurately.

Many of the comments on the topic of no-show suspensions challenged the proposed Circular statement, ''FTA considers suspensions longer than 30 days to be excessive under any circumstance.'' Commenters argued this is not based in regulation, and in some instances, suspensions longer than 30 days are necessary for repeat offenders of the no-show policy. We edited this text to state, ''While it is reasonable to gradually increase the duration of suspensions to address chronic no-shows, FTA generally considers suspensions longer than 30 days to be excessive.'' We also added language clarifying that FTA requires suspensions to be for reasonable periods, and FTA considers up to one week for a first offense to be reasonable.

One commenter requested clarification regarding when an applicant can independently and consistently ''remain safe when traveling alone.'' The commenter noted this contradicts an earlier statement in Chapter 9 that general public safety concerns are not a factor in paratransit eligibility. In the final Circular, we have clearly distinguished between general public safety concerns, such as traveling at night or in high crime areas, from an individual's personal safety skills, such as an individual whose judgment, awareness and decisionmaking are significantly affected by a disability and who would therefore be at unreasonable risk if they attempted to use the fixed route independently.

K. Chapter 10—Passenger Vessels

Chapter 10 discusses nondiscrimination regulations related to passenger vessels, including accessible information for passengers of passenger vessels, assistance and services, and complaint procedures.

Chapter 10 remains substantially similar to the proposed chapter, with the primary exceptions of technical corrections and clarifications, and the addition of a few Part 39 provisions that were not included in the proposed chapter, but which commenters pointed out were relevant.

Many commenters inquired as to which passenger vessel operators (PVOs) were addressed by the Circular. We edited the text to more clearly reflect which PVOs the Circular addresses. One commenter requested that we clarify whether Part 39 applies to only U.S. ships or also foreign flagged vessels. We edited the text to make clear the Circular does not address U.S. or foreign flag cruise ships. One commenter also pointed out that with respect to private PVOs operating under contract to public entities, a dock that received Federal financial assistance would not fall under PVO rules if the vessel was not covered. In response, we removed the term ''and facilities'' from the section discussing services using vessels acquired with FTA grant assistance.

Several commenters also responded to the Part 39 nondiscrimination provisions. A few commenters suggested the sentence stating that passengers with disabilities cannot be excluded from participating or denied the benefits of transportation solely because of their disability was an inaccurate interpretation of the regulations because individuals with disabilities can be excluded from PVOs for many reasons based on their disabilities. The commenters also challenged the draft text regarding what PVOs cannot do, for example, require medical certificates or advance notice of travel from passengers with a disability, because under certain conditions PVOs can require these. While operators of public ferry service, in practice, would rarely if ever deny service on these grounds, we added sections discussing the applicable regulations, including refusing service to individuals with disabilities (10.2.2), refusing service based on safety concerns (10.2.3), requiring passengers to provide medical certifications (10.2.4), limiting the number of passengers with disabilities on vessels (10.2.5), and requiring advance notice from passengers with disabilities (10.2.6).

One commenter noted that in the section regarding auxiliary aids and services, the proposed Circular included a statement that passengers needing a sign language interpreter should make this request early. The commenter asked for this to be deleted because PVOs are not required to provide sign language interpreters. We deleted this sentence because the types of trips addressed by this Circular are generally short and individuals would not require sign language interpreters.

Regarding service animals, one commenter noted the regulations and definitions for service animals in the DOT (49 CFR part 39) and DOJ (28 CFR part 36) regulations are confusing because they are different, and PVOs are often unsure which to follow. We clarified that the service animal definition for DOT in Part 39 in the water transportation environment is different from DOT's Part 37 definition. We included a link to guidance regarding ADA requirements for passenger vessels that addresses service animals, which explains that DOT interprets the service animal provisions of Part 39 to be consistent with DOJ's service animal provisions.

Similarly, we clarified that the relevant regulations and definition for wheelchairs and other assistive devices on passengers vessels are also found in Part 39, and different from the definitions provided in Part 37.

L. Chapter 11—Other Modes

Chapter 11 discusses other modes, including the general requirements for vehicles not otherwise mentioned in the Circular or covered by Part 38, as well as mode-specific requirements for certain types of vehicles. Vehicles referred to in this chapter include high-speed rail cars, monorails, and automated guideway transit, among other systems.

This chapter is considerably shorter than the proposed chapter. One of the few comments we received noted the chapter lacked discussion. We agreed with the comment, and in the absence of recommendations for tailoring the chapter, we removed several sections that were largely composed of lists referring to regulatory sections and instead broadly summarized the requirements and directed the reader to the regulations for the specific technical information.

M. Chapter 12—Oversight, Complaints, and Monitoring

Chapter 12 discusses FTA's oversight of recipients and enforcement processes, onsite review information, and complaint process. It also discusses requirements and suggestions for the transit agency complaint process, and requirements and suggestions for transit agency monitoring of its services. Chapter 12 remains substantially similar to the proposed chapter, although we made changes based on DOT's issuance of the reasonable modification final rule and in response to comments.

The DOT final rule on reasonable modification amended the longstanding local complaint procedure requirements in 49 CFR 27.13, and then mirrored that provision in a new section 37.17. The rule added specific requirements that transit agencies must incorporate into their complaint procedures. For example, agencies must now sufficiently advertise the process for filing a complaint, ensure the process is accessible, and promptly communicate a response to the complainant. We revised sections to capture these new requirements, quoting the new regulatory text. We also edited slightly the Sample Comment Form attachment to illustrate how agencies may use such a form to collect ADA complaints consistent with the final rule.

We received several specific comments on the chapter. One commenter suggested that viewing compliance review reports are helpful to improve service delivery. In response, we added a link to our Civil Rights Specialized Reviews Web page on the FTA Web site. Another commenter noted while the Circular discusses finding agencies ''compliant,'' what FTA actually does is find that agencies lack deficiencies. We edited the text to incorporate the deficiency focus.

One commenter, discussing FTA's administrative enforcement mechanisms, stated that FTA should not be interpreting the provisions of 49 CFR 27.125, which provides steps FTA can take in response to deficiencies. Another commenter noted the Circular should not discuss suspension or termination of financial assistance, or alternatively consider intermediate steps such as voluntary arbitration or mediation, because suspension and termination are contrary to FTA's goals. In response, we restated the regulatory requirements for suspending or terminating Federal financial assistance.

Regarding FTA grant reviews, one commenter requested that the section be revised to offer guidance on the content of the reviews, including the scope of the reviews and how to prepare for them. Upon consideration, we have removed this section from the chapter, since grant reviews are not part of our oversight program.

There were several comments regarding the FTA complaint process. We clarified that FTA also processes ADA complaints against non-grantees in accordance with Part 37 and added the relevant Appendix D language for explanation. Commenters noted that complaint decision letters are only relevant to specific situations and are not legally equivalent to regulations, and suggested FTA clarify the responses are only applicable to specific situations and do not create new requirements. In response, we explained that complaint determinations are applicable only to specific facts in question and are not necessarily applicable to other situations and that references to complaint responses in the Circular serve as illustrative examples of how regulations were applied by FTA in specific instances.

In response to a comment requesting that FTA notify the grantee whenever a complaint is filed against it, we explained that we contact the grantee when we investigate a complaint and noted our discretion for accepting complaints for investigation. We also added a section explaining the criteria FTA uses to close complaints administratively, a process that typically does not include outreach or notification to the grantee. The administrative closure bases were taken from FTA's Title VI Circular and are consistent with how FTA closes cases across its civil rights programs.

A few commenters noted requiring corrective action based on deficiency findings within 30 days of receipt of the corrective action letter is not required by regulations and is inappropriate. We edited the text to clarify FTA typically requests a response from the transit provider within 30 days outlining the corrective actions taken or a timetable for implementing changes—if correcting a deficiency takes longer, a timetable for corrective action is appropriate.

There were several comments regarding the transit agency complaint processes. One commenter requested guidance regarding methods transit agencies can take to resolve customer complaints. As a result of the new complaint process requirements for transit agencies provided in the final rule on reasonable modification, we added information regarding the transit agency complaint process. Several of the new sections directly respond to this comment by providing additional information regarding how local transit agencies can act to resolve complaints, including information regarding designation of a responsible employee for ADA complaints, changes to the requirements regarding complaint procedures, and communicating the complaint response to the complainant. We also added language cautioning transit agencies against directing local complaints to contracted service providers for resolution, as it is the agency's responsibility for ADA compliance. In addition, we provided additional guidance highlighting that agencies can use the same process for accepting and investigating ADA and Title VI complaints.

We emphasized that local transit agencies have flexibility to establish the best formats for receiving ADA complaints, and provided information regarding different formats agencies may choose to use.

A commenter requested additional guidance regarding publishing the name of the designated ADA coordinator. We clarified that while an individual must be designated as the ''responsible employee'' to coordinate ADA compliance, the individual can be publicized by title as opposed to by name, for example, ''ADA Coordinator.'' Another commenter provided a list of information that could be helpful in investigating complaints. We incorporated the list into an already existing list.

Several commenters argued broadly that monitoring is not required in the regulations, and, therefore, FTA cannot impose the requirement on local agencies. Similar comments were made specific to Chapter 12. We added

language in Chapter 12 noting that transit agencies must monitor their service in order to confirm internally, and in some cases to FTA during oversight activity, that service is being delivered consistent with ADA requirements. Recipients must similarly ensure compliance of their subrecipients. However, we also state clearly that FTA does not dictate the specifics of an agency's monitoring efforts and that approaches for monitoring will vary based on the characteristics of the service and local considerations. This is our main point when it comes to monitoring. We therefore shortened the section and removed portions we determined were overly broad since we did not receive feedback to tailor the discussion to local practices. We retained the table that cross-references monitoring discussions found in other chapters to assist the reader in locating the information.

Therese W. McMillan,

Acting Administrator.

[FR Doc. 2015–25188 Filed 10–2–15; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2015–0179]

Pipeline Safety: Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on certain information collections that will be expiring March 31, 2016. PHMSA will request an extension with no change for the information collections identified by the Office of Management and Budget (OMB) control numbers 2137–0610, 2137–0624, and 2137–0625. In addition, PHMSA will request a non-substantive change to the information collection identified under OMB control number 2137–0589 to revise the number of respondents PHMSA expects to comply with this information collection.

DATES: Interested persons are invited to submit comments on or before December 4, 2015.

ADDRESSES: Comments may be submitted in the following ways:

E-Gov Web site: http://www.regulations.gov. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

Fax: 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: Identify the docket number, PHMSA–2014–0005, at the beginning of your comments. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. You should know that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). Therefore, you may want to review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476) or visit *http://www.regulations.gov* before submitting any such comments.

Docket: For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* at any time or to Room W12–140 on the ground level of DOT, West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on PHMSA–2014–0005.'' The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (internet, fax, or professional delivery service) of submitting comments to the docket and ensuring their timely receipt at DOT.

FOR FURTHER INFORMATION CONTACT: Angela Dow by telephone at 202–366–1246, by fax at 202–366–4566, or by mail at DOT, PHMSA, 1200 New Jersey Avenue SE., PHP–30, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: Section 1320.8(d), Title 5, Code of Federal Regulations, requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies several information collection requests that PHMSA will submit to OMB for renewal. The following information is provided for each information collection: (1) Title of the information collection; (2) OMB control number; (3) Current expiration date; (4) Type of request; (5) Abstract of the information collection activity; (6) Description of affected public; (7) Estimate of total annual reporting and recordkeeping burden; and (8) Frequency of collection. PHMSA will request a three-year term of approval for each information collection activity. PHMSA requests comments on the following information collections:

1. Title: Pipeline Integrity Management in High Consequence areas Gas Transmission Pipeline Operators.

OMB Control Number: 2137–0610.

Current Expiration Date: 3/31/2016.

Type of Request: Extension without change of a currently approved collection.

Abstract: The Federal Pipeline Safety Regulations in 49 CFR part 192, subpart O require operators of gas pipelines to develop and implement integrity management programs. The purpose of these programs is to enhance safety by identifying and reducing pipeline integrity risks. The regulations also require that operators maintain records demonstrating compliance with these requirements.

Affected Public: Gas transmission operators.

Annual Reporting and Recordkeeping Burden:

Estimated number of responses: 733.

Estimated annual burden hours: 1,018,807.

Frequency of collection: On occasion.

2. Title: Control Room Management/Human Factors.

OMB Control Number: 2137–0624.

Current Expiration Date: 3/31/2016.

Type of Request: Extension without change of a currently approved collection.

Abstract: The Federal Pipeline Safety Regulations in 49 CFR parts 192 and 195 require operators of hazardous liquid pipelines and gas pipelines to develop and implement a human factors management plan designed to reduce risk associated with human factors in each pipeline control room and to maintain records demonstrating compliance with these requirements.

Affected Public: Private sector; Operators of both natural gas and hazardous liquid pipeline systems.

Annual Reporting and Recordkeeping Burden:

Estimated number of responses: 2,702.

Estimated annual burden hours: 127,328.

Frequency of Collection: On occasion.

3. Title: Pipeline Safety: Integrity Management Program for Gas Distribution Pipelines.

OMB Control Number: 2137–0625.

Current Expiration Date: 3/31/2016.

Type of Request: Extension without change of a currently approved collection.

Abstract: The Federal Pipeline Safety Regulations require operators of gas distribution pipelines to develop and implement integrity management programs. The purpose of these programs is to enhance safety by identifying and reducing pipeline integrity risks. The regulations require that operators maintain records demonstrating compliance with these requirements.

Affected Public: Operators of gas distribution pipeline systems.

Annual Reporting and Recordkeeping Burden:

Estimated number of responses: 9,343.

Estimated annual burden hours: 865,178.

Frequency of collection: On occasion.

4. Title: Response Plans for Onshore Oil Pipelines.

OMB Control Number: 2137–0589.

Current Expiration Date: 3/31/2016.

Type of Request: Revision of a currently approved information collection.

Abstract: The Oil Pipeline Response Plan regulations in 49 CFR part 194 require an operator of an onshore oil pipeline facility to prepare and submit an oil spill response plan to PHMSA for review and approval. This revision only updates the number of respondents to accurately reflect the current usage of this collection.

Affected Public: Operators of onshore oil pipeline facilities

Estimated number of responses: 434.

Estimated annual burden hours: 59,458.

Frequency of collection: On occasion.

Comments are invited on:

(a) The need for the renewal and revision of these collections of information for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued in Washington, DC, on September 30, 2015, under authority delegated in 49 CFR 1.97.

Linda Daugherty,

Deputy Associate Administrator for Field Operations.

[FR Doc. 2015–25224 Filed 10–2–15; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Federal Motor Vehicle Theft Prevention Standard; Ford Motor Company

AGENCY: National Highway Traffic Safety Administration (NHTSA) Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the Ford Motor Company's (Ford) petition for an exemption of the MKC vehicle line in accordance with 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard.* This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the 49 CFR part 541, *Federal Motor Vehicle Theft Prevention Standard* (Theft Prevention Standard). Ford also requested confidential treatment for specific information in its petition that the agency will address by separate letter.

DATES: The exemption granted by this notice is effective beginning with the 2017 model year (MY).

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Mazyck, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, W43–443, 1200 New Jersey Avenue SE., Washington, DC 20590. Ms. Mazyck's phone number is (202) 366–4139. Her fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION: In a petition dated June 25, 2015, Ford requested an exemption from the parts-marking requirements of the Theft Prevention Standard for the Lincoln MKC vehicle line beginning with MY 2017. The petition requested exemption from parts-marking pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard,* based on the installation of an antitheft device as standard equipment for the entire vehicle line.

Under 49 CFR part 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, Ford provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for its Lincoln MKC vehicle line. Ford stated that the Lincoln MKC will be installed with its Intelligent Access with Push Button Start (IAwPB) system as standard equipment on the entire vehicle line. The IAwPB system is a passive, electronic engine immobilizer device that uses encrypted transponder technology. Key components of the IAwPB device will include an Intelligent Access electronic Push-Button Start key fob, keyless ignition system, body control module (BCM), powertrain control module (PCM) and a passive immobilizer. Ford further stated that its Lincoln MKC vehicle line will be offered with a perimeter alarm system as standard equipment. The perimeter alarm system will activate a visible and audible alarm whenever unauthorized access is attempted.

Ford stated that the device's integration of the transponder into the normal operation of the ignition key assures activation of the system. Ford also stated that the MKC vehicle line's electronic key will be programmed into the vehicle during system initialization at the manufacturing plant. Ford further stated that the vehicle engine can only be started when the key is present in the vehicle and the ''StartStop'' button inside the vehicle is pressed. Ford stated that when the ''StartStop'' button is pressed, the transceiver module will read a key code and transmit an encrypted message to the control module to determine key validity and engine start by sending a separate encrypted message to the BCM and the PCM. The powertrain will function only if the key code matches the unique identification key code previously programmed into the BCM. If the codes do not match, the powertrain engine will be inoperable. Ford also expressed that any attempt to short the ''StartStop'' button will have no effect on a thief's ability to start the vehicle without the correct code being transmitted to the electronic control modules. Ford stated

that the two modules must be matched together in order for the vehicle to start. According to Ford, deactivation of the device occurs automatically each time the engine is started.

Ford's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

In addressing the specific content requirements of 543.6, Ford provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the device, Ford conducted tests based on its own specified standards. Ford provided a detailed list of the tests conducted and believes that the device is reliable and durable since the device complied with its own specified requirements for each test.

Ford stated that incorporation of several features in the device further support the reliability and durability of the device. Specifically, some of those features include: Encrypted communication between the transponder, BCM control function and the PCM; virtually impossible key duplication; and shared security data between the body control module/remote function actuator and the powertrain control module. Additionally, Ford stated that its antitheft device has no moving parts (*i.e.,* BCM, PCM, and electrical components) to perform system functions which eliminate the possibility for physical damage or deterioration from normal use; and mechanically overriding the device to start the vehicle is also impossible.

Ford stated that its MY 2017 Lincoln MKC vehicle line will also be equipped with several other standard antitheft features common to Ford vehicles, (*i.e.,* hood release located inside the vehicle, counterfeit resistant VIN labels, secondary VINs, and cabin accessibility only with the use of a valid key fob).

Ford compared the device proposed for its vehicle line with other antitheft devices which NHTSA has determined to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts-marking requirements. Ford stated that it believes that the standard installation of the IAwPB device would be an effective deterrent against vehicle theft.

Ford further stated that its antitheft device was installed on all MY 1996 Ford Mustang GT and Cobra models as well as other selected models. Ford stated that on its 1997 models, the installation of its antitheft device was extended to the entire Ford Mustang vehicle line as standard equipment. Ford also stated that according to the National Insurance Crime Bureau (NICB) theft statistics, MY 1997 Mustangs installed with the SecuriLock device showed a 70% reduction in theft rate compared to its MY 1995 Mustangs without an antitheft device.

Ford stated that the proposed antitheft device is very similar to the system that was offered in its MY 2016 Lincoln MKX vehicle line. The Lincoln MKX vehicle line was granted a parts-marking exemption on November 25, 2014 by NHTSA (See 79 FR 70276) beginning with its MY 2016 vehicles. The agency notes that current theft rate data for MYs 2010 through 2012 Lincoln MKX vehicle line are 0.5670, 0.4056 and 0.5841 respectively.

Ford also reported that beginning with MY 2010, its antitheft device was installed as standard equipment on all of its North American Ford, Lincoln and Mercury vehicles but was offered as optional equipment on its 2010 F-series Super Duty pickups, Econoline and Transit Connect vehicles. Ford further stated that beginning with MY 2010, the IAwPB was installed as standard equipment on its Lincoln MKT vehicles and starting in MY 2011, offered as standard equipment on the Lincoln MKX and optionally on the Lincoln MKS, Ford Taurus, Edge, Explorer and the Focus vehicles. Beginning with MY 2013, the device was offered as standard equipment on the Lincoln MKZ and optionally on the Ford Fusion, C-Max and Escape vehicles.

Ford referenced the agency's published theft rate data by calendar year for all vehicles and the Ford Escape for comparison purposes because it stated that the Lincoln MKC will use the IAwPB system that will be similar to the Ford Escape in design and architecture. Ford further stated that the Lincoln MKC is comparably similar to the Ford Escape in vehicle segment, size and equipment. Ford reported that the Escape's theft rate is lower than the vehicle theft rate for all vehicles in each of the last five calendar years for which published data is available. Specifically, the agency's data show that theft rates for the Ford Escape for MYs 2010–2012 are 0.7265, 0.6409, and 0.8336 respectively. Using an average of the most current of three MYs data (2010–2012), the theft rate for the Ford Escape vehicle line is well below the median at 0.7336. Ford stated that with the installation of its IAwPB device as standard equipment, the Lincoln MKC will have a very low theft rate comparable to the theft rate of the Ford Escape vehicle line.

The agency agrees that the device is substantially similar to devices installed on other vehicle lines for which the agency has already granted exemptions.

Based on the supporting evidence submitted by Ford on the device, the agency believes that the antitheft device for the Lincoln MKC vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541).

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.7 (b), the agency grants a petition for exemption from the parts-marking requirements of Part 541 either in whole or in part, if it determines that, based upon substantial evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of Part 541. The agency finds that Ford has provided adequate reasons for its belief that the antitheft device for the Lincoln MKC vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541). This conclusion is based on the information Ford provided about its device.

The agency concludes that the device will provide the five types of performance listed in § 543.6(a)(3): Promoting activation; attracting attention to the efforts of unauthorized persons to enter or operate a vehicle by means other than a key; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

For the foregoing reasons, the agency hereby grants in full Ford's petition for exemption for the Lincoln MKC vehicle line from the parts-marking requirements of 49 CFR part 541. The agency notes that 49 CFR part 541, Appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR part 543.7(f) contains publication requirements incident to the disposition of all Part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If Ford decides not to use the exemption for this line, it must formally notify the agency. If such a decision is made, the line must be fully marked according to the requirements under 49 CFR parts 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Ford wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Part 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, Part 543.9(c)(2) provides for the submission of petitions ''to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.''

The agency wishes to minimize the administrative burden that Part 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting Part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis.* Therefore, NHTSA suggests that if the manufacturer contemplates making any changes, the effects of which might be characterized as *de minimis,* it should consult the agency before preparing and submitting a petition to modify.

Under authority delegated in 49 CFR part 1.95.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2015–25202 Filed 10–2–15; 8:45 am]

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Part II

The President

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Presidential Documents

Title 3—

The President

Proclamation 9333 of September 30, 2015

To Modify Duty-Free Treatment Under the Generalized System of Preferences and for Other Purposes

By the President of the United States of America

A Proclamation

1. Pursuant to sections 501 and 503(a)(1)(B) of the Trade Act of 1974, as amended (the ''1974 Act'') (19 U.S.C. 2461 and 2463(a)(1)(B)), the President may designate certain articles as eligible for preferential tariff treatment under the Generalized System of Preferences (GSP) when imported from a least-developed beneficiary developing country if, after receiving the advice of the United States International Trade Commission (the ''Commission''), the President determines that such articles are not import-sensitive in the context of imports from least-developed beneficiary developing countries.

2. Pursuant to sections 501, 503(a)(1)(B), and 503(b)(5) of the 1974 Act, as amended (19 U.S.C. 2461, 2463(a)(1)(B), and 2463(b)(5)), and after receiving advice from the Commission in accordance with section 503(e) of the 1974 Act (19 U.S.C. 2463(e)), I have determined to designate certain articles as eligible articles when imported from a least-developed beneficiary developing country.

3. Section 503(c)(2)(C) of the 1974 Act (19 U.S.C. 2463(c)(2)(C)) provides that a country that is no longer treated as a beneficiary developing country with respect to an eligible article may be redesignated as a beneficiary developing country with respect to such article, subject to the considerations set forth in sections 501 and 502 of the 1974 Act (19 U.S.C. 2461 and 2462), if imports of such article from such country did not exceed the competitive need limitations in section 503(c)(2)(A) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)) during the preceding calendar year.

4. Pursuant to section 503(c)(2)(C) of the 1974 Act, and having taken into account the considerations set forth in sections 501 and 502 of the 1974 Act, I have determined to redesignate certain countries as beneficiary developing countries with respect to certain eligible articles that previously had been imported in quantities exceeding the competitive need limitations of section 503(c)(2)(A) of the 1974 Act.

5. Section 503(d)(4)(B)(ii) of the 1974 Act (19 U.S.C. 2463(d)(4)(B)(ii)) provides that the President should revoke any waiver of the application of the competitive need limitations that has been in effect with respect to an article for 5 years or more if the beneficiary developing country has exported to the United States during the preceding calendar year an amount that exceeds the quantity set forth in section 503(d)(4)(B)(ii)(I) or section 503(d)(4)(B)(ii)(II) of the 1974 Act (19 U.S.C. 2463(d)(4)(B)(ii)(I) and 19 U.S.C. 2463(d)(4)(B)(ii)(II)).

6. Pursuant to section 503(d)(4)(B)(ii) of the 1974 Act, I have determined that in 2014 certain beneficiary developing countries exported eligible articles for which a waiver has been in effect for 5 years or more in quantities exceeding the applicable limitation set forth in section 503(d)(4)(B)(ii)(I) or section 503(d)(4)(B)(ii)(II) of the 1974 Act, and I therefore revoke said waivers.

7. Section 503(c)(2)(F)(i) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)(i)) provides that the President may disregard the competitive need limitation provided

in section 503(c)(2)(A)(i)(II) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)(i)(II)) with respect to any eligible article from any beneficiary developing country, if the aggregate appraised value of the imports of such article into the United States during the preceding calendar year does not exceed an amount set forth in section 503(c)(2)(F)(ii) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)(ii)).

8. Pursuant to section 503(c)(2)(F)(i) of the 1974 Act, I have determined that the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act should be disregarded with respect to certain eligible articles from certain beneficiary developing countries.

9. Section 503(d)(1) of the 1974 Act (19 U.S.C. 2463(d)(1)) provides that the President may waive the application of the competitive need limitations in section 503(c)(2) of the 1974 Act with respect to any eligible article from any beneficiary developing country if certain conditions are met.

10. Pursuant to section 503(d)(1) of the 1974 Act, I have received the advice of the Commission on whether any industry in the United States is likely to be adversely affected by waivers of the competitive need limitations provided in section 503(c)(2) of the 1974 Act, and I have determined, based on that advice and on the considerations described in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2461 and 2462(c)) and after giving great weight to the considerations in section 503(d)(2) of the 1974 Act (19 U.S.C. 2463(d)(2)), that such waivers are in the national economic interest of the United States. Accordingly, I have determined that the competitive need limitations of section 503(c)(2) of the 1974 Act should be waived with respect to certain eligible articles from certain beneficiary developing countries.

11. Section 502(e) of the 1974 Act (19 U.S.C. 2462(e)) provides that the President shall terminate the designation of a country as a beneficiary developing country if the President determines that such country has become a ''high income'' country as defined by the official statistics of the International Bank for Reconstruction and Development. Termination is effective on January 1 of the second year following the year in which such determination is made.

12. Pursuant to section 502(e) of the 1974 Act, I have determined that Seychelles, Uruguay, and Venezuela have become ''high income'' countries. Accordingly, I am terminating the designation of these countries as beneficiary developing countries for purposes of the GSP, effective January 1, 2017, and I will so notify the Congress under section 502(f) of the 1974 Act (19 U.S.C. 2462(f)).

13. Section 506A(a)(1) of the 1974 Act (19 U.S.C. 2466a(a)(1)) authorizes the President to designate a country listed in section 107 of the African Growth and Opportunity Act (AGOA) (19 U.S.C. 3706) as a beneficiary sub-Saharan African country eligible for the benefits described in section 506A(b) of the 1974 Act (19 U.S.C. 2466a(b)), if the President determines that the country meets the eligibility requirements set forth in section 104 of the AGOA (19 U.S.C. 3703) and the eligibility criteria set forth in section 502 of the 1974 Act, subject to the authority granted to the President under subsections (a), (d), and (e) of section 502 of the 1974 Act.

14. Pursuant to section 502(e) of the 1974 Act, I have determined that Seychelles has become a ''high income'' country and its designation as a beneficiary sub-Saharan African country is no longer within the authority granted to the President under section 502 of the 1974 Act. Accordingly, pursuant to section 506A(a)(1) of the 1974 Act (19 U.S.C. 2466a(a)(1)), I have determined that Seychelles is no longer eligible for benefits as a beneficiary sub-Saharan African country for the purpose of section 506A of the 1974 Act, effective January 1, 2017.

15. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of the relevant provisions of that Act, and of other Acts

affecting import treatment, and actions thereunder, including removal, modification, continuance, or imposition of any rate of duty or other import restriction.

16. The short form name of ''Macedonia, Former Yugoslav Republic of'' has been changed to ''Macedonia,'' and I have determined that general note 4(a) to the HTS should be modified to reflect this change.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to title V and section 604 of the 1974 Act, do proclaim that:

(1) In order to designate certain articles as eligible articles only when imported from a least-developed beneficiary developing country for purposes of the GSP, the Rates of Duty 1–Special subcolumn for the corresponding HTS subheadings is modified as set forth in section A of Annex I to this proclamation.

(2) In order to redesignate certain articles as eligible articles for purposes of the GSP, the Rates of Duty 1–Special subcolumn for the corresponding HTS subheadings and general note 4(d) to the HTS are modified as set forth in section B of Annex I to this proclamation.

(3) In order to provide that one or more countries should no longer be treated as beneficiary developing countries with respect to one or more eligible articles for purposes of the GSP, the Rates of Duty 1–Special subcolumn for the corresponding HTS subheadings and general note 4(d) to the HTS are modified as set forth in section C of Annex I to this proclamation.

(4) In order to reflect the change in the name of the Former Yugoslav Republic of Macedonia, general note 4(a) to the HTS is modified as provided in section D of Annex I to this proclamation.

(5) The modifications to the HTS set forth in Annex I to this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the relevant sections of Annex I.

(6) The competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act is disregarded with respect to the eligible articles in the HTS subheadings and to the beneficiary developing countries listed in Annex II to this proclamation, effective October 1, 2015.

(7) A waiver of the application of section 503(c)(2) of the 1974 Act shall apply to the articles in the HTS subheadings and to the beneficiary developing countries set forth in Annex III to this proclamation, effective October 1, 2015.

(8) The designation of Seychelles as a beneficiary developing country for purposes of the GSP is terminated, effective on January 1, 2017.

(9) In order to reflect this termination in the HTS, general note 4(a) to the HTS is modified by deleting ''Seychelles'' from the list of independent countries, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2017.

(10) The designation of Seychelles as a beneficiary sub-Saharan African country for purposes of the AGOA is terminated, effective on January 1, 2017.

(11) In order to reflect this termination in the HTS, general note 16(a) to the HTS is modified by deleting ''Republic of Seychelles'' from the list of beneficiary sub-Saharan African countries, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2017.

(12) The designation of Uruguay as a beneficiary developing country for purposes of the GSP is terminated, effective on January 1, 2017.

(13) In order to reflect this termination in the HTS, general note 4(a) to the HTS is modified by deleting ''Uruguay'' from the list of independent countries, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2017.

(14) The designation of Venezuela as a beneficiary developing country for purposes of the GSP is terminated, effective on January 1, 2017.

(15) In order to reflect this termination in the HTS, general note 4(a) to the HTS is modified by deleting ''Venezuela'' from the list of independent countries, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2017. In addition, the Rates of Duty 1–Special subcolumn for the corresponding HTS subheadings and general note 4(d) to the HTS are modified as set forth in section E of Annex I to this proclamation, effective on such date.

(16) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

Billing code 3295–F6–P

ANNEX I

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Section A. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 2015, the Harmonized Tariff Schedule of the United States (HTS) is modified as provided in this section. For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by inserting the symbol "A+":

5201.00.18
5201.00.28
5201.00.38
5202.99.30
5203.00.30

Section B. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 2015:

1) General note 4(d) to the HTS is modified by:

a) Deleting the following subheading and the country set out opposite such subheading number:

2306.30.00	Ukraine
2804.29.00	Ukraine
8607.19.03	Ukraine

b) Deleting the following country set out opposite the following subheading number:

8544.30.00	Indonesia

2) For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A*" and inserting the symbol "A" in lieu thereof:

2306.30.00
2804.29.00
8607.19.03

Section C. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 2015:

(1) General note 4(d) to the HTS is modified by adding, in numerical sequence, the following subheading numbers and the countries set out opposite such subheading numbers:

4412.31.40	Indonesia
7413.00.10	Turkey
7413.00.50	Turkey

(2) For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A" and inserting the symbol "A*" in lieu thereof:

4412.31.40
7413.00.10
7413.00.50

Section D. Effective October 1, 2015, general note 4(a) to the HTS is modified by deleting "Macedonia, Former Yugoslav Republic of" from the list entitled "Independent Countries" and inserting "Macedonia" in lieu thereof.

Section E. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2017, the HTS is modified as provided in this section.

1) General note 4(a) to the HTS is modified by deleting "Venezuela" from the list entitled "Member Countries of the Cartagena Agreement (Andean Group)".

2) General note 4(d) to the HTS is modified by deleting the following subheadings and the country set out opposite each such subheading number:

0306.24.20	Venezuela
2905.11.20	Venezuela
7601.10.30	Venezuela
7604.10.30	Venezuela
7604.29.30	Venezuela
7605.11.00	Venezuela
7605.21.00	Venezuela
7614.90.20	Venezuela
7614.90.50	Venezuela

3) For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A*" and inserting the symbol "A" in lieu thereof:

0306.24.20
2905.11.20
7601.10.30
7604.10.30
7604.29.30
7605.11.00
7605.21.00
7614.90.20
7614.90.50

ANNEX II

HTS Subheadings and Countries for Which the Competitive Need Limitation Provided in Section 503(c)(2)(A)(i)(II) is Disregarded

0304.95.90 Philippines	2903.73.00 India
0410.00.00 Indonesia	2904.10.08 India
0603.13.00 Thailand	2904.20.30 India
0710.80.50 Turkey	2904.90.04 India
0711.40.00 India	2905.19.10 Brazil
0713.60.60 India	2907.12.00 India
0802.52.00 Turkey	2907.29.25 India
0802.61.00 Brazil	2908.19.20 India
0802.80.10 India	2909.30.10 India
0802.90.20 Pakistan	2912.49.10 India
0810.60.00 Thailand	2913.00.50 India
0813.40.10 Thailand	2914.29.10 India
0813.40.80 Thailand	2914.31.00 India
1007.10.00 Brazil	2914.40.10 Brazil
1102.90.30 India	2914.40.20 India
1103.19.14 India	2918.13.50 India
1202.41.40 Ecuador	2921.42.15 India
1806.10.34 Ecuador	2921.42.21 India
2001.90.45 India	2922.29.26 India
2005.80.00 Thailand	2924.29.36 India
2005.91.97 India	2927.00.30 India
2006.00.70 Thailand	2932.99.08 India
2008.99.50 Thailand	2933.19.45 India
2009.39.10 Brazil	2933.99.06 India
2106.90.03 Thailand	2934.20.35 India
2306.50.00 Papua New Guinea	3824.90.25 India
2401.20.57 Jordan	3824.90.31 Brazil
2813.90.50 India	3824.90.32 Brazil
2827.39.25 India	4103.20.20 Indonesia
2827.39.45 India	4104.11.30 India
2831.90.00 India	4106.21.90 Pakistan
2833.29.40 Turkey	4106.22.00 Pakistan
2834.10.10 India	4107.11.40 India
2840.11.00 Turkey	4107.11.60 Turkey
2841.61.00 India	4107.12.40 India
2844.30.10 India	4107.19.40 India

4107.19.60	Brazil
4107.91.40	India
4107.92.40	India
4107.99.40	Pakistan
4113.10.60	Pakistan
4302.20.60	Brazil
4602.12.05	Indonesia
5208.31.20	India
5208.51.20	Indonesia
5209.31.30	India
5209.41.30	India
5607.90.35	Philippines
5702.92.10	India
6116.99.35	Indonesia
6908.10.20	Indonesia
6913.10.20	Thailand
7113.20.25	India
7202.11.10	Brazil
7410.22.00	India
8112.12.00	Kazakhstan
8112.19.00	Kazakhstan
8410.13.00	India
8519.81.20	Philippines
9010.90.40	India
9603.10.90	Sri Lanka
9614.00.26	Egypt

ANNEX III

HTS Subheadings and Countries Granted a Waiver of the Application of Section 503(c)(2)(A) of the 1974 Act

2008.19.15	Thailand
7408.29.10	Thailand

[FR Doc. 2015–25468

Filed 10–2–15; 11:15 am]

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Presidential Documents

Proclamation 9334 of September 30, 2015

National Breast Cancer Awareness Month, 2015

By the President of the United States of America

A Proclamation

Too often, precious lives are interrupted or cut short by cancer. Breast cancer, one of the most common cancers among American women, affects roughly 230,000 women as well as 2,300 men each year and is responsible for more than 40,000 deaths annually in the United States. Breast cancer does not discriminate—it strikes people of all races, ages, and income levels—and we must raise awareness of this disease and its symptoms so we can more easily identify it and more effectively treat it. This month, as we honor those whose lives were tragically cut short by breast cancer and as we stand with their families, let us arm ourselves with the best knowledge, tools, and resources available to fight this devastating disease.

Regular screenings and quality care are vital to improving outcomes for millions of people, and we are making strides in improving treatment options. Thanks to the Affordable Care Act, most health insurers are now required to cover recommended preventive services—including mammograms—at no extra cost, and Americans cannot be denied health coverage due to a pre-existing condition, like breast cancer. Women and men can take precautionary action on their own by talking with their health care providers about what they can do to lower their individual risk factors and learning about what tests are right for them. For more information on breast cancer prevention, treatment of metastatic breast cancer, and the latest research, visit *www.Cancer.gov/Breast*.

My Administration is committed to advancing research to better prevent, diagnose, and treat cancer in all its forms. Earlier this year, I announced a new initiative to invest in research that will enable clinicians to better tailor treatments to individual patients. This Precision Medicine Initiative aims to accelerate biomedical discoveries and revolutionize how we improve health and treat disease. By continuing to make breakthroughs in technology and medicine, our Nation's brightest minds are working tirelessly to combat breast cancer.

Together, we must ensure all people can enjoy the extraordinary gift that is a long, happy, and healthy life. During National Breast Cancer Awareness Month, let us remember those cancer took from us too soon—and in tribute to them, their families, and our medical professionals, let us recommit to the promise of finding a cure.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2015 as National Breast Cancer Awareness Month. I encourage citizens, government agencies, private businesses, nonprofit organizations, and all other interested groups to join in activities that will increase awareness of what Americans can do to prevent breast cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2015–25471
Filed 10–2–15; 11:15 am]
Billing code 3295–F6–P

Presidential Documents

Proclamation 9335 of September 30, 2015

National Cybersecurity Awareness Month, 2015

By the President of the United States of America

A Proclamation

In our increasingly connected digital world, we have the power to innovate in unprecedented ways. With the advent of new and improved technologies, we must also keep pace with safeguarding our critical infrastructure networks that, although empowering, create previously unforeseen vulnerabilities. During National Cybersecurity Awareness Month, we recognize the importance of remaining vigilant against any and all cyber threats, while recommitting to ensuring our people can use new digital tools and resources fearlessly, skillfully, and responsibly.

My Administration is working to keep our country's cyberspace safe and protected—both in the public and private sectors—and is dedicated to addressing this issue as a matter of not only public safety, but also economic and national security. Earlier this year, I signed an Executive Order to promote information sharing about cyber threats between Government and the private sector—because this is a shared mission, and all of us must work together to do what none of us can achieve alone. Additionally, as part of our comprehensive strategy, we continue to work with industry leaders to implement the Cybersecurity Framework my Administration launched last year, which promotes best practices to identify, mitigate, detect, respond to, protect against, and recover from cybersecurity incidents. And we continue to support security researchers and educators who are developing the skills, tools, and workforce required for a safer technology future.

But these efforts will only go so far. It is the responsibility of every American to proactively defend our digital landscape. The Department of Homeland Security's ''Stop.Think.Connect.'' campaign is designed to inform our citizenry of the dangers posed by cyber threats and to provide the tools needed to confront them. I urge all Americans to take measures to decrease their susceptibility to malicious cyber activity, including by choosing stronger passwords, updating software, and practicing responsible online behavior. I also encourage everyone to visit *www.DHS.gov/StopThinkConnect* to learn more about how you can help strengthen America's cybersecurity.

We now live in an era of the Internet—our children will never know a world without it. Our financial systems, our power grid, and our health systems run on it, and though widely helpful, this reliance reminds us of our need to remain aware, alert, and attentive on this new frontier. By working together to prevent and disrupt threats to our digital infrastructure, America can continue pioneering new discoveries and expanding the boundaries of humanity's reach.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2015 as National Cybersecurity Awareness Month. I call upon the people of the United States to recognize the importance of cybersecurity and to observe this month with activities, events, and training that will enhance our national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2015–25473
Filed 10–2–15; 11:15 am]
Billing code 3295–F6–P

Presidential Documents

Proclamation 9336 of September 30, 2015

National Disability Employment Awareness Month, 2015

By the President of the United States of America

A Proclamation

A quarter century ago, our country took a major step toward fulfilling the fundamental American promises of equal access, equal opportunity, and equal respect for all when the Americans with Disabilities Act (ADA) was made the law of the land. While we have continued to make advancements that help uphold this basic belief, we must address the injustices that remain. During National Disability Employment Awareness Month, we celebrate the ways individuals with disabilities strengthen our workforce, our communities, and our country, and we recommit to cultivating an America where all people are able to build vibrant futures for themselves and for their families.

Americans with disabilities make up almost one-fifth of our population, but are unemployed at a rate that is twice that of people without disabilities; and for women and minorities with disabilities, the rates are even higher. Despite all they contribute to our society, people with disabilities still face discrimination by employers, limited access to skills training, and, too often, unfairly low expectations. As a Nation, we must continue to promote inclusion in the workplace and to tear down the barriers that remain—in hearts, in minds, and in policies—to the security and prosperity that stable jobs provide and that all our people deserve. And we must actively foster a culture in which individuals are supported and accepted for who they are and in which it is okay to disclose one's disability without fear of discrimination.

My Administration is working to make sure our country does not let the incredible talents of Americans with disabilities go to waste. We are working to strengthen protections against disability-based discrimination in the workplace and to expand employment possibilities for people with disabilities—and the Federal Government is leading by example. I have taken action to require agencies and Federal contractors to hire more people with disabilities—and thanks to these efforts, more Americans with disabilities are in Federal service than at any point in the last three decades.

I will continue fighting to widen pathways to opportunity for individuals with disabilities and supporting employers in their efforts to increase disability inclusion. The White House hosted a Summit on Disability and Employment earlier this year to provide businesses, philanthropies, and advocates with information on Federal resources for hiring disabled individuals. Last year, I was proud to sign the Workforce Innovation and Opportunity Act (WIOA), which encourages greater coordination across Federal, State, and local programs to expand access to high-quality workforce, education, and rehabilitation services. WIOA also helps youth with disabilities to receive extensive pre-employment transition services so they can find positions alongside people without disabilities and get paid above minimum wage. Additionally, last year I signed the Achieving a Better Life Experience (ABLE) Act, which allows eligible people with disabilities to establish tax-free savings accounts.

America is at its strongest when we harness the talents and celebrate the distinct gifts of all our people. This October, as we observe the 70th anniversary of National Disability Employment Awareness Month, let us pay tribute to all who fought for better laws, demanded better treatment, and overcame ignorance and indifference to make our Nation more perfect. In their honor, and for the betterment of generations of Americans to come, let us continue the work of removing obstacles to employment so every American has the chance to develop their skills and make their unique mark on the world we share.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2015 as National Disability Employment Awareness Month. I urge all Americans to embrace the talents and skills that individuals with disabilities bring to our workplaces and communities and to promote the right to equal employment opportunity for all people.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2015–25475
Filed 10–2–15; 11:15 am]
Billing code 3295–F6–P

Presidential Documents

Proclamation 9337 of September 30, 2015

National Domestic Violence Awareness Month, 2015

By the President of the United States of America

A Proclamation

Domestic violence impacts women, men, and children of every age, background, and belief. Nearly 1 in 4 women and 1 in 7 men in the United States have suffered severe physical violence by an intimate partner. Victims are deprived of their autonomy, liberty, and security, and face tremendous threats to their health and safety. During National Domestic Violence Awareness Month, we reaffirm our dedication to forging an America where no one suffers the hurt and hardship that domestic violence causes—and we recommit to doing everything in our power to uphold the basic human right to be free from violence and abuse.

While physical marks may often be the most obvious signs of the harm caused by domestic violence, the true extent of the pain goes much deeper. Victims not only face abuse, but often find themselves left with significant financial insecurity. And children who witness domestic violence often experience lifelong trauma. These heinous acts go against all we know to be humane and decent, and they insult our most fundamental ideals. We all have a responsibility to try to end this grave problem.

Prior to the passage of the Violence Against Women Act (VAWA), many did not view domestic violence as a serious offense, and victims often had nowhere to turn for support. VAWA significantly transformed our Nation—it enhanced the criminal justice response to violence against women and expanded survivors' access to immediate assistance and long-term resources to rebuild their lives. The Family Violence Prevention and Services Act is another important piece of legislation that improved our public health response to domestic violence and increased the availability of critical services for victims.

My Administration has worked hard to build on the progress of the past several decades and improve domestic violence prevention and response efforts. We have extended protections and prevention measures to more victims, including in Native American and immigrant communities, and worked to break down barriers for more people seeking help. And the reauthorization of VAWA I signed in 2013 prohibits—for the first time—discrimination based on sexual orientation and identity when providing services. Additionally, thanks to the Affordable Care Act, most health plans must now cover preventive services, including screening and counseling for domestic violence, at no additional cost. My Administration has also sought to secure greater workplace protections by requiring Federal agencies to develop policies that address the effects of domestic violence and to provide assistance to employees experiencing it. And I recently signed an Executive Order to establish paid sick leave for Federal contractors, which enables them to use it for absences resulting from domestic violence.

Though we have made great progress in bringing awareness to and providing protections against domestic violence, much work remains to be done. In that spirit, Vice President Joe Biden launched our *1is2many* initiative, which aims to raise awareness of dating violence and reduce sexual assault among students, teens, and young adults. And earlier this year, we reaffirmed our Nation's commitment to addressing domestic violence at all stages of

life by holding the White House Conference on Aging, which addressed elder abuse as a public health problem that affects millions of older Americans. These initiatives will help advance our efforts to ensure no person is robbed of the chance to live out their greatest aspirations.

Safeguarding and opening doors of opportunity for every American will remain a driving focus for our country—and we know that crimes like domestic violence inhibit our Nation from reaching its fullest potential. This month, let us once again pledge our unwavering support to those in need and recognize the advocates, victim service providers, and organizations who work tirelessly to extend hope and healing to survivors and victims every day. I encourage all people in need of assistance to call the National Domestic Violence Hotline at 1–800–799–SAFE or visit *www.TheHotline.org*.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2015 as National Domestic Violence Awareness Month. I call on all Americans to speak out against domestic violence and support local efforts to assist victims of these crimes in finding the help and healing they need.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2015–25476
Filed 10–2–15; 11:15 am]
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Presidential Documents

Proclamation 9338 of September 30, 2015

National Substance Abuse Prevention Month, 2015

By the President of the United States of America

A Proclamation

Every day, millions of American families, friends, teachers, and community organizations work to ensure children have access to the support and resources needed to help prevent substance abuse. As we mark National Substance Abuse Prevention Month, we come together to acknowledge the role every person can play in preventing substance abuse and recommit to fostering a culture where all our people can live up to their fullest potential.

Community partners in all corners of our country work to foster positive, safe environments in our towns and cities, and my Administration is committed to bolstering these efforts. Thanks to the Affordable Care Act, health plans offered through the Health Insurance Marketplace must include mental health and substance use disorder services. My Administration has also taken action to ensure that coverage for these services is comparable to coverage for medical and surgical benefits. Preventing substance abuse is a fundamental element of our *National Drug Control Strategy* and can only be accomplished by supporting parents, mentors, schools, and community members as they work to prevent substance abuse before it begins. Together, by promoting evidence-based prevention programs, we can provide individuals with the tools and information they need to make smart choices, avoid needless tragedy, and lead healthy, fulfilling lives.

Alcohol and drug use can stand in the way of academic achievement, jeopardize school safety, and limit a young person's possibilities. Additionally, thousands of Americans die each year from prescription drug overdose—and many can access these drugs in their own medicine cabinets at home. We must educate our children about the harms and risks associated with substance abuse. By talking with our sons and daughters early and often about the dangers of drug and alcohol use, we can help set them firmly on a path toward a brighter future.

In the United States, no child's dreams should be out of reach because the necessary encouragement and care were not accessible. As a Nation, as community members, and as American citizens, we have an obligation to help cultivate a society free from substance abuse. This month, let us resolve to model a healthy lifestyle for those around us, talk openly with our youth about the dangers of drug and alcohol use, and reach for a future where opportunity knows no bounds.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2015 as National Substance Abuse Prevention Month. I call upon all Americans to engage in appropriate programs and activities to promote comprehensive substance abuse prevention efforts within their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2015–25478
Filed 10–2–15; 11:15 am]
Billing code 3295–F6–P

Presidential Documents

Proclamation 9339 of September 30, 2015

National Youth Justice Awareness Month, 2015

By the President of the United States of America

A Proclamation

All our Nation's children deserve the chance to fulfill their greatest potential, and nothing should limit the scope of their futures. But all too often, our juvenile and criminal justice systems weigh our young people down so heavily that they cannot reach their piece of the American dream. When that happens, America is deprived of immeasurable possibility. This month, we rededicate ourselves to preventing youth from entering the juvenile and criminal justice systems and recommit to building a country where all our daughters and sons can grow, flourish, and take our Nation to new and greater heights.

Involvement in the justice system—even as a minor, and even if it does not result in a finding of guilt, delinquency, or conviction—can significantly impede a person's ability to pursue a higher education, obtain a loan, find employment, or secure quality housing. Many who become involved in the juvenile justice system have experienced foster care or grown up in environments where violence and drugs were pervasive and opportunities were absent. Some studies have found that many youth in juvenile justice facilities have had a mental or substance use disorder in their young lives. These children are our Nation's future—yet most of them were afforded no margin of error after making a mistake.

Each year, there are more than 1 million arrests of young people under the age of 18, and the vast majority of those arrests are for non-violent crimes. Estimates show that half of black males, 44 percent of Hispanic males, and nearly 40 percent of white males are arrested by age 23. Nearly 55,000 individuals under age 21 are being held in juvenile justice facilities across the United States—a disproportionate number of whom are young people of color, including tribal youth. The proportion of detained and incarcerated girls and young women, often victims of abuse, has also significantly increased over the past few decades.

In addition to those serving time in juvenile justice facilities, on any given day, more than 5,000 youth under age 18 are serving time in adult prisons or local jails. Nine States prosecute all 17-year-olds as adults regardless of the crime committed, including two States that do the same for 16-year-olds; and all States have transfer laws that allow or require criminal prosecution of certain youth. This continues despite studies showing that youth prosecuted in adult courts are more likely to commit future crimes than similarly situated youth who are prosecuted for the same offenses in the juvenile system.

To hold a young person in a State-operated facility can cost upwards of $100,000 per year per individual. That money could be better spent—with improved youth and public safety outcomes—by investing in our children in ways that help keep them out of the juvenile and criminal justice systems in the first place, or that prevent them from penetrating deeper into the system. As a Nation that draws on the talents and ambitions of all our people, we must remain focused on providing the institutional support necessary to stop our youth from being locked into a cycle from which they cannot recover or fully take their place as citizens.

My Administration is committed to working with States, as well as tribal and local jurisdictions, to implement reforms that reduce recidivism and improve youth outcomes. Last year, the Department of Justice launched the *Smart on Juvenile Justice* initiative to advance system-wide reforms that improve outcomes, eliminate disparities, and save money while holding youth appropriately accountable. These efforts include emphasizing prevention, promoting cost-effective and community-based alternatives to confinement, and sustaining programs that provide job training and substance use disorder treatment and counseling to youth in juvenile facilities. The Departments of Education and Justice are leading efforts to revamp school discipline policies and support underfunded schools so that our education system serves as a pathway to opportunity, rather than a pipeline to prison. Additionally, the Department of Health and Human Services and the Department of Justice are working to build better diversion policies to screen and treat youth for substance abuse, trauma, and unmet mental, emotional, and behavioral needs.

Last year, I launched My Brother's Keeper—an initiative to address persistent opportunity gaps faced by boys and young men of color and ensure all young people can reach their inherent potential. As part of this initiative, we are focused on reducing rates of violence while improving outcomes for all our youth. I also launched the Generation Indigenous initiative, which seeks to improve the lives of Native youth through new investments and increased engagement so they can achieve their highest aspirations.

America is a Nation of second chances, and justice means giving every young person a fair shot—regardless of what they look like or what zip code they were born into. The system we created to safeguard this fundamental ideal must do exactly that. During National Youth Justice Month, let us recommit to ensuring our justice system acts not as a means for perpetuating a cycle of hopelessness, but as a framework for uplifting our young people with a sense of purpose so they can contribute to America's success.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2015 as National Youth Justice Awareness Month. I call upon all Americans to observe this month by getting involved in community efforts to support our youth, and by participating in appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.

[FR Doc. 2015–25479
Filed 10–2–15; 11:15 am]
Billing code 3295–F6–P

Presidential Documents

Executive Order 13708 of September 30, 2015

Continuance or Reestablishment of Certain Federal Advisory Committees

By the authority vested in me as President, by the Constitution and the laws of the United States of America, and consistent with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), it is hereby ordered as follows:

Section 1. Each advisory committee listed below is continued or, to the extent necessary, reestablished until September 30, 2017.

(a) Committee for the Preservation of the White House; Executive Order 11145, as amended (Department of the Interior).

(b) President's Commission on White House Fellowships; Executive Order 11183, as amended (Office of Personnel Management).

(c) President's Committee on the National Medal of Science; Executive Order 11287, as amended (National Science Foundation).

(d) Federal Advisory Council on Occupational Safety and Health; Executive Order 11612, as amended (Department of Labor).

(e) President's Export Council; Executive Order 12131, as amended (Department of Commerce).

(f) President's Committee on the International Labor Organization; Executive Order 12216, as amended (Department of Labor).

(g) President's Committee on the Arts and the Humanities; Executive Order 12367, as amended (National Endowment for the Arts).

(h) President's National Security Telecommunications Advisory Committee; Executive Order 12382, as amended (Department of Homeland Security).

(i) National Industrial Security Program Policy Advisory Committee; Executive Order 12829, as amended (National Archives and Records Administration).

(j) Trade and Environment Policy Advisory Committee; Executive Order 12905 (Office of the United States Trade Representative).

(k) Governmental Advisory Committee to the United States Representative to the North American Commission for Environmental Cooperation; Executive Order 12915 (Environmental Protection Agency).

(l) National Advisory Committee to the United States Representative to the North American Commission for Environmental Cooperation; Executive Order 12915 (Environmental Protection Agency).

(m) Good Neighbor Environmental Board; Executive Order 12916 (Environmental Protection Agency).

(n) Presidential Advisory Council on HIV/AIDS; Executive Order 12963, as amended (Department of Health and Human Services).

(o) President's Committee for People with Intellectual Disabilities; Executive Order 12994, as amended (Department of Health and Human Services).

(p) Invasive Species Advisory Committee; Executive Order 13112, as amended (Department of the Interior).

(q) Marine Protected Areas Federal Advisory Committee; Executive Order 13158 (Department of Commerce).

(r) Advisory Board on Radiation and Worker Health; Executive Order 13179 (Department of Health and Human Services).

(s) National Infrastructure Advisory Council; Executive Order 13231, as amended (Department of Homeland Security).

(t) President's Council on Fitness, Sports, and Nutrition; Executive Order 13265, as amended (Department of Health and Human Services).

(u) President's Advisory Council on Faith-Based and Neighborhood Partnerships; Executive Order 13498 (Department of Health and Human Services).

(v) President's Advisory Commission on Asian Americans and Pacific Islanders; Executive Order 13515, as amended (Department of Education).

(w) Presidential Commission for the Study of Bioethical Issues; Executive Order 13521 (Department of Health and Human Services).

(x) National Council on Federal Labor-Management Relations; Executive Order 13522 (Office of Personnel Management).

(y) U.S. General Services Administration Labor-Management Relations Council; Executive Order 13522 (General Services Administration).

(z) President's Board of Advisors on Historically Black Colleges and Universities; Executive Order 13532, as amended (Department of Education).

(aa) President's Management Advisory Board; Executive Order 13538, as amended (General Services Administration).

(bb) President's Council of Advisors on Science and Technology; Executive Order 13539, as amended (Department of Energy).

(cc) Interagency Task Force on Veterans Small Business Development; Executive Order 13540 (Small Business Administration).

(dd) Advisory Group on Prevention, Health Promotion, and Integrative and Public Health; Executive Order 13544 (Department of Health and Human Services).

(ee) State, Local, Tribal, and Private Sector (SLTPS) Policy Advisory Committee; Executive Order 13549 (National Archives and Records Administration).

(ff) President's Advisory Commission on Educational Excellence for Hispanics; Executive Order 13555, re-established by Executive Order 13634 (Department of Education).

(gg) President's Global Development Council; Executive Order 13600, as amended (United States Agency for International Development).

(hh) President's Advisory Commission on Educational Excellence for African Americans; Executive Order 13621 (Department of Education).

(ii) President's Advisory Council on Doing Business in Africa; Executive Order 13675 (Department of Commerce).

(jj) Presidential Advisory Council on Combating Antibiotic-Resistant Bacteria; Executive Order 13676 (Department of Health and Human Services).

(kk) Advisory Council on Wildlife Trafficking; Executive Order 13648 (Department of the Interior).

(ll) Commerce Spectrum Management Advisory Committee; initially established pursuant to Presidential Memorandum on Improving Spectrum Management for the 21st Century (November 30, 2004) (Department of Commerce).

(mm) National Space-Based Positioning, Navigation, and Timing Advisory Board; National Security Policy Directive–39, ''U.S. National Space-Based Position, Navigation, and Timing Policy'' (December 8, 2004) (National Aeronautics and Space Administration).

(nn) San Juan Islands National Monument Advisory Committee; Proclamation 8947 of March 25, 2013 (Department of the Interior).

Sec. 2. Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act that are applicable to the committees listed in section 1 of this order shall be performed by the head of the department or agency designated after each committee, in accordance with the regulations, guidelines, and procedures established by the Administrator of General Services.

Sec. 3. Sections 1 and 2 of Executive Order 13652 of September 30, 2013, are superseded by sections 1 and 2 of this order.

Sec. 4. Executive Order 12829 of January 6, 1993, is amended in section 103(c)(2) by striking ''Administrator of General Services'' and inserting in lieu thereof ''National Archives and Records Administration'' and 103(d) by striking ''Administrator of General Services'' and inserting in lieu thereof ''the Archivist of the United States''.

Sec. 5. This order shall be effective September 30, 2015.

THE WHITE HOUSE,
September 30, 2015.

[FR Doc. 2015–25489
Filed 10–2–15; 11:15 am]
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The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO's Federal Digital System (FDsys) at *http://www.gpo.gov/fdsys*. Some laws may not yet be available.

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To provide for the conveyance of certain property to the Yukon Kuskokwim Health Corporation located in Bethel, Alaska. (Sept. 30, 2015; 129 Stat. 526)

S. 501/P.L. 114–57

New Mexico Navajo Water Settlement Technical Corrections Act (Sept. 30, 2015; 129 Stat. 528)

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