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Reader Aids

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

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CFR PARTS AFFECTED IN THIS ISSUE

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

Title 3—

The President

Memorandum of October 5, 2015

Delegation of Authority Under Sections 110(c) and (d)(4) of the Trafficking Victims Protection Act of 2000

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of State the authority under section 110(d)(4) of the Trafficking Victims Protection Act of 2000 (the ''Act'') (22 U.S.C. 7107(d)(4)) to waive the application of the prohibition in section 110(d)(1)(A)(i) of the Act to Yemen during Fiscal Year 2016, as applicable, and to make the determinations necessary for such waiver. I hereby also delegate to the Secretary of State the authority under section 110(c) of the Act to notify the appropriate congressional committees of such waiver and the justification for granting such waiver.

You are hereby authorized and directed to publish this memorandum in the *Federal Register*.

THE WHITE HOUSE,
Washington, October 5, 2015

[FR Doc. 2015–27460
Filed 10–26–15; 8:45 am]
Billing code 4710–10–P

Rules and Regulations

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 531

RIN 3206–AM88

General Schedule Locality Pay Areas

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing final regulations on behalf of the President's Pay Agent. These final regulations link the definitions of General Schedule (GS) locality pay area boundaries to updated metropolitan area definitions established by the Office of Management and Budget (OMB) in February 2013. These final regulations also establish 13 new locality pay areas, which the Federal Salary Council recommended after reviewing pay levels in all ''Rest of U.S.'' metropolitan statistical areas and combined statistical areas with 2,500 or more GS employees.

DATES: The regulations are effective November 27, 2015. The regulations are applicable on the first day of the first pay period beginning on or after January 1, 2016.

FOR FURTHER INFORMATION CONTACT: Joe Ratcliffe, (202) 606–2838; fax: (202) 606–0824; email: *pay-leave-policy@opm.gov.*

SUPPLEMENTARY INFORMATION: Section 5304 of title 5, United States Code (U.S.C.), authorizes locality pay for General Schedule (GS) employees with duty stations in the United States and its territories and possessions. Section 5304(f) authorizes the President's Pay Agent (the Secretary of Labor, the Director of the Office of Management and Budget (OMB), and the Director of the Office of Personnel Management (OPM)) to determine locality pay areas. The boundaries of locality pay areas must be based on appropriate factors, which may include local labor market patterns, commuting patterns, and the practices of other employers. The Pay Agent must give thorough consideration to the views and recommendations of the Federal Salary Council, a body composed of experts in the fields of labor relations and pay policy and representatives of Federal employee organizations. The President appoints the members of the Federal Salary Council, which submits annual recommendations on the locality pay program to the Pay Agent. The establishment or modification of locality pay area boundaries must conform to the notice and comment provisions of the Administrative Procedure Act (5 U.S.C. 553).

On June 1, 2015, OPM published a proposed rule in the **Federal Register** on behalf of the Pay Agent. (See 80 FR 30955.) The proposed rule proposed linking locality pay area definitions to metropolitan areas defined by OMB in February 2013, and proposed establishing 13 new locality pay areas: Albany-Schenectady, NY; Albuquerque-Santa Fe-Las Vegas, NM; Austin-Round Rock, TX; Charlotte-Concord, NC–SC; Colorado Springs, CO; Davenport-Moline, IA–IL; Harrisburg-Lebanon, PA; Kansas City-Overland Park-Kansas City, MO–KS; Laredo, TX; Las Vegas-Henderson, NV–AZ; Palm Bay-Melbourne-Titusville, FL; St. Louis-St. Charles-Farmington, MO–IL; and Tucson-Nogales, AZ. The proposed rule did not propose modifying the standard commuting and GS employment criteria used in the locality pay program to evaluate, as possible areas of application, locations adjacent to the metropolitan area comprising the basic locality pay area. (A *basic locality pay area* is an OMB-defined metropolitan area on which the definition of a locality pay area is based, and an *area of application* is a location that is not part of a basic locality pay area but is included in the locality pay area.) However, the proposed rule proposed using updated commuting patterns data to calculate commuting interchange rates to evaluate, as potential areas of application, locations adjacent to the metropolitan area comprising the basic locality pay area. The updated commuting patterns data used to calculate commuting interchange rates were collected as part of the American Community Survey between 2006 and 2010. In January 2014, the Federal Salary Council recommended use of those commuting patterns data in order to calculate commuting interchange rates used in the locality pay program. (The *commuting interchange rate* is the sum of the percentage of employed residents of the area under consideration who work in the basic locality pay area and the percentage of the employment in the area under consideration that is accounted for by workers who reside in the basic locality pay area. The commuting interchange rate is calculated by including all workers in assessed locations, not just Federal employees.)

The proposed rule provided a 30-day comment period. The Pay Agent reviewed comments received through July 1, 2015. After considering those comments, the Pay Agent has decided to implement the locality pay area definitions in the proposed rule, with three additional changes. Those changes, which are further discussed below, are a name change for one locality pay area; the addition of Berkshire County, MA, to the Albany-Schenectady, NY, locality pay area; and the addition of Harrison County, OH, to the Cleveland-Akron-Canton, OH, locality pay area.

Based on questions OPM staff received on the definition of the ''Harrisburg-York-Lebanon, PA'' locality pay area defined in the proposed rule, the Pay Agent has decided to change the name of that locality pay area to ''Harrisburg-Lebanon, PA.'' The definition of the locality pay area remains the same as in the proposed rule, and the name change is intended to help clarify that York County, PA, is not included in the Harrisburg-Lebanon, PA, locality pay area. Before the name change, that locality pay area's name was based on the name of the February 2013 Harrisburg-York-Lebanon, PA, Combined Statistical Area, the OMB-defined metropolitan area to which the definition of the Harrisburg-Lebanon, PA, locality pay area is linked. However, York County, PA, which has been an area of application to the Washington-Baltimore locality pay area since January 2005, will remain in the Washington-Baltimore-Arlington, DC–MD–VA–WV–PA, locality pay area.

In the proposed rule, the Pay Agent invited comment on how to address

''Rest of U.S.'' locations that are almost but not completely surrounded by potentially higher-paying locality pay areas. After considering comments received, the Pay Agent has decided to include, as areas of application, Berkshire County, MA, in the Albany-Schenectady, NY, locality pay area and Harrison County, OH, in the Cleveland-Akron-Canton, OH, locality pay area. While not completely surrounded by potentially higher-paying locality pay areas, each of those two counties is bordered by three separate locality pay areas. This action includes Berkshire County, MA, and Harrison County, OH, in an adjacent locality pay area with which each county has the highest commuting interchange rate. This policy is consistent with the Pay Agent's treatment, in the proposed rule and under these final regulations, of completely surrounded locations.

Berkshire County, MA, and Harrison County, OH, if left in the ''Rest of U.S.'' locality pay area, would each have a land boundary more than 75 percent bordered by three separate locality pay areas. In addition, Berkshire and Harrison Counties each have commuting interchange rates, with the three locality pay areas they border, that sum to more than 7.5 percent. (The Pay Agent notes that the two completely surrounded locations included in separate locality pay areas under these final regulations—Kent County, MD, which will be included in the Washington-Baltimore-Arlington, DC–MD–VA–WV–PA, locality pay area, and Lancaster County, PA, which will be included in the Harrisburg-Lebanon, PA, locality pay area—also have significant commuting interchange rates. Kent and Lancaster Counties each have commuting interchange rates of more than 7.5 percent with the locality pay area to which they will become areas of application under these final regulations.)

In analyzing counties almost but not completely surrounded by separate locality pay areas under the locality pay area definitions proposed in the proposed rule, the Pay Agent also considered the driving distance by road between an evaluated county's most populous duty station, in terms of GS employment, and the most populous duty station, in terms of GS employment, in the closest county within the adjacent locality pay area with the highest commuting interchange rate. (Driving distances and commuting interchange rates served different purposes in the analysis of locations almost but not completely surrounded by potentially higher-paying locality pay areas. While commuting interchange rates were used to indicate the extent to which a location is part of each adjacent locality pay area's local labor market, driving distances were considered as an indicator of the potential for GS employees to commute to a higher-paying locality pay area.) For both Berkshire County, MA, and Harrison County, OH, the driving distance is less than 50 miles between the county's most populous duty station, in terms of GS employment, and the most populous duty station, in terms of GS employment, in the closest county within the adjacent locality pay area with the highest commuting interchange rate.

The Pay Agent does not believe that a ''Rest of U.S.'' county being mostly bordered by separate locality pay areas necessarily warrants action unless there is evidence of a substantial labor market linkage with one or more neighboring locality pay areas. However, the Pay Agent believes the aforementioned information on commuting and driving distances for Berkshire County, MA, and Harrison County, OH, when considered along with the extent to which each of these counties is bordered by three separate locality pay areas, does warrant action. The other single-county ''Rest of U.S.'' locations bordered by three separate locality pay areas have a smaller percentage of land boundary bordered by separate locality pay areas and/or have lesser commuting or greater driving distances to the adjacent locality pay areas. (No single-county ''Rest of U.S.'' locations are bordered by more than three separate locality pay areas.) Individuals concerned about agency recruitment or retention capabilities in locations bordered by multiple separate locality pay areas and remaining in the ''Rest of U.S.'' locality pay area under these final regulations may provide testimony to the Federal Salary Council on locations of concern.

Impact and Implementation

Using February 2013 OMB-defined metropolitan area definitions as the basis for locality pay area boundaries and using updated commuting patterns data to evaluate potential areas of application will add a number of counties now included in the ''Rest of U.S.'' locality pay area to separate locality pay areas, which will impact about 6,300 GS employees.

Establishing 13 new locality pay areas will impact about 102,000 GS employees. Implementing the 13 new locality pay areas will not automatically change locality pay rates now applicable in those areas because locality pay percentages are established by Executive order under the President's authority in 5 U.S.C. 5304 or 5304a, and the President decides each year whether to adjust locality pay percentages. When locality pay percentages are increased, past practice has been to allocate a percent of the total GS payroll for locality raises and to have the overall dollar cost for such pay raises be the same, regardless of the number of locality pay areas. If a percent of the total GS payroll is allocated for locality pay increases, the addition of new areas could result in a smaller amount to allocate for locality pay increases in existing areas. Implementing higher locality pay rates in the 13 new locality pay areas could thus result in relatively lower pay increases for employees in existing locality pay areas than they would otherwise receive.

Comments on the Proposed Rule

OPM received 707 comments on the proposed rule. Most commenters supported the proposed changes in the definitions of locality pay areas.

Many commenters expressed the belief that various indicators of living costs should be considered in defining locality pay areas or in setting locality pay. Living costs are not directly considered in the locality pay program. Locality pay is not designed to equalize living standards for GS employees across the country. Under 5 U.S.C. 5304, locality pay rates are based on comparisons of GS pay and non-Federal pay at the same work levels in a locality pay area. Relative living costs may indirectly affect non-Federal pay levels, but living costs are just one of many factors that affect the supply of and demand for labor, and therefore labor costs, in a locality pay area.

Some commenters disagreed it is appropriate to establish 13 new locality pay areas. A number of those commenters expressed concern that existing locality pay areas' future pay levels could be set lower than they otherwise would, due to establishment of new locality pay areas. The President's Pay Agent continues to believe it is appropriate to establish the 13 new locality pay areas. The goal of the locality pay program is to reduce disparities between GS pay and non-Federal pay for the same levels of work in locations where such disparities are significant. The Federal Salary Council recommended the 13 new locality pay areas after reviewing pay levels in all ''Rest of U.S.'' metropolitan statistical areas and combined statistical areas with 2,500 or more GS employees. The Federal Salary Council found that the percentage difference between GS and non-Federal pay levels for the same levels of work—*i.e.,* the pay disparity—

in these 13 locations was substantially greater than the ''Rest of U.S.'' pay disparity over an extended period. Because pay disparities calculated for the ''Rest of U.S.'' locality pay area are based on average pay across many metropolitan areas throughout the United States with varying pay levels, and because pay in those metropolitan areas can change over time, the Pay Agent believes it is appropriate to monitor pay levels in ''Rest of U.S.'' metropolitan areas to the extent it is feasible to do so. When such monitoring reveals that a metropolitan area has a pay disparity significantly exceeding the overall ''Rest of U.S.'' pay disparity over an extended period, the Pay Agent believes it is appropriate to establish the metropolitan area as a separate locality pay area.

Some commenters disagreed it is appropriate to use February 2013 OMB-defined metropolitan areas to define locality pay areas. Some of those commenters made living-cost comparisons between different portions of the February 2013 OMB metropolitan areas, *e.g.,* comparisons between the central and outlying portions of those metropolitan areas. Some commenters expressed concern that future locality pay levels might be set lower than they otherwise would due to including certain portions of a metropolitan area, such as its outlying locations, in a locality pay area. Some commenters suggested splitting OMB-defined metropolitan areas into separate locality pay areas so that some locations in a metropolitan area could receive higher pay rates than other locations within the metropolitan area.

Prior to implementation of locality pay, the Federal Salary Council recommended, and the Pay Agent approved, the use of OMB-defined metropolitan areas as the basis for locality pay area boundaries, and OMB-defined metropolitan areas have been the basis for locality pay area boundaries since locality pay was implemented in 1994. (A detailed history of the use of OMB-defined metropolitan areas in the locality pay program can be found in the Federal Salary Council's January 2014 recommendations, which are posted on the OPM Web site at *https://www.opm.gov/policy-data-oversight/pay-leave/pay-systems/general-schedule/federal-salary-council/recommendation13.pdf.*)

The Pay Agent continues to believe it is appropriate to use OMB-defined metropolitan areas as the basis for locality pay area boundaries and has no evidence that it is appropriate to split an OMB-defined metropolitan area into separate locality pay areas. Since OMB-defined metropolitan areas will continue to serve as the basis for locality pay area boundaries, the Pay Agent believes it makes sense to update the metropolitan areas used in the locality pay program to the February 2013 OMB-defined metropolitan areas, since the definitions of those metropolitan areas reflect the most recent information on population distribution and commuting patterns. Departing from the practice of defining basic locality pay areas based on OMB-defined metropolitan areas or splitting those metropolitan areas into separate locality pay areas would be a significant change, and the implications would have to be carefully considered. Individuals interested in recommending alternatives to defining basic locality pay areas based on entire OMB-defined metropolitan areas may provide testimony to the Federal Salary Council.

Some commenters disagreed it is appropriate to establish new areas of application or maintain existing ones, with some commenters expressing concern that future locality pay levels could be set lower than they otherwise would due to including new areas of application in locality pay areas. Prior to implementation of locality pay, the Federal Salary Council recommended, and the Pay Agent agreed, that OMB-defined metropolitan areas not be the sole basis for defining locality pay areas. Ever since locality pay was implemented in 1994, criteria have been used in the locality pay program to evaluate, as potential areas of application, locations adjacent to the metropolitan area comprising the basic locality pay area. The Pay Agent continues to believe it is appropriate to establish areas of application when approved criteria for doing so are met.

Some commenters disagreed it is appropriate to retain, in their current locality pay area, locations that would otherwise move to a potentially lower-paying locality pay area as a result of using February 2013 OMB-defined metropolitan areas as the basis for locality pay area boundaries. The Pay Agent continues to believe it is appropriate to retain such locations in their current locality pay area. If such a location were moved to a lower-paying locality pay area, current GS employees in the location might be entitled to pay retention under 5 U.S.C. 5363 and 5 CFR part 536 and would not have a reduction in pay. GS employees hired after movement of the location to the lower-paying locality pay area would not be entitled to pay retention and would receive the lower locality pay rates that would be applicable in the location. The Pay Agent believes such an outcome would be disruptive for agencies and employees in affected locations.

A number of commenters objected that locations not included in a separate locality pay area were to remain in the ''Rest of U.S.'' locality pay area under the proposed rule. Some of those locations are metropolitan areas for which the Federal Salary Council has studied disparities between non-Federal pay and Federal pay (pay disparities) over several years of data and found that the pay disparities do not significantly exceed the pay disparity for the ''Rest of U.S.'' locality pay area over the same period. Other locations referred to in this category of comments do not meet the criteria for areas of application. In some cases, commenters cited possible recruitment and retention difficulties the commenters believe agencies may have in certain locations that would remain in the ''Rest of U.S.'' locality pay area when these final regulations are put into effect. The Pay Agent has no evidence that the changes these final regulations will make in locality pay area definitions will create recruitment and retention challenges for Federal employers. However, should recruitment and retention challenges exist in a location, Federal agencies have considerable administrative authority to address those challenges through the use of current pay flexibilities. Information on these flexibilities is posted on the OPM Web site at *http://www.opm.gov/policy-data-oversight/pay-leave/pay-and-leave-flexibilities-for-recruitment-and-retention.*

A number of commenters expressed their views on pay levels in locality pay areas. Some commenters suggested specific locality pay percentages to apply to new or existing locality pay areas, and some commenters offered opinions on the extent to which pay increases are needed in some locality pay areas compared to others. Such comments as these are outside of the scope of these final regulations. The purpose of these final regulations is to define the boundaries of locality pay areas. The role of the Pay Agent with regard to locality pay percentages is to report annually to the President what locality pay percentages would go into effect under the Federal Employees Pay Comparability Act of 1990. The President establishes a base General Schedule and sets locality pay percentages each year by Executive order.

Some commenters expressed concern that certain Federal pay systems outside of the General Schedule would not benefit from the changes planned for

definitions of GS locality pay areas. Other commenters suggested that Federal retirees should receive increased retirement payments if, before they retired, they worked in a ''Rest of U.S.'' duty station that will now be included in a higher-paying locality pay area. Such comments as these are outside of the scope of these final regulations. The purpose of these final regulations is to define locality pay areas for current Federal employees who receive locality pay under 5 U.S.C. 5304, not to set pay levels for Federal employees who do not receive locality pay under 5 U.S.C. 5304 or to determine retirement payments.

A number of comments reflected misunderstanding of the proposed rule's definitions of locality pay areas, with some comments indicating a belief that certain counties actually included in a proposed locality pay area were excluded. The definitions of locality pay areas are based on combined statistical areas (CSAs) and metropolitan statistical areas (MSAs). Because over time counties can be added to CSAs and MSAs, and because the Pay Agent wanted any such changes in CSAs and MSAs to be reflected automatically in the definitions of locality pay areas, rather than list every county in each locality pay area, these final regulations will define locality pay areas by listing the CSA and MSA comprising the basic locality pay area, with areas of application listed as single counties. These final regulations define *CSA* as the geographic scope of a CSA, as defined in OMB Bulletin No. 13–01, plus any areas subsequently added to the CSA by OMB, and define *MSA* as the geographic scope of an MSA, as defined in OMB Bulletin No. 13–01, plus any areas subsequently added to the MSA by OMB. (OMB Bulletin 13–01 can be found at *https://www.whitehouse.gov/sites/default/files/omb/bulletins/2013/b-13-01.pdf.*)

A number of comments concerned locations which, under the locality pay area definitions in the proposed rule, would remain in the ''Rest of U.S.'' locality pay area and be bordered by multiple locality pay areas. For the reasons discussed above in the ''Supplementary Information'' section of this final rule, after evaluating single-county locations bordered by multiple locality pay areas, the Pay Agent has decided to include, as areas of application, Berkshire County, MA, in the Albany-Schenectady, NY, locality pay area and Harrison County, OH, in the Cleveland-Akron-Canton, OH, locality pay area. Individuals concerned about locations that are bordered by multiple separate locality pay areas and remain in the ''Rest of U.S.'' locality pay area, under the locality pay area definitions implemented by these final regulations, may provide testimony to the Federal Salary Council on locations of concern.

Several commenters expressed concern that U.S. counties that are isolated off the coast of the U.S. mainland, and which do not meet criteria for areas of application, remain in the ''Rest of U.S.'' locality pay area under the changes these regulations will make in the definitions of locality pay areas. Some of these comments anecdotally referred to recruitment and retention challenges the commenters attributed to the locations being limited to ''Rest of U.S.'' locality pay. Federal agencies have considerable discretionary authority to provide pay and leave flexibilities to address significant recruitment and retention challenges, and information on these flexibilities is posted on the OPM Web site at *http://www.opm.gov/policy-data-oversight/pay-leave/pay-and-leave-flexibilities-for-recruitment-and-retention.*

One commenter opposed any movement of ''Rest of U.S.'' locations to separate pay areas, and said the Government should find less costly alternatives, such as moving Federal employment sites to areas with lower living or labor costs and increasing the use of telework. The Pay Agent does not believe that the need to vary pay levels geographically based on labor costs can be substantially reduced in the near term by relocating Government agencies' duty stations or expanding telework programs. In addition, such a comment is outside the scope of these final regulations. The purpose of these regulations is to establish locality pay area boundaries the Pay Agent has determined to be appropriate.

One commenter suggested that adjacent locality pay areas be combined into single locality pay areas, with resultant cost savings to the Government. Such a change would be a significant departure from current practices in the locality pay program and could have significant implications. The implications for adjacent locality pay areas are unknown and would have to be carefully considered. Individuals interested in pursuing this idea may provide testimony to the Federal Salary Council.

Some comments reflected a mistaken belief that the calculation of commuting interchange rates in the locality pay program includes only commuting by Federal employees, rather than commuting by all types of workers in assessed locations. Some commenters expressed the opinion that commuting interchange rates including only commuting for Federal employees should be considered in defining locality pay areas. In evaluating locations adjacent to basic locality pay areas as potential areas of application, commuting by all types of workers, not just Federal employees, is used as a criterion. Commuting interchange rates used in the locality pay program are a measure of economic linkage between a basic locality pay area and an adjacent location. Commuting interchange rates used in the locality pay program are used to indicate the extent to which a location is part of the locality pay area's entire local labor market, not to indicate the extent to which Federal employees commute between locations.

Executive Order 13563 and Executive Order 12866

OMB has reviewed this rule in accordance with E.O. 13563 and E.O. 12866.

Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would apply only to Federal agencies and employees.

List of Subjects in 5 CFR Part 531

Government employees, Law enforcement officers, Wages.

Office of Personnel Management.

Beth F. Cobert,

Acting Director.

Accordingly, OPM is amending 5 CFR part 531 as follows:

PART 531—PAY UNDER THE GENERAL SCHEDULE

■ 1. The authority citation for part 531 continues to read as follows:

Authority: 5 U.S.C. 5115, 5307, and 5338; sec. 4 of Pub. L. 103–89, 107 Stat. 981; and E.O. 12748, 56 FR 4521, 3 CFR, 1991 Comp., p. 316; Subpart B also issued under 5 U.S.C. 5303(g), 5305, 5333, 5334(a) and (b), and 7701(b)(2); Subpart D also issued under 5 U.S.C. 5335 and 7701(b)(2); Subpart E also issued under 5 U.S.C. 5336; Subpart F also issued under 5 U.S.C. 5304, 5305, and 5941(a), E.O. 12883, 58 FR 63281, 3 CFR, 1993 Comp., p. 682 and E.O. 13106, 63 FR 68151, 3 CFR, 1998 Comp., p. 224.

Subpart F—Locality-Based Comparability Payments

■ 2. In § 531.602, the definitions of CSA and MSA are revised to read as follows:

§ 531.602 Definitions.

* * * * *

CSA means the geographic scope of a Combined Statistical Area, as defined by the Office of Management and Budget (OMB) in OMB Bulletin No. 13–01, plus any areas subsequently added to the CSA by OMB.

* * * * *

MSA means the geographic scope of a Metropolitan Statistical Area, as defined by the Office of Management and Budget (OMB) in OMB Bulletin No. 13–01, plus any areas subsequently added to the MSA by OMB.

* * * * *

■ 3. In § 531.603, paragraph (b) is revised to read as follows:

§ 531.603 Locality pay areas.

* * * * *

(b) The following are locality pay areas for the purposes of this subpart:

(1) Alaska—consisting of the State of Alaska;

(2) Albany-Schenectady, NY—consisting of the Albany-Schenectady, NY CSA and also including Berkshire County, MA;

(3) Albuquerque-Santa Fe-Las Vegas, NM—consisting of the Albuquerque-Santa Fe-Las Vegas, NM CSA;

(4) Atlanta—Athens-Clarke County—Sandy Springs, GA–AL—consisting of the Atlanta—Athens-Clarke County—Sandy Springs, GA CSA and also including Chambers County, AL;

(5) Austin-Round Rock, TX—consisting of the Austin-Round Rock, TX MSA;

(6) Boston-Worcester-Providence, MA–RI–NH–CT–ME—consisting of the Boston-Worcester-Providence, MA–RI–NH–CT CSA, except for Windham County, CT, and also including Androscoggin County, ME, Cumberland County, ME, Sagadahoc County, ME, and York County, ME;

(7) Buffalo-Cheektowaga, NY—consisting of the Buffalo-Cheektowaga, NY CSA;

(8) Charlotte-Concord, NC–SC—consisting of the Charlotte-Concord, NC–SC CSA;

(9) Chicago-Naperville, IL–IN–WI—consisting of the Chicago-Naperville, IL–IN–WI CSA;

(10) Cincinnati-Wilmington-Maysville, OH–KY–IN—consisting of the Cincinnati-Wilmington-Maysville, OH–KY–IN CSA and also including Franklin County, IN;

(11) Cleveland-Akron-Canton, OH—consisting of the Cleveland-Akron-Canton, OH CSA and also including Harrison County, OH;

(12) Colorado Springs, CO—consisting of the Colorado Springs, CO MSA and also including Fremont County, CO, and Pueblo County, CO;

(13) Columbus-Marion-Zanesville, OH—consisting of the Columbus-Marion-Zanesville, OH CSA;

(14) Dallas-Fort Worth, TX–OK—consisting of the Dallas-Fort Worth, TX–OK CSA and also including Delta County, TX, and Fannin County, TX;

(15) Davenport-Moline, IA–IL—consisting of the Davenport-Moline, IA–IL CSA;

(16) Dayton-Springfield-Sidney, OH—consisting of the Dayton-Springfield-Sidney, OH CSA and also including Preble County, OH;

(17) Denver-Aurora, CO—consisting of the Denver-Aurora, CO CSA and also including Larimer County, CO;

(18) Detroit-Warren-Ann Arbor, MI—consisting of the Detroit-Warren-Ann Arbor, MI CSA;

(19) Harrisburg-Lebanon, PA—consisting of the Harrisburg-York-Lebanon, PA CSA, except for Adams County, PA, and York County, PA, and also including Lancaster County, PA;

(20) Hartford-West Hartford, CT–MA—consisting of the Hartford-West Hartford, CT CSA and also including Windham County, CT, Franklin County, MA, Hampden County, MA, and Hampshire County, MA;

(21) Hawaii—consisting of the State of Hawaii;

(22) Houston-The Woodlands, TX—consisting of the Houston-The Woodlands, TX CSA and also including San Jacinto County, TX;

(23) Huntsville-Decatur-Albertville, AL—consisting of the Huntsville-Decatur-Albertville, AL CSA;

(24) Indianapolis-Carmel-Muncie, IN—consisting of the Indianapolis-Carmel-Muncie, IN CSA and also including Grant County, IN;

(25) Kansas City-Overland Park-Kansas City, MO–KS—consisting of the Kansas City-Overland Park-Kansas City, MO–KS CSA and also including Jackson County, KS, Jefferson County, KS, Osage County, KS, Shawnee County, KS, and Wabaunsee County, KS;

(26) Laredo, TX—consisting of the Laredo, TX MSA;

(27) Las Vegas-Henderson, NV–AZ—consisting of the Las Vegas-Henderson, NV–AZ CSA;

(28) Los Angeles-Long Beach, CA—consisting of the Los Angeles-Long Beach, CA CSA and also including Kern County, CA, and Santa Barbara County, CA;

(29) Miami-Fort Lauderdale-Port St. Lucie, FL—consisting of the Miami-Fort Lauderdale-Port St. Lucie, FL CSA and also including Monroe County, FL;

(30) Milwaukee-Racine-Waukesha, WI—consisting of the Milwaukee-Racine-Waukesha, WI CSA;

(31) Minneapolis-St. Paul, MN–WI—consisting of the Minneapolis-St. Paul, MN–WI CSA;

(32) New York-Newark, NY–NJ–CT–PA—consisting of the New York-Newark, NY–NJ–CT–PA CSA and also including all of Joint Base McGuire-Dix-Lakehurst;

(33) Palm Bay-Melbourne-Titusville, FL—consisting of the Palm Bay-Melbourne-Titusville, FL MSA;

(34) Philadelphia-Reading-Camden, PA–NJ–DE–MD—consisting of the Philadelphia-Reading-Camden, PA–NJ–DE–MD CSA, except for Joint Base McGuire-Dix-Lakehurst;

(35) Phoenix-Mesa-Scottsdale, AZ—consisting of the Phoenix-Mesa-Scottsdale, AZ MSA;

(36) Pittsburgh-New Castle-Weirton, PA–OH–WV—consisting of the Pittsburgh-New Castle-Weirton, PA–OH–WV CSA;

(37) Portland-Vancouver-Salem, OR–WA—consisting of the Portland-Vancouver-Salem, OR–WA CSA;

(38) Raleigh-Durham-Chapel Hill, NC—consisting of the Raleigh-Durham-Chapel Hill, NC CSA and also including Cumberland County, NC, Hoke County, NC, Robeson County, NC, Scotland County, NC, and Wayne County, NC;

(39) Richmond, VA—consisting of the Richmond, VA MSA and also including Cumberland County, VA, King and Queen County, VA, and Louisa County, VA;

(40) Sacramento-Roseville, CA–NV—consisting of the Sacramento-Roseville, CA CSA and also including Carson City, NV, and Douglas County, NV;

(41) San Diego-Carlsbad, CA—consisting of the San Diego-Carlsbad, CA MSA;

(42) San Jose-San Francisco-Oakland, CA—consisting of the San Jose-San Francisco-Oakland, CA CSA and also including Monterey County, CA;

(43) Seattle-Tacoma, WA—consisting of the Seattle-Tacoma, WA CSA and also including Whatcom County, WA;

(44) St. Louis-St. Charles-Farmington, MO–IL—consisting of the St. Louis-St. Charles-Farmington, MO–IL CSA;

(45) Tucson-Nogales, AZ—consisting of the Tucson-Nogales, AZ CSA and also including Cochise County, AZ;

(46) Washington-Baltimore-Arlington, DC–MD–VA–WV–PA—consisting of the Washington-Baltimore-Arlington, DC–MD–VA–WV–PA CSA and also including Kent County, MD, Adams County, PA, York County, PA, King George County, VA, and Morgan County, WV; and

(47) Rest of U.S.—consisting of those portions of the United States and its territories and possessions as listed in 5

CFR 591.205 not located within another locality pay area.

[FR Doc. 2015–27380 Filed 10–26–15; 8:45 am]

BILLING CODE 6325–39–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 390

RIN 3064–AE19

Removal of Transferred OTS Regulations Regarding Electronic Operations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation (''FDIC'') is adopting a final rule to rescind and remove from the Code of Federal Regulations the transferred regulation entitled ''Electronic Operations.'' This regulation was included in the regulations that were transferred to the FDIC from the Office of Thrift Supervision (''OTS'') on July 21, 2011, in connection with the implementation of applicable provisions of title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act''). There is no corresponding FDIC Electronic Operations rule and the rule is deemed obsolete, unnecessary, and burdensome. Therefore, the FDIC has decided to rescind and remove the regulation in its entirety.

DATES: The final rule is effective on November 27, 2015.

FOR FURTHER INFORMATION CONTACT: Jennifer Maree, Legal Division, (202) 898–6543; Frederick Coleman, Division of Risk Management Supervision, (703) 254–0452.

SUPPLEMENTARY INFORMATION:

I. Background

A. The Dodd-Frank Act

Title III of the Dodd-Frank Act [1] provided for a substantial reorganization of the regulation of State and Federal savings associations and their holding companies. Beginning July 21, 2011, the transfer date established by section 311 of the Dodd-Frank Act, codified at 12 U.S.C. 5411, the powers, duties, and functions formerly performed by the OTS were divided among the FDIC, as to State savings associations, the Office of the Comptroller of the Currency (''OCC''), as to Federal savings associations, and the Board of Governors of the Federal Reserve System (''FRB''), as to savings and loan holding companies. Section 316(b) of the Dodd-Frank Act, codified at 12 U.S.C. 5414(b), provides the manner of treatment for all orders, resolutions, determinations, regulations, and advisory materials that had been issued, made, prescribed, or allowed to become effective by the OTS. The section provides that if such materials were in effect on the day before the transfer date, they continue to be in effect and are enforceable by or against the appropriate successor agency until they are modified, terminated, set aside, or superseded in accordance with applicable law by such successor agency, by any court of competent jurisdiction, or by operation of law.

Section 316(c) of the Dodd-Frank Act, codified at 12 U.S.C. 5414(c), further directed the FDIC and the OCC to consult with one another and to publish a list of the continued OTS regulations which would be enforced by the FDIC and the OCC, respectively. On June 14, 2011, the FDIC's Board of Directors approved a ''List of OTS Regulations to be Enforced by the OCC and the FDIC Pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act.'' This list was published by the FDIC and the OCC as a Joint Notice in the **Federal Register** on July 6, 2011.[2]

Although section 312(b)(2)(B)(i)(II) of the Dodd-Frank Act, codified at 12 U.S.C. 5412(b)(2)(B)(i)(II), granted the OCC rulemaking authority relating to both State and Federal savings associations, nothing in the Dodd-Frank Act affected the FDIC's existing authority to issue regulations under the Federal Deposit Insurance Act (''FDI Act'') and other laws as the ''appropriate Federal banking agency'' or under similar statutory terminology. Section 312(c) of the Dodd-Frank Act amended the definition of ''appropriate Federal banking agency'' contained in section 3(q) of the FDI Act, 12 U.S.C. 1813(q), to add State savings associations to the list of entities for which the FDIC is designated as the ''appropriate Federal banking agency.'' As a result, when the FDIC acts as the designated ''appropriate Federal banking agency'' (or under similar terminology) for State savings associations, as it does here, the FDIC is authorized to issue, modify and rescind regulations involving such associations, as well as for State nonmember banks and insured branches of foreign banks.

As noted, on June 14, 2011, pursuant to this authority, the FDIC's Board of Directors reissued and redesignated certain transferring OTS regulations. These transferred OTS regulations were published as new FDIC regulations in the **Federal Register** on August 5, 2011.[3] When it republished the transferred OTS regulations as new FDIC regulations, the FDIC specifically noted that its staff would evaluate the transferred OTS rules and might later recommend incorporating the transferred OTS regulations into other FDIC rules, amending them, or rescinding them, as appropriate.

One of the OTS rules transferred to the FDIC requires State savings associations to notify the FDIC at least 30 days before establishing a transactional Web site. The OTS rule, formerly found at 12 CFR part 555, subpart B (''part 555, subpart B''), was transferred to the FDIC with only technical changes and is now found in the FDIC's rules at 12 CFR part 390, subpart L (''part 390, subpart L''), entitled ''Electronic Operations.'' The FDIC has no such corresponding rule. After careful review of part 390, subpart L, the FDIC has decided to rescind part 390, subpart L, in its entirety, because, as discussed below, it is obsolete, unnecessary, and burdensome.

II. Proposed Rule

A. Removal of Part 390, Subpart L (Former OTS Part 555, Subpart B)

On July 21, 2014, the FDIC published a Notice of Proposed Rulemaking (''Proposed Rule'') regarding the removal of part 390, subpart L, which governs electronic operations of State savings associations.[4] The Proposed Rule would have removed part 390, subpart L, from the CFR in an effort to streamline FDIC regulations for all FDIC-supervised institutions. As discussed in the Proposed Rule, the FDIC carefully reviewed the transferred rule, part 390, subpart L, and determined that it should be rescinded because it is obsolete, unnecessary, and burdensome.

III. Comments

The FDIC issued the Proposed Rule with a 60-day comment period, which closed on September 19, 2014. No comments on the Proposed Rule were received by the FDIC. Consequently, the final rule (''Final Rule'') is adopted as proposed without any changes.

IV. Explanation of the Final Rule

As discussed in the Proposed Rule, the OTS enacted the Electronic Operations rule, part 390, subpart L,

[1] Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010).

[2] 76 FR 39247 (July 6, 2011).

[3] 76 FR 47652 (Aug. 5, 2011).

[4] 79 FR 42231 (July 21, 2014).

unilaterally. This rule required savings associations to file a written notice with the OTS at least 30 days before establishing a transactional Web site. Neither the FDIC, the OCC, nor the FRB has a regulatory notice requirement similar to the Electronic Operations rule that requires insured depository institutions to notify the respective agency if they intend to establish transactional Web sites. Rescinding and removing the Electronic Operations rule will serve to streamline the FDIC's rules and eliminate obsolete, unnecessary, and burdensome regulations. It will also facilitate uniform supervision regarding notification requirements for electronic operation for all FDIC-supervised insured depository institutions. Accordingly, the Final Rule removes and rescinds part 390, subpart L, in its entirety.

V. Administrative Law Matters

A. The Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act (''PRA'') of 1995, 44 U.S.C. 3501–3521, the FDIC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (''OMB'') control number.

The Final Rule rescinds and removes from FDIC regulations part 390, subpart L, because it is obsolete, unnecessary, and burdensome. This rule was transferred with only nominal changes to the FDIC from the OTS when the OTS was abolished by title III of the Dodd-Frank Act. In republishing this rule, the FDIC made only technical changes to existing OTS regulations. The FDIC does not have a regulatory notice requirement similar to the Electronic Operations rule that requires insured depository institutions to notify the FDIC if they intend to set up transactional Web sites and, therefore, never established an information collection to account for the paperwork burden imposed on the public.

The Final Rule will neither create any new information collection nor modify any of the FDIC's existing information collections. Accordingly, the FDIC will not submit any information collection request to OMB.

B. The Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA''),[5] generally requires an agency to consider whether a final rule will have a significant economic impact on a substantial number of small entities (defined in regulations promulgated by the Small Business Administration to include banking organizations with total assets of less than or equal to $500 million).[6] Pursuant to section 605(b) of the RFA, a final regulatory flexibility analysis is not required if the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities, and publishes its certification and a short explanatory statement in the **Federal Register** together with the rule. For the reasons provided below, the FDIC certifies that the Final Rule will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

As discussed in the Proposed Rulemaking, part 390, subpart L, was transferred from part 555, subpart B, which governed notification provisions for savings associations that intended to establish transactional Web sites. Part 555, subpart B became effective on January 1, 1999, and all savings associations were required to comply with it. The FDIC's Final Rule rescinds and removes part 390, subpart L, because it is obsolete, unnecessary, and burdensome. Since the Electronic Operations rule is being rescinded, the Final Rule will reduce the paperwork and other regulatory burdens on State savings associations by eliminating the requirement to provide the FDIC with notice before establishing a transactional Web site. Therefore, the Final Rule will have no significant economic impact on any State savings association.

C. Small Business Regulatory Enforcement Fairness Act

The Office of Management and Budget has determined that the Final Rule is not a ''major rule'' within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996 (''SBREFA''), 5 U.S.C. 801 *et seq.*

D. Plain Language

Section 722 of the Gramm-Leach-Bliley Act, 12 U.S.C. 4809, requires each Federal banking agency to use plain language in all of its proposed and final rules published after January 1, 2000. In the Proposed Rule, the FDIC invited comments on whether the Proposed Rule was clearly stated and effectively organized, and how the FDIC might make it easier to understand. Although the FDIC did not receive any comments, the FDIC sought to present the Final Rule in a simple and straightforward manner.

E. The Economic Growth and Regulatory Paperwork Reduction Act

Under section 2222 of the Economic Growth and Regulatory Paperwork Reduction Act of 1996 (''EGRPRA''), the FDIC is required to review all of its regulations, at least once every 10 years, in order to identify any outdated or otherwise unnecessary regulations imposed on insured institutions.[7] The FDIC completed the last comprehensive review of its regulations under EGRPRA in 2006 and is commencing the next decennial review, which is expected to be completed by 2016. The Proposed Rule solicited comments on whether the proposed rescission of part 390, subpart L would impose any outdated or unnecessary regulatory requirements on insured depository institutions. No comments on this issue were received. Upon review, the FDIC does not believe that rescinding part 390, subpart L, imposes any outdated or unnecessary regulatory requirements on any insured depository institutions. Rather, because the Electronic Operations rule is being rescinded, the Final Rule eliminates an outdated and unnecessary regulatory burden on State savings associations by eliminating the requirement to provide the FDIC with notice before establishing a transactional Web site.

List of Subjects in 12 CFR Part 390

Banks, banking; electronic operations; savings associations.

Authority and Issuance

For the reasons stated in the preamble, the Board of Directors of the FDIC amends 12 CFR part 390 of the Code of Federal Regulations as follows:

PART 390—REGULATIONS TRANSFERRED FROM THE OFFICE OF THRIFT SUPERVISION

■ 1. The authority citation for part 390 is revised to read as follows:

Authority: *12 U.S.C. 1819.*

Subpart A also issued under *12 U.S.C. 1820.*

Subpart B also issued under *12 U.S.C. 1818.*

Subpart C also issued under *5 U.S.C. 504*; 554–557; *12 U.S.C. 1464*; 1467; 1468; 1817; 1818; 1820; 1829; 3349, 4717; *15 U.S.C. 78 l;* 78o–5; 78u–2; *28 U.S.C. 2461* note; *31 U.S.C. 5321*; *42 U.S.C. 4012*a.

Subpart D also issued under *12 U.S.C. 1817*; 1818; 1820; *15 U.S.C. 78 l.*

Subpart E also issued under *12 U.S.C. 1813*; 1831m; *15 U.S.C. 78.*

Subpart F also issued under *5 U.S.C. 552*; 559; *12 U.S.C. 2901 et seq.*

[5] 5 U.S.C. 601 *et seq.*

[6] 78 FR 37409, 37411 (June 20, 2013).

[7] Public Law 104–208, 110 Stat. 3009 (1996).

Subpart G also issued under *12 U.S.C. 2810 et seq.,* 2901 *et seq.; 15 U.S.C. 1691*; *42 U.S.C. 1981*, 1982, 3601–3619.

Subpart H also issued under *12 U.S.C. 1464*; 1831y.

Subpart I also issued under *12 U.S.C. 1831*x.

Subpart J also issued under *12 U.S.C. 1831*p–1.

Subpart M also issued under *12 U.S.C. 1818*.

Subpart N also issued under *12 U.S.C. 1821*.

Subpart O also issued under *12 U.S.C. 1828*.

Subpart P also issued under *12 U.S.C. 1470*; 1831e; 1831n; 1831p–1; 3339.

Subpart Q also issued under *12 U.S.C. 1462*; 1462a; 1463; 1464.

Subpart R also issued under *12 U.S.C. 1463*; 1464; 1831m; 1831n; 1831p–1.

Subpart S also issued under *12 U.S.C. 1462*; 1462a; 1463; 1464; 1468a; 1817; 1820; 1828; 1831e; 1831o; 1831p–1; 1881–1884; 3207; 3339; *15 U.S.C. 78*b; 78 *l;* 78m; 78n; 78p; 78q; 78w; *31 U.S.C. 5318; 42 U.S.C. 4106*.

Subpart T also issued under *12 U.S.C. 1462*a; 1463; 1464; *15 U.S.C. 78*c; 78 *l;* 78m; 78n; 78w.

Subpart U also issued under *12 U.S.C. 1462*a; 1463; 1464; *15 U.S.C. 78*c; 78 *l;* 78m; 78n; 78p; 78w; 78d–1; 7241; 7242; 7243; 7244; 7261; 7264; 7265.

Subpart V also issued under *12 U.S.C. 3201*–3208.

Subpart W also issued under *12 U.S.C. 1462*a; 1463; 1464; *15 U.S.C. 78*c; 78 *l;* 78m; 78n; 78p; 78w.

Subpart X also issued under *12 U.S.C. 1462*; 1462a; 1463; 1464; 1828; 3331 *et seq.*

Subpart Y also issued under 12 U.S.C. 1831o.

Subpart Z also issued under *12 U.S.C. 1462*; 1462a; 1463; 1464; 1828 (note).

Subpart L—[Removed and Reserved]

■ 2. Remove and reserve subpart L, consisting of §§ 390.220 through 390.222.

Dated at Washington, DC, this 22nd day of October, 2015.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–27292 Filed 10–26–15; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0787; Directorate Identifier 2015–NE–10–AD; Amendment 39–18307; AD 2015–22–03]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Division Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Pratt & Whitney Division (PW) PW4164, PW4168, PW4168A, PW4164C, PW4164C/B, PW4164–1D, PW4168–1D, PW4168A–1D, PW4170, PW4164C–1D, PW4164C/B–1D, PW4050, PW4052, PW4056, PW4060, PW4060A, PW4060C, PW4062, PW4062A, PW4152, PW4156, PW4156A, PW4158, PW4160, PW4460, PW4462, and PW4650 turbofan engines including models with a ''–3'' suffix with a low-pressure turbine (LPT) 4th stage inner air seal (IAS), part number (P/N) 51N038, installed. This AD was prompted by the discovery, during routine overhaul of the LPT, of cracks in the barrel section of the LPT 4th stage IAS. This AD requires removal of the LPT 4th stage IAS, P/N 51N038, according to a prescribed schedule. We are issuing this AD to prevent failure of the LPT 4th stage IAS, which could lead to an uncontained IAS release, damage to the engine, and damage to the airplane.

DATES: This AD is effective December 1, 2015.

ADDRESSES: For service information identified in this AD, contact Pratt & Whitney Division, 400 Main St., East Hartford, CT 06108; phone: (860) 565–8770; fax: (860) 565–4503. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call (781) 238–7125.

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–2015–0787; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Katheryn Malatek, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7747; fax: 781–238–7199; email: *katheryn.malatek@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all PW PW4164, PW4168, PW4168A, PW4164C, PW4164C/B, PW4164–1D, PW4168–1D, PW4168A–1D, PW4170, PW4164C–1D, PW4164C/B–1D, PW4050, PW4052, PW4056, PW4060, PW4060A, PW4060C, PW4062, PW4062A, PW4152, PW4156, PW4156A, PW4158, PW4160, PW4460, PW4462, and PW4650 turbofan engines including models with a ''–3'' suffix with an LPT 4th stage IAS, P/N 51N038, installed. The NPRM published in the **Federal Register** on June 1, 2015 (80 FR 30963). The NPRM was prompted by nine occasions of discovering, during routine overhaul of the LPT, cracks in the barrel section of the LPT 4th stage IAS. The NPRM proposed to require removal of the LPT 4th stage IAS, P/N 51N038, according to a prescribed schedule. We are issuing this AD to prevent failure of the LPT 4th stage IAS, which could lead to an uncontained IAS release, damage to the engine, and damage to the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM and the FAA's response to each comment.

Support for the NPRM (80 FR 30963, June 1, 2015)

The Boeing Company expressed support for the NPRM.

Request To Change Definitions

United Airlines and Delta Airlines requested that the Definitions paragraph be changed. United Airlines requested we change the definition of LPT overhaul from ''maintenance which involves disassembly of the LPT rotor module'' to ''when the LPT module is disassembled sufficiently to gain access

to the LPT 4th stage rotor assembly (disk/blade/seal).'' Delta Airlines requested we change the definition of an LPT overhaul to ''when all disks in the rotor are removed from the engine and the blades are removed.''

We agree that the definition of an LPT overhaul should be clarified. We changed the definition of an LPT overhaul to ''An LPT overhaul is defined as when all disks in the rotor are removed from the engine and the blades are removed.''

Request To Change Applicability

Delta Airlines requested changing the applicability to include models with any dash number suffix.

We agree with the intent of this request. We changed the Summary, Discussion, and Applicability sections by adding ''. . . including models with a ''–3'' suffix . . .'' following the listed engine models as required.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously. We determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Costs of Compliance

We estimate that this AD affects 72 engines installed on airplanes of U.S. registry. We also estimate that 9 of the engines will require replacement parts during shop visit, the pro-rated cost of these parts cost will be $23,805 per engine, and compliance with this AD will require about 49 hours of labor per engine. The average labor rate is $85 per hour. We also estimate that 63 of the engines will require replacement parts during LPT overhaul, the pro-rated replacement parts cost for these parts is $43,545 per engine, and that these 63 engines will require 0 additional hours of labor per engine since the parts are already exposed during LPT overhaul. Based on these figures, we estimate the cost of this AD on U.S. operators to be $2,995,065.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

(3) Will not affect intrastate aviation in Alaska 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.

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):

2015–22–03 Pratt & Whitney Division: Amendment 39–18307; Docket No. FAA–2015–0787; Directorate Identifier 2015–NE–10–AD.

(a) Effective Date

This AD is effective December 1, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to:

(1) All Pratt & Whitney Division PW4164, PW4168, PW4168A, PW4164C, PW4164C/B, PW4164–1D, PW4168–1D, PW4168A–1D, PW4170, PW4164C–1D, and PW4164C/B–1D turbofan engines with a low-pressure turbine (LPT) 4th stage inner air seal (IAS), part number (P/N) 51N038, installed.

(2) All PW4050, PW4052, PW4056, PW4060, PW4060A, PW4060C, PW4062, PW4062A, PW4152, PW4156, PW4156A, PW4158, PW4160, PW4460, PW4462, and PW4650 turbofan engines including models with a ''–3'' suffix with an LPT 4th stage IAS, P/N 51N038, installed.

(d) Unsafe Condition

This AD was prompted by the discovery, during routine overhaul of the LPT, of cracks in the barrel section of the LPT 4th stage IAS which could, if not corrected, result in uncontained IAS release, damage to the engine, and damage to the aircraft. We are issuing this AD to prevent failure of the LPT 4th stage IAS, which could lead to an uncontained IAS release, damage to the engine, and damage to the airplane.

(e) Compliance

Comply with this AD within the compliance times specified, unless already done. For the engines listed in paragraph (c)(1) of this AD:

(1) At each LPT overhaul after the effective date of this AD, remove from service the LPT 4th stage IAS, P/N 51N038.

(2) At each engine shop visit after the effective date of this AD, remove from service the LPT 4th stage IAS, P/N 51N038, if it has more than 10,900 cycles since new.

(f) Installation Prohibition

(1) Do not install any LPT 4th stage IAS, P/N 51N038, with more than 0 flight cycles on any engine listed in paragraph (c)(1) of this AD.

(2) Do not install on any engine listed in paragraphs (c)(2) of this AD, any LPT 4th stage IAS, P/N 51N038, which was previously installed on any engine listed in paragraph (c)(1) of this AD.

(g) Definitions

For the purposes of this AD:

(1) An LPT overhaul is defined as when all disks in the rotor are removed from the engine and the blades are removed.

(2) An ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine flanges (lettered flanges). The separation of engine flanges solely for the purpose of transportation without subsequent engine maintenance does not constitute an engine shop visit.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request. You may email your request to: *ANE-AD-AMOC@faa.gov.*

(i) Related Information

For more information about this AD, contact Katheryn Malatek, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7747; fax: 781–238–7199; email: *katheryn.malatek@faa.gov.*

(j) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on October 21, 2015.

Colleen M. D'Alessandro,

Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2015–27184 Filed 10–26–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0498; Directorate Identifier 2014–NM–152–AD; Amendment 39–18305; AD 2015–22–01]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2007–16–08, which applied to all The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–300, 747–400, 747–400D, and 747SR series airplanes. AD 2007–16–08 required repetitive inspections for cracking of the station 800 frame assembly, and repair if necessary. This new AD continues to require repetitive inspections for cracking of the station 800 frame assembly, and repair if necessary, and expands the inspection area. This AD was prompted by reports of cracks found at the forward and aft inner chord strap and angles on the station 800 frame on the left-side and right-side main entry doors. We are issuing this AD to detect and correct fatigue cracks that could extend and fully sever the frame, which could result in development of skin cracks that could lead to rapid depressurization of the airplane.

DATES: This AD is effective December 1, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 1, 2015.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov*by searching for and locating Docket No. FAA–2015–0498.

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–2015–0498; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Bill Ashforth, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6432; fax: 425–917–6590; email: *bill.ashforth@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2007–16–08, Amendment 39–15147 (72 FR 44728, August 9, 2007). AD 2007–16–08 applied to all The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–300, 747–400, 747–400D, and 747SR series airplanes. The NPRM published in the **Federal Register** on March 30, 2015 (80 FR 16606). The NPRM was prompted by reports of cracks found at the forward and aft inner chord strap and angles on the station 800 frame on the left-side and right-side main entry doors. The NPRM proposed to continue to require repetitive inspections for cracking of the station 800 frame assembly, and repair if necessary, and expand the inspection area. We are issuing this AD to detect and correct fatigue cracks that could extend and fully sever the frame, which could result in development of skin cracks that could lead to rapid depressurization of the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (80 FR 16606, March 30, 2015) and the FAA's response to each comment.

Support for the NPRM (80 FR 16606, March 30, 2015)

Boeing stated that it concurred with the contents of the NPRM (80 FR 16606, March 30, 2015).

Statement Regarding the NPRM (80 FR 16606, March 30, 2015)

United Airlines stated that it has reviewed the NPRM (80 FR 16606, March 30, 2015), and has no comment to submit.

Request To Clarify Inspection Requirements

UPS requested that we add an additional statement to paragraph (i) of the proposed AD (''Exception to the Service Information,'') to clarify that the removal of fasteners is not required for performing the surface high-frequency eddy current (HFEC) inspections specified by paragraph (g) of the proposed AD (80 FR 16606, March 30, 2015). UPS stated that by adding the clarification that the removal of fasteners is not required, significant time and materials would be saved by operators when accomplishing this inspection and prevent unnecessary alternative method of compliance (AMOC) requests. UPS explained that Boeing agreed in a response to a service request that fastener removal is not required for performing surface HFEC inspections.

We agree because the clarification will reduce costs while ensuring the same level of safety. We have added the following sentence to paragraph (g) of this AD: ''It is not necessary to remove fasteners while performing the surface HFEC inspections.''

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (80 FR

16606, March 30, 2015) for correcting the unsafe condition; and

• Do not add any additional burden upon the public than was already proposed in the NPRM (80 FR 16606, March 30, 2015).

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 747–53A2451, Revision 2, dated June 13, 2014. The service information describes procedures for accomplishing repetitive inspections for cracking of the station 800 frame assembly, and repair. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

Costs of Compliance

We estimate that this AD affects 124 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Repetitive inspections	Up to 53 work-hours × $85 per hour = $4,505 per inspection cycle.	$0	Up to $4,505 per inspection cycle.	Up to $558,620 per inspection cycle.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2007–16–08, Amendment 39–15147 (72 FR 44728, August 9, 2007), and adding the following new AD:

2015–22–01 The Boeing Company: Amendment 39–18305; Docket No. FAA–2015–0498; Directorate Identifier 2014–NM–152–AD.

(a) Effective Date

This AD is effective December 1, 2015.

(b) Affected ADs

This AD replaces AD 2007–16–08, Amendment 39–15147 (72 FR 44728, August 9, 2007).

(c) Applicability

This AD applies to all The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–300, 747–400, 747–400D, and 747SR series airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of cracks found on the station 800 frame on the left-side and right-side main entry doors (MED), at the forward and aft inner chord strap and angles, which are outside the inspection area of AD 2007–16–08, Amendment 39–15147 (72 FR 44728, August 9, 2007). We are issuing this AD to detect and correct fatigue cracks that could extend and fully sever the frame, which could result in development of skin cracks that could lead to rapid depressurization of the airplane.

(f) Compliance

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

(g) Inspections of Station 800 Frame Assembly Between Stringer 14 and Stringer 30

Except as required by paragraph (i) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2451, Revision 2, dated June 13, 2014: Do a detailed inspection for cracking in the inner chord strap, angles, and exposed web adjacent to the inner chords, and do surface and open hole high-frequency eddy current (HFEC) inspections for cracking in the inner chord strap and angles of the station 800 frame assembly between stringer 14 and stringer 30, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2451, Revision 2, dated June 13, 2014. It is not necessary to remove fasteners while performing the surface HFEC inspections. Repeat the inspections at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2451, Revision 2, dated June 13, 2014.

(h) Repair of Cracking

If any cracking is found during any inspection required by paragraph (g) of this AD, before further flight, repair the cracking using a method approved in accordance with

the procedures specified in paragraph (k) of this AD.

(i) Exception to the Service Information

(1) Where Boeing Alert Service Bulletin 747–53A2451, Revision 2, dated June 13, 2014, specifies a compliance time ''after the Revision 2 date of this service bulletin,'' this AD requires compliance within the specified time after the effective date of this AD.

(2) The Condition column of paragraph 1.E., ''Compliance,'' of the Boeing Alert Service Bulletin 747–53A2451, Revision 2, dated June 13, 2014, refers to total flight cycles ''as of the Revision 2 date of this service bulletin.'' This AD, however applies to airplanes with the specified total flight cycles or total flight hours as of the effective date of this AD.

(j) Credit for Previous Actions

This paragraph provides credit for the inspections and repairs of the inner chord strap and angles of the station 800 frame assembly between stringer 14 and stringer 18 required by paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 747–53A2451, Revision 1, dated November 10, 2005, which was incorporated by reference in AD 2006–12–12, Amendment 39–14638 (71 FR 33595, June 12, 2006).

(k) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) AMOCs approved for AD 2007–16–08, Amendment 39–15147 (72 FR 44728, August 9, 2007), are approved as AMOCs for the corresponding provisions of this AD.

(l) Related Information

(1) For more information about this AD, contact Bill Ashforth, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6432; fax: 425–917–6590; email: *bill.ashforth@faa.gov.*

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

(m) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 747–53A2451, Revision 2, dated June 13, 2014.

(ii) Reserved.

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

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

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

Issued in Renton, Washington, on October 19, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–26979 Filed 10–26–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–4345; Directorate Identifier 2015–SW–049–AD; Amendment 39–18306; AD 2015–22–02]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Limited Helicopters

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

ACTION: Final rule; request for comments.

SUMMARY: We are superseding emergency airworthiness directive (AD) No. 2015–16–51 (Emergency AD 2015–16–51) for Bell Helicopter Textron Canada Limited (Bell) Model 429 helicopters. Emergency AD 2015–16–51 required inspections of each inboard and outboard tail rotor pitch link assembly for axial or radial bearing play, and if there was axial or radial bearing play, removing the tail rotor pitch link and inspecting for wear. Emergency AD 2015–16–51 was prompted by several reports of worn tail rotor pitch link spherical bearings. We are issuing this supersedure to retain the inspection requirements in Emergency AD 2015–16–51 while revising the applicability and compliance time to clarify that all Bell Model 429 helicopters require recurring inspections regardless of hours time-in-service (TIS) accumulated on the helicopter. These actions are intended to prevent pitch link failure and subsequent loss of control of the helicopter.

DATES: This AD becomes effective November 12, 2015.

We must receive comments on this AD by December 28, 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–2015–4345; 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 Transport Canada Emergency 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 Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *http://www.bellcustomer.com/files/.* 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: David Hatfield, Aviation Safety Engineer, Safety Management Group, Rotorcraft Directorate, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222–5110; email *david.hatfield@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

Transport Canada, which is the aviation authority for Canada, issued Emergency AD No. CF–2015–16, dated July 2, 2015, to correct an unsafe condition for Bell Model 429 helicopters. Transport Canada advised that in-service reports showed that the tail rotor pitch link spherical bearings have experienced early and accelerated wear. On three occasions, bearings were found worn beyond limits during pre-flight inspections, showing a radial and axial play that was easily detectable. In one case, the spherical bearing separated from the tail rotor pitch link, resulting in damage to the tail rotor blade pitch horn assembly. In another case, the spherical bearing had been inspected and found acceptable during a maintenance inspection; about ''1 hour air time'' later, it was found worn beyond limits during a pre-flight inspection.

On August 6, 2015, we issued Emergency AD 2015–16–51, which was made immediately effective to all known U.S. owners and operators of Bell Model 429 helicopters. Emergency AD 2015–16–51 required, before further flight and thereafter at intervals not to exceed 50 hours TIS, inspecting each inboard and outboard tail rotor pitch link assembly for axial or radial bearing play. Emergency AD 2015–16–51 also required, if there was axial or radial bearing play, removing the tail rotor pitch link and performing a dimensional inspection for wear. Finally, Emergency AD 2015–16–51 required, if wear exceeded the allowable limits, replacing the tail rotor pitch link assembly.

Actions Since Emergency AD 2015–16–51 Was Issued

On the same day that we issued Emergency AD 2015–16–51, Transport Canada issued a revised Emergency AD No. CF–2015–16R1, dated August 6, 2015, changing the applicability and compliance time to clarify that the inspections are required for all Model 429 helicopters. Transport Canada advises of the possibility that some operators would conclude that no action was required for low time helicopters. Transport Canada Emergency AD No. CF–2015–16R1 removes the following language from the applicability so that it applies to all Model 429 helicopters regardless of time: ''that have accumulated 50 hours air time or more.'' It also adds language to the compliance time so that the corrective actions must be accomplished within 10 hours air time ''or before exceeding 60 hours air time since new, whichever occurs later.'' Therefore, we are issuing this AD to make similar revisions.

FAA's Determination

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

Related Service Information

Bell issued Alert Service Bulletin 429–15–16, dated February 18, 2015 (ASB) for Bell Model 429 helicopters, S/N 57001 and subsequent, which have accumulated more than 50 hours. The ASB specifies inspecting both inboard and outboard tail rotor pitch link assemblies for axial and radial play. If abnormal wear or bearing play is detected, the ASB specifies removing the affected tail rotor pitch link, performing a dimensional check of both axial and radial play, and replacing any tail rotor pitch link assembly 429–012–112–101 or –103 or pitch link bearing 429–312–107–103 that exceeds the allowable limits.

AD Requirements

This AD retains the inspection requirements of Emergency AD 2015–16–51 but revises the applicability and compliance time. This AD applies to Model 429 helicopters regardless of accumulated TIS. The inspections in this AD are required before further flight for helicopters with 50 or more hours TIS and before accumulating 50 hours TIS for helicopters with less than 50 hours TIS.

Differences Between This AD and the Transport Canada Emergency AD

The Transport Canada Emergency AD requires compliance within 10 hours TIS or before exceeding 60 hours air time, whichever occurs later. This AD requires compliance before further flight for helicopters with 50 or more hours TIS. For helicopters with less than 50 hours TIS, this AD requires compliance before the helicopter accumulates 50 hours TIS.

Interim Action

We consider this AD to be an interim action. If final action is later identified, we might consider further rulemaking then.

Costs of Compliance

We estimate that this AD affects 54 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work hour. It will take about 2 work hours to do the inspections at an estimated cost of $170 per helicopter or $9,180 for the fleet per inspection cycle. Replacing a tail rotor pitch link assembly will take 4 work hours and required parts will cost $2,685 for a total cost of $3,025 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 adopting this rule because the previously described unsafe condition can adversely affect the controllability

of the helicopter, and the initial required corrective actions must be accomplished before further flight or before accumulating 50 hours TIS, depending upon the hours TIS accumulated on the helicopter.

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 the public interest, and good cause existed to make the AD effective immediately by Emergency AD 2015–16–51, issued on August 6, 2015, to all known U.S. owners and operators of these helicopters. These conditions still exist and the Emergency AD is hereby superseded.

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):

2015–22–02 Bell Helicopter Textron Canada Limited: Amendment 39–18306; Docket No. FAA–2015–4345; Directorate Identifier 2015–SW–049–AD.

(a) Applicability

This AD applies to Model 429 helicopters with a pitch link assembly part number 429–012–112–101 or –103 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a worn pitch link. This condition, if not detected and corrected, could result in pitch link failure and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD supersedes Emergency AD 2015–16–51, Directorate Identifier 2015–SW–23–AD, dated August 6, 2015.

(d) Effective Date

This AD becomes effective November 12, 2015.

(e) 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.

(f) Required Actions

(1) For helicopters with 50 or more hours time-in-service (TIS), before further flight, and for helicopters with less than 50 hours TIS, before accumulating 50 hours TIS, inspect each inboard and outboard tail rotor pitch link assembly for axial or radial bearing play. If there is axial or radial bearing play, remove the tail rotor pitch link and perform a dimensional inspection for wear. If there is wear that exceeds the allowable limits, replace the tail rotor pitch link assembly.

(2) Thereafter, at intervals not to exceed 50 hours TIS, repeat the inspections required by paragraph (f)(1) of this AD.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: David Hatfield, 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) Bell Helicopter Alert Service Bulletin 429–15–16, dated February 18, 2015, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *http://www.bellcustomer.com/files/.* 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.

(2) The subject of this AD is addressed in Transport Canada Emergency AD No. CF–2015–16R1, dated August 6, 2015. You may view the Transport Canada Emergency AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2015–4345.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6720 Tail Rotor Control System.

Issued in Fort Worth, Texas, on October 16, 2015.

Lance T. Gant,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2015–27137 Filed 10–26–15; 8:45 am]

BILLING CODE 4910–13P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No.: FAA–2014–0225; Amdt. No. 91–331B]

RIN 2120–AK78

Extension of the Prohibition Against Certain Flights in the Simferopol (UKFV) and Dnipropetrovsk (UKDV) Flight Information Regions (FIRs)

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

ACTION: Final rule.

SUMMARY: This action extends the prohibition against certain flight operations in the Simferopol (UKFV) and Dnipropetrovsk (UKDV) flight information regions (FIRs) by all United States (U.S.) air carriers; U.S. commercial operators; persons exercising the privileges of a U.S. airman certificate, except when such persons are operating a U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except when such operators are foreign air carriers. This action also revises the FAA approval process for proposed operations authorized by other U.S. Government departments, agencies, and instrumentalities to clarify the FAA's expectations regarding requests for approval and revises the approval conditions and information about requests for exemptions to reflect the termination of statutory authorization for the FAA's premium war risk insurance program. This action also makes minor non-substantive corrections to the wording of the rule. The FAA finds this action to be necessary to address a continuing hazard to persons and aircraft engaged in such flight operations.

DATES: This final rule is effective on October 22, 2015.

FOR FURTHER INFORMATION CONTACT: Michael Filippell, Air Transportation Division, AFS–220, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8166; email: *michael.e.filippell@faa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

This action continues the prohibition on flight operations in the UKFV and UKDV FIRs by all U.S. air carriers; U.S. commercial operators; persons exercising the privileges of a U.S. airman certificate, except when such persons are operating a U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except when such operators are foreign air carriers. This action also revises the FAA approval process for proposed operations authorized by other U.S. Government departments, agencies, and instrumentalities to clarify the FAA's expectations regarding requests for approval and revises the approval conditions and information about requests for exemptions to reflect the termination of statutory authorization for the FAA's premium war risk insurance program. This action also makes minor non-substantive corrections to the wording of the rule. The FAA finds this action necessary to address a continuing hazard to persons and aircraft engaged in such flight operations.

II. Good Cause for Immediate Adoption

Section 553(b)(3)(B) of title 5, U.S. Code, authorizes agencies to dispense with notice and comment procedures for rules when the agency for ''good cause'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' In this instance, the FAA finds that notice and public comment to this immediately adopted final rule, as well as any delay in the effective date of this rule, are contrary to the public interest due to the immediate need to address the hazard to U.S. civil aviation that continues to exist in the UKFV and UKDV FIRs, as described in the Background section of this rule.

III. Authority for This Rulemaking

The FAA is responsible for the safety of flight in the U.S. and for the safety of U.S. civil operators, U.S.-registered civil aircraft, and U.S.-certificated airmen throughout the world. The FAA's authority to issue rules on aviation safety is found in title 49, U.S. Code. Subtitle I, section 106(f), describes the authority of the FAA Administrator. Section 40101(d)(1) provides that the Administrator shall consider in the public interest, among other matters, assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce. Section 40105(b)(1)(A) requires the Administrator to exercise his authority consistently with the obligations of the U.S. Government under international agreements.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, subpart III, section 44701, General requirements. Under that section, the FAA is charged broadly with promoting safe flight of civil aircraft in air commerce by prescribing, among other things, regulations and minimum standards for practices, methods, and procedures that the Administrator finds necessary for safety in air commerce and national security. This regulation is within the scope of that authority because it continues to prohibit the persons subject to paragraph (a) of SFAR No. 113, § 91.1607, from conducting flight operations in the UKFV and UKDV FIRs due to the hazard to the safety of such persons' flight operations, as described in the Background section of this rule.

IV. Background

On April 25, 2014, the FAA published SFAR No. 113, § 91.1607, which prohibited flight operations in a portion of the UKFV FIR by all U.S. air carriers; U.S. commercial operators; persons exercising the privileges of a U.S. airman certificate, except when such persons were operating a U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except when such operators were foreign air carriers (79 FR 22862). At that time, the FAA viewed the possibility of civil aircraft receiving confusing and conflicting air traffic control instructions from both Ukrainian and Russian air traffic service providers when operating in the portion of the Simferopol (UKFV) FIR covered by SFAR No. 113, § 91.1607, as an unsafe condition that presented a potential hazard to U.S. civil flight operations in the disputed airspace. Because political and military tensions between Ukraine and the Russian Federation remained high, the FAA was also concerned that compliance with air traffic control instructions issued by the authorities of one country could result in a civil aircraft being misidentified as a threat and intercepted or otherwise engaged by air defense forces of the other country. The FAA continues to have these concerns.

On July 18, 2014 (UTC), the FAA expanded its flight prohibition through the issuance of Notice to Airmen (NOTAM) FDC 4/2182, due to ongoing safety concerns regarding U.S. civil flight operations in the entire UKFV and UKDV FIRs. The FAA determined that the ongoing conflict in the region posed a significant threat to U.S. civil aviation operations in these FIRs. In addition to a series of attacks on fixed-wing and rotary-wing Ukrainian military aircraft flying at lower altitudes, a Ukrainian An-26 flying at 21,000 feet southeast of Luhansk was shot down on July 14, 2014, and a Malaysia Airlines Boeing 777 was shot down on July 17, 2014,

while flying over Ukraine at 33,000 feet just west of the Russian border. Two hundred ninety eight passengers and crew perished. The use of weapons capable of targeting and shooting down aircraft flying on civil air routes at cruising altitudes posed a significantly dangerous threat to civil aircraft flying in the UKFV and UKDV FIRs. The FAA published a final rule incorporating the expanded flight prohibition into SFAR No. 113, § 91.1607, on December 29, 2014 (79 FR 77857).

The FAA has continued to evaluate the situation in the UKFV and UKDV FIRs and has determined there is a continuing significant flight safety hazard to U.S. civil aviation from the ongoing risk of skirmishes in the area. There is also a potential for larger-scale fighting in eastern Ukraine involving pro-Russian separatists, which could result in civil aircraft being misidentified as a threat and then intercepted or otherwise engaged, as demonstrated by the shoot down of Malaysia Airlines Flight 17 on July 17, 2014. Pro-Russian separatists have access to a variety of anti-aircraft weapons, to include man-portable air defense systems (MANPADS) and possibly more advanced surface-to-air-missiles (SAMs) that have the capability to engage aircraft at higher altitudes. Separatists have demonstrated their ability to use these anti-aircraft weapons by successfully shooting down a number of aircraft during the course of the fighting in eastern Ukraine in 2014. There is also continuing concern over the hazard to U.S. civil aviation from possible conflicting air traffic control instructions from Ukrainian and Russian air traffic service providers due to a dispute over responsibility for providing air navigation services in portions of the Simferopol (UKFV) FIR. In addition, there have been reported incidents of purposeful interference, including GPS jamming, in the UKFV and UKDV FIRs.

Due to the previously described continuing hazards to U.S. civil aviation operations, the FAA is extending the expiration date of SFAR No. 113, § 91.1607, to continue the prohibition on flight operations in the UKFV and UKDV FIRs by all U.S. air carriers; U.S. commercial operators; persons exercising the privileges of a U.S. airman certificate, except when such persons are operating a U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except when such operators are foreign air carriers. This rule extends the expiration date of SFAR No. 113, § 91.1607, from October 27, 2015, to October 27, 2016.

The FAA will continue to actively evaluate the area to determine to what extent U.S. civil aviation may be able to safely operate therein. Adjustments to this SFAR may be appropriate if the risk to aviation safety and security changes. The FAA may amend or rescind this SFAR as necessary prior to its expiration date.

Additionally, the FAA is revising its approval process for proposed operations authorized by other U.S. Government departments, agencies, and instrumentalities to clarify the FAA's expectations regarding requests for approval. The FAA is also revising the approval conditions that will apply to operations authorized by other U.S. Government departments, agencies, and instrumentalities and approved by the FAA, and the information about requests for exemption, to reflect the termination of statutory authorization for the FAA premium war risk insurance program. Section 102 of Division L of the Consolidated and Further Continuing Appropriations Act, 2015, Public Law 113–235, December 16, 2014, *inter alia,* amended 49 U.S.C. 44302(f) and 44310(a) to specify the termination dates in those sections as December 11, 2014. The effect was to terminate coverage under FAA's premium war risk insurance program as of December 11, 2014. This action also makes minor non-substantive corrections to the wording of the rule.

Because the circumstances described herein warrant immediate action by the FAA, I find that notice and public comment under 5 U.S.C. 553(b)(3)(B) are impracticable and contrary to the public interest. Further, I find that good cause exists under 5 U.S.C. 553(d) for making this rule effective immediately upon issuance. I also find that this action is fully consistent with the obligations under 49 U.S.C. 40105 to ensure that I exercise my duties consistently with the obligations of the United States under international agreements.

V. Revised Approval Process Based on a Request From a Department, Agency, or Instrumentality of the United States Government

If a department, agency, or instrumentality of the U.S. Government determines that it has a critical need to engage any person covered under SFAR No. 113, § 91.1607, including a U.S. air carrier or a U.S. commercial operator, to conduct a charter to transport civilian or military passengers or cargo or other operations in either or both of the UKFV and UKDV FIRs, that department, agency, or instrumentality may request that the FAA approve persons covered under SFAR No. 113, § 91.1607, to conduct such operations. An approval request must be made directly by the requesting department, agency, or instrumentality of the U.S. Government to the FAA's Associate Administrator for Aviation Safety (AVS–1) in a letter signed by an appropriate senior official of the requesting department, agency, or instrumentality. Requests for approval submitted to the FAA by anyone other than the requesting department, agency, or instrumentality will not be accepted and will not be processed. In addition, the senior official signing the letter requesting FAA approval on behalf of the requesting department, agency, or instrumentality must be sufficiently highly placed within his or her organization to demonstrate that the senior leadership of the requesting department, agency, or instrumentality supports the request for approval and is committed to taking all necessary steps to minimize operational risks to the proposed flights. The senior official must also be in a position to: (1) Attest to the accuracy of all representations made to the FAA in the request for approval and (2) ensure that any support from the requesting U.S. government department, agency, or instrumentality described in the request for approval is in fact brought to bear and is maintained over time. Unless exigent circumstances exist, requests for approval must be submitted to the FAA not less than 30 calendar days before the date on which the requesting department, agency, or instrumentality wishes the proposed operations, if approved by the FAA, to commence.

The letter must be sent by the requesting department, agency, or instrumentality to the Associate Administrator for Aviation Safety (AVS–1), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Electronic submissions are acceptable, and the requesting entity may request that the FAA notify it electronically as to whether the approval request is granted. If a requestor wishes to make an electronic submission to the FAA, the requestor should contact the Air Transportation Division, Flight Standards Service, at (202) 267–8166 to obtain the appropriate email address. A single letter may request approval from the FAA for multiple persons covered under SFAR No. 113, § 91.1607, and/or for multiple flight operations. To the extent known, the letter must identify the person(s) expected to be covered under the SFAR on whose behalf the U.S. Government department, agency, or instrumentality is seeking FAA approval, and it must describe—

• The proposed operation(s), including the nature of the mission being supported;
• The service to be provided by the person(s) covered by the SFAR;
• To the extent known, the specific locations in either or both of the Simferopol (UKFV) and Dnipropetrovsk (UKDV) FIRs where the proposed operation(s) will be conducted, including, but not limited to, the flight path and altitude of the aircraft while it is operating in either or both of the Simferopol (UKFV) and Dnipropetrovsk (UKDV) FIRs and the airports, airfields and/or landing zones at which the aircraft will take-off and land; and
• The method by which the department, agency, or instrumentality will provide, or how the operator will otherwise obtain, current threat information and an explanation of how the operator will integrate this information into all phases of its proposed operations (*e.g.,* pre-mission planning and briefing, in-flight, and post-flight).

The request for approval must also include a list of operators with whom the U.S. Government department, agency, or instrumentality requesting FAA approval has a current contract(s), grant(s), or cooperative agreement(s) (or with whom its prime contractor has a subcontract(s)) for specific flight operations in either or both of the UKFV and UKDV FIRs. Additional operators may be identified to the FAA at any time after the FAA approval is issued. However, all additional operators must be identified to, and obtain an Operations Specification (OpSpec) or Letter of Authorization (LOA), as appropriate, from, the FAA, for operations in either or both of the UKFV and UKDV FIRs before such operators commence such operations. The revised approval conditions discussed below will apply to any such additional operators. Updated lists should be sent to the email address to be obtained from the Air Transportation Division by calling (202) 267–8166.

If an approval request includes classified information, requestors may contact Aviation Safety Inspector Michael Filippell for instructions on submitting it to the FAA. His contact information is listed in the ''For Further Information Contact'' section of this final rule.

FAA approval of an operation under SFAR No. 113, § 91.1607, does not relieve persons subject to this SFAR of their responsibility to comply with all applicable FAA rules and regulations. Operators of civil aircraft must also comply with the conditions of their certificate, OpSpecs, and LOAs, as applicable. Operators must further comply with all rules and regulations of other U.S. Government departments and agencies that may apply to the proposed operation, including, but not limited to, the Transportation Security Regulations issued by the Transportation Security Administration, Department of Homeland Security.

Revised Approval Conditions

If the FAA approves the request, the FAA's Aviation Safety Organization (AVS) will send an approval letter to the requesting department, agency, or instrumentality informing it that the FAA's approval is subject to all of the following conditions:

(1) The approval will stipulate those procedures and conditions that limit, to the greatest degree possible, the risk to the operator, while still allowing the operator to achieve its operational objectives.

(2) Before any approval takes effect, the operator must submit to the FAA:

(a) A written release of the U.S. Government from all damages, claims, and liabilities, including without limitation legal fees and expenses; and

(b) The operator's agreement to indemnify the U.S. Government with respect to any and all third-party damages, claims, and liabilities, including without limitation legal fees and expenses, relating to any event arising from or related to the approved operations in either or both of the UKFV and UKDV FIRs.

(3) Other conditions that the FAA may specify, including those that may be imposed in OpSpecs or LOAs, as applicable.

The release and agreement to indemnify do not preclude an operator from raising a claim under an applicable non-premium war risk insurance policy issued by the FAA under chapter 443 of title 49, United States Code.

If the proposed operation or operations are approved, the FAA will issue an OpSpec or an LOA, as applicable, to the operator authorizing the operation or operations, and will notify the department, agency, or instrumentality that requested the FAA's approval of any additional conditions beyond those contained in the approval letter. The requesting department, agency, or instrumentality must have a contract, grant, or cooperative agreement (or its prime contractor must have a subcontract) with the person(s) described in paragraph (a) of this SFAR No. 113, § 91.1607, on whose behalf the department, agency, or instrumentality requests FAA approval.

VI. Requests for Exemption

Any operations not conducted under an approval issued by the FAA through the approval process set forth previously must be conducted under an exemption from SFAR No. 113, § 91.1607. A request by any person covered under SFAR No. 113, § 91.1607, for an exemption must comply with 14 CFR part 11, and will require exceptional circumstances beyond those contemplated by the approval process set forth previously. In addition to the information required by 14 CFR 11.81, at a minimum, the requestor must describe in its submission to the FAA—

• The proposed operation(s), including the nature of the operation;
• The service to be provided by the person(s) covered by the SFAR;
• The specific locations in either or both of the Simferopol (UKFV) and Dnipropetrovsk (UKDV) FIRs where the proposed operation(s) will be conducted, including, but not limited to, the flight path and altitude of the aircraft while it is operating in the UKFV and/or UKDV FIRs and the airports, airfields and/or landing zones at which the aircraft will take-off and land); and
• The method by which the operator will obtain current threat information and an explanation of how the operator will integrate this information into all phases of its proposed operations (*e.g.,* the pre-mission planning and briefing, in-flight, and post-flight phases).

Additionally, the release and agreement to indemnify, as referred to previously, will be required as a condition of any exemption that may be issued under SFAR No. 113, § 91.1607.

The FAA recognizes that operations that may be affected by SFAR No. 113, § 91.1607, may be planned for the governments of other countries with the support of the U.S. Government. While these operations will not be permitted through the approval process, the FAA will process exemption requests for such operations on an expedited basis and prior to any private exemption requests.

VII. Regulatory Notices and Analyses

A. Regulatory Evaluation

Changes to Federal regulations must undergo several economic analyses. First, Executive Orders 12866 and 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354), as codified in 5 U.S.C. 603 *et seq.,* requires agencies to analyze the

economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39), as amended, 19 U.S.C. Chapter 13, prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Agreements Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), as codified in 2 U.S.C. Chapter 25, requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this final rule.

In conducting these analyses, FAA has determined this final rule has benefits that justify its costs. This rule is a significant regulatory action as defined in section 3(f) of Executive Order 12866, as it raises novel policy issues contemplated under that Executive Order; further, this rule is ''significant'' as defined in DOT's Regulatory Policies and Procedures. This rule will not have a significant economic impact on a substantial number of small entities. This rule will not create unnecessary obstacles to the foreign commerce of the United States. This rule will not impose an unfunded mandate on State, local, or tribal governments, or on the private sector by exceeding the threshold identified above.

Department of Transportation (DOT) Order 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected cost impact is so minimal that a proposed or final rule does not warrant a full evaluation, this order permits a statement to that effect and the basis for it to be included in the preamble if a full regulatory evaluation of the costs and benefits is not prepared. Such a determination has been made for this final rule. The reasoning for this determination follows.

This rule extends the existing prohibition against U.S. civil flight operations in the UKFV and UKDV FIRs. As we noted in the most recent previous amendment to SFAR No. 113, § 91.1607 (79 FR 77860, December 29, 2014), almost all U.S. operators already had voluntarily ceased their operations in these FIRs prior to the issuance of the FAA NOTAM on July 18, 2014 (UTC), prohibiting U.S. civil flight operations in these two FIRS in their entirety. Prior to the issuance of the July 18, 2014 (UTC) NOTAM, the FAA had already prohibited U.S. civil flight operations in a portion of the UKFV FIR due to a dispute between Ukraine and the Russian Federation over which country is responsible for providing air navigation services in the area, first via NOTAM and subsequently when the FAA initially published SFAR No. 113, § 91.1607, on April 25, 2014. Consequently, no U.S. operators were operating in that portion of the UKFV FIR at the time of the December 29, 2014 amendment to the rule.

Because of the continuing significant hazards to U.S. civil aviation discussed in the Background section of this final rule, the FAA believes that few, if any, U.S. operators presently wish to conduct operations in either of these two FIRS. Moreover, both the amendment published on December 29, 2014, and this rule, permit a U.S. Government department, agency, or instrumentality to request FAA approval on behalf of a person described in paragraph (a) of SFAR No. 113, § 91.1607, to conduct operations under a contract (or subcontract), grant, or cooperative agreement with that department, agency, or instrumentality. As no U.S. Government department, agency, or instrumentality has requested such approval since December 29, 2014, there is apparently little demand for such approvals. Finally, the possibility of obtaining an approval, should one be requested, lowers the expected cost of the extended rule. Accordingly, the FAA believes the incremental costs of this final rule will be minimal. These minimal costs will be exceeded by the benefits of avoiding the deaths, injuries, and/or property damage that would result from a U.S. operator's aircraft being shot down (or otherwise damaged) while operating in either or both of the UKFV and UKDV FIRs.

B. Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration.'' The RFA covers a wide range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis, as described in the RFA.

However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

As described in the Regulatory Evaluation section of this preamble, the incremental costs of this rule are minimal. Therefore, as provided in § 605(b), the head of the FAA certifies that this rulemaking will not result in a significant economic impact on a substantial number of small entities.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended, prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to this Act, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

The FAA has assessed the effect of this final rule and determined that its purpose is to protect the safety of U.S. civil aviation from a hazard outside the U.S. Therefore, the rule is in compliance with the Trade Agreements Act.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in

1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $155.0 million in lieu of $100 million.

This final rule does not contain such a mandate. Therefore, the requirements of Title II of the Act do not apply.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there is no new requirement for information collection associated with this immediately adopted final rule.

F. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to this regulation.

G. Environmental Analysis

FAA Order 1050.1F identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act (NEPA) in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 5–6.6f of this order and involves no extraordinary circumstances.

The FAA has reviewed the implementation of this SFAR and determined it is categorically excluded from further environmental review according to FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.6f. The FAA has examined possible extraordinary circumstances and determined that no such circumstances exist. After careful and thorough consideration of the action, the FAA finds that this Federal action does not require preparation of an Environmental Assessment or Environmental Impact Statement in accordance with the requirements of NEPA, Council on Environmental Quality (CEQ) regulations, and FAA Order 1050.1F.

VIII. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this immediately adopted final rule under the principles and criteria of Executive Order 13132, Federalism. The agency has determined that this action would not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have Federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this immediately adopted final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it would not be a ''significant energy action'' under the executive order and would not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

C. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, (77 FR 26413, May 4, 2012) promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609, and has determined that this action would have no effect on international regulatory cooperation.

IX. Additional Information

A. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the Internet by—

- Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);
- Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies* or
- Accessing the Government Publishing Office's Web page at *http://www.fdsys.gov*

Copies may also be obtained by sending a request (identified by docket or amendment number of the rule) to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9677.

All documents the FAA considered in developing this rule, including economic analyses and technical reports, may be accessed from the Internet through the Federal eRulemaking Portal referenced above.

B. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document may contact its local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the Internet, visit *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Freight, Ukraine.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations, as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 1. The authority citation for part 91 is revised to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 1155, 40101, 40103, 40105, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, 47534, articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), (126 Stat. 11).

■ 2. Amend § 91.1607 by revising paragraphs (a)(2), (c), and (e) to read as follows:

§ 91.1607 Special Federal Aviation Regulation No. 113—Prohibition Against Certain Flights in the Simferopol (UKFV) and Dnipropetrovsk (UKDV) Flight Information Regions (FIRs).

(a) * * *

(2) All persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and

* * * * *

(c) *Permitted operations.* This section does not prohibit persons described in paragraph (a) of this section from conducting flight operations in either or both of the Simferopol (UKFV) or Dnipropetrovsk (UKDV) FIRs, provided that such flight operations are conducted under a contract, grant, or cooperative agreement with a department, agency, or instrumentality of the U.S. government (or under a subcontract between the prime contractor of the department, agency, or instrumentality and the person described in paragraph (a) of this section) with the approval of the FAA, or under an exemption issued by the FAA. The FAA will process requests for approval or exemption in a timely manner, with the order of preference being: first, for those operations in support of U.S. government-sponsored activities; second, for those operations in support of government-sponsored activities of a foreign country with the support of a U.S. government department, agency, or instrumentality; and third, for all other operations.

* * * * *

(e) *Expiration.* This SFAR will remain in effect until October 27, 2016. The FAA may amend, rescind, or extend this SFAR as necessary.

Issued in Washington, DC, under the authority of 49 U.S.C. 106(f), 40101(d)(1), 40105(b)(1)(A), and 44701(a)(5), on October 22, 2015.

Michael P. Huerta,

Administrator.

[FR Doc. 2015–27334 Filed 10–22–15; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 866

[Docket No. FDA–2015–N–3472]

Medical Devices; Immunology and Microbiology Devices; Classification of Autosomal Recessive Carrier Screening Gene Mutation Detection System

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA) has classified an autosomal recessive carrier screening gene mutation detection system into class II (special controls). The special controls that apply to this device are identified in this order and will be part of the codified language for the autosomal recessive carrier screening gene mutation detection system classification. The Agency has classified the device into class II (special controls) in order to provide a reasonable assurance of safety and effectiveness of the device.

DATES: This order is effective October 27, 2015. The classification was applicable February 19, 2015.

FOR FURTHER INFORMATION CONTACT: Sunita Shukla, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4647, Silver Spring, MD 20993–0002, 301–796–6406.

SUPPLEMENTARY INFORMATION:

I. Background

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

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

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

23andMe, Inc., submitted a direct de novo request for classification of the 23andMe PGS Carrier Screening Test for Bloom Syndrome under section 513(f)(2)(A)(ii) of the FD&C Act, based on a determination that there is no legally marketed device on which to base a determination of substantial equivalence.

In accordance with section 513(f)(2) of the FD&C Act, FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act. After review of the information submitted in the de novo request, FDA classified the device into class II because general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, and there is sufficient information to establish special controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use.

Therefore, on February 19, 2015, FDA issued an order to the requestor classifying the device into class II. The classification of the device will be codified at 21 CFR 866.5940.

The device is assigned the generic name autosomal recessive carrier screening gene mutation detection system, and it is identified as a qualitative in vitro molecular diagnostic system used for genotyping of clinically relevant variants in genomic DNA isolated from human specimens intended for prescription use or over-the-counter use. The device is intended for autosomal recessive disease carrier screening in adults of reproductive age. The device is not intended for copy number variation, cytogenetic, or biochemical testing.

A gene mutation detection system indicated for the determination of carrier status by detection of clinically relevant gene mutations associated with cystic fibrosis is separately classified under 21 CFR 866.5900—*Cystic fibrosis transmembrane conductance regulator (CFTR) gene mutation detection system* (class II, special controls), and is thus not included in the de novo classification.

FDA has identified the following risks to health associated with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—IDENTIFIED RISKS AND REQUIRED MITIGATIONS

Identified risks	Required mitigations
Incorrect understanding of the device and test system.	Special controls 1 and 4.
Incorrect test results	Special controls 2, 3, 5, and 6.
Incorrect interpretation of test results.	Special controls 1, 3, 4, and 5.

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

1. If the device is offered over-the-counter, the device manufacturer must provide information to a potential purchaser or actual test report recipient about how to obtain access to a board-certified clinical molecular geneticist or equivalent to assist in pre-and post-test counseling.

2. The device must use a collection device that is FDA cleared, approved, or classified as 510(k) exempt, with an indication for in vitro diagnostic use in DNA testing.

3. The device's labeling must include a prominent hyperlink to the manufacturer's public Web site where the manufacturer shall make the information identified in this subsection publicly available. The manufacturer's home page, as well as the primary part of the manufacturer's Web site that discusses the device, must provide a prominently placed hyperlink to the Web page containing this information and must allow unrestricted viewing access. If the device can be purchased from the Web site or testing using the device can be ordered from the Web site, the same information must be found on the Web page for ordering the device or provided in a prominently placed and publicly accessible hyperlink on the Web page for ordering the device. Any changes to the device that could significantly affect safety or effectiveness would require new data or information in support of such changes, which would also have to be posted on the manufacturer's Web site. The information must include:

a. A detailed device description including:

i. Gene (or list of the genes if more than one) and variants the test detects (using standardized nomenclature, Human Genome Organization (HUGO) nomenclature, and coordinates);

ii. Scientifically established clinical validity of each variant detected and reported by the test, which must be well-established in peer-reviewed journal articles, authoritative summaries of the literature such as Genetics Home Reference (*http://ghr.nlm.nih.gov/*), GeneReviews (*http://www.ncbi.nlm.nih.gov/books/NBK1116/*), or similar summaries of valid scientific evidence, and/or professional society recommendations, including:

A. Genotype-phenotype information for the reported mutations.

B. Relevant American College of Medical Genetics (ACMG) or American Congress of Obstetricians and Gynecologists (ACOG) guideline recommending testing of the specific gene(s) and variants the test detects and recommended populations, if available. If not available, a statement stating that professional guidelines currently do not recommend testing for this specific gene(s) and variants.

C. Table of expected prevalence of carrier status in major ethnic and racial populations and the general population.

iii. The specimen type (*e.g.,* saliva, whole blood), matrix, and volume;

iv. Assay steps and technology used;

v. Specification of required ancillary reagents, instrumentation, and equipment;

vi. Specification of the specimen collection, processing, storage, and preparation methods;

vii. Specification of risk mitigation elements and description of all additional procedures, methods, and practices incorporated into the directions for use that mitigate risks associated with testing;

viii. Information pertaining to the probability of test failure (*e.g.,* failed quality control) based on data from clinical samples, description of scenarios in which a test can fail (*i.e.,* low sample volume, low DNA concentration, etc.), how customers will be notified, and followup actions to be taken; and

ix. Specification of the criteria for test result interpretation and reporting.

b. Information that demonstrates the performance characteristics of the device, including:

i. Accuracy (method comparison) of study results for each claimed specimen type.

A. Accuracy of the device shall be evaluated with fresh clinical specimens collected and processed in a manner consistent with the device's instructions for use. If this is impractical, fresh clinical samples may be substituted or supplemented with archived clinical samples. Archived samples shall have been collected previously in accordance with the device's instructions for use, stored appropriately, and randomly selected. In some instances, use of contrived samples or human cell line samples may also be appropriate; the contrived or human cell line samples shall mimic clinical specimens as much as is feasible and provide an unbiased evaluation of the device's accuracy.

B. Accuracy must be evaluated as compared to bidirectional sequencing or other methods identified as appropriate by FDA. Performance criteria for both the comparator method and device must be predefined and appropriate to the test's intended use. Detailed appropriate study protocols must be provided.

C. Information provided shall include the number and type of specimens, broken down by clinically relevant variants, that were compared to bidirectional sequencing or other methods identified as appropriate by FDA. The accuracy, defined as positive percent agreement (PPA) and negative percent agreement (NPA), must be measured; accuracy point estimates must be greater than 99 percent (both per reported variant and overall) and uncertainty of the point estimate must be presented using the 95 percent confidence interval. Clinical specimens must include both homozygous wild type and heterozygous genotypes. The number of clinical specimens for each variant reported that must be included in the accuracy study must be based on the variant prevalence. Common variants (greater than 0.1 percent allele frequency in ethnically relevant population) must have at least 20 unique heterozygous clinical specimens tested. Rare variants (less than or equal to 0.1 percent allele frequency in ethnically relevant population) shall have at least three unique mutant heterozygous specimens tested. Any no calls (*i.e.,* absence of a result) or invalid calls (*e.g.,* failed quality control) in the study must be included in accuracy study results and reported separately. Variants that have a point estimate for PPA or NPA of less than 99 percent (incorrect test results as compared to bidirectional sequencing or other methods identified as appropriate by FDA) must not be incorporated into test

claims and reports. Accuracy measures generated from clinical specimens versus contrived samples or cell lines must be presented separately. Results must be summarized and presented in tabular format, by sample, and by genotype. Point estimate of PPA should be calculated as the number of positive results divided by the number of specimens known to harbor variants (mutations) without ''no calls'' or invalid calls. The point estimate of NPA should be calculated as the number of negative results divided by the number of wild type specimens tested without ''no calls'' or invalid calls, for each variant that is being reported. Point estimates should be calculated along with 95 percent two-sided confidence intervals.

D. Information shall be reported on the clinical positive predictive value (PPV) and negative predictive value (NPV) for carrier status (and where possible, for each variant) in each population. Specifically, to calculate PPV and NPV, estimate test coverage (TC) and the percent of persons with variant(s) included in the device among all carriers: $PPV = (PPA*TC * \pi)/(PPA*TC*\pi + (1 - NPA) * (1 - \pi))$ and $NPV = (NPA*(1 - \pi))/(NPA*(1 - \pi) + (1 - PPA*TC) * \pi)$ where PPA and NPA described either in paragraph (3)(b)(i)(D)(*1*) or in (3)(b)(i)(D)(*2*) that follow and π is prevalence of carriers in the population (pre-test risk to be a carrier for the disease).

1. For the point estimates of PPA and NPA less than 100 percent, use the calculated estimates in the PPV and NPV calculations.

2. Point estimates of 100 percent may have high uncertainty. If these variants are measured using highly multiplexed technology, calculate the random error rate for the overall device and incorporate that rate in the estimation of the PPA and NPA as calculated previously. Then use these calculated estimates in the PPV and NPV calculations. This type of accuracy study is helpful in determining that there is no systematic error in such devices.

ii. Precision (reproducibility): Precision data must be generated using multiple instruments and multiple operators, on multiple non-consecutive days, and using multiple reagent lots. The sample panel must include specimens with claimed sample type (*e.g.* saliva samples) representing different genotypes (*i.e.,* wild type, heterozygous). Performance criteria must be predefined. A detailed study protocol must be created in advance of the study and then followed. The ''failed quality control'' rate must be indicated. It must be clearly documented whether results were generated from clinical specimens, contrived samples, or cell lines. The study results shall state, in a tabular format, the variants tested in the study and the number of replicates for each variant, and what testing conditions were studied (*i.e.,* number of runs, days, instruments, reagent lots, operators, specimens/type, etc). The study must include all nucleic acid extraction steps from the claimed specimen type or matrix, unless a separate extraction study for the claimed sample type is performed. If the device is to be used at more than one laboratory, different laboratories must be included in the precision study (and reproducibility must be evaluated). The percentage of ''no calls'' or invalid calls, if any, in the study must be provided as a part of the precision (reproducibility) study results.

iii. Analytical specificity data: Data must be generated evaluating the effect on test performance of potential endogenous and exogenous interfering substances relevant to the specimen type, evaluation of cross-reactivity of known cross-reactive alleles and pseudogenes, and assessment of cross-contamination.

iv. Analytical sensitivity data: Data must be generated demonstrating the minimum amount of DNA that will enable the test to perform accurately in 95 percent of runs.

v. Device stability data: The manufacturer must establish upper and lower limits of input nucleic acid and sample stability that will achieve the claimed accuracy and reproducibility. Data supporting such claims must be described.

vi. Specimen type and matrix comparison data: Specimen type and matrix comparison data must be generated if more than one specimen type or anticoagulant can be tested with the device, including failure rates for the different specimen types.

c. If the device is offered over-the-counter, including cases in which the test results are provided direct-to-consumer, the manufacturer must conduct a study that assesses user comprehension of the device's labeling and test process and provide a concise summary of the results of the study. The following items must be included in the user study:

i. The test manufacturer must perform pre- and post-test user comprehension studies to assess user ability to understand the possible results of a carrier test and their clinical meaning. The comprehension test questions must directly evaluate the material being presented to the user in the test reports.

ii. The test manufacturer must provide a carrier testing education module to potential and actual test report recipients. The module must define terms that are used in the test reports and explain the significance of carrier status.

iii. The user study must meet the following criteria:

A. The study participants must be comprised of a statistically justified and demographically diverse population (determined using methods such as quota-based sampling) that is representative of the intended user population. Furthermore, the users must be comprised of a diverse range of age and educational levels that have no prior experience with the test or its manufacturer. These factors shall be well-defined in the inclusion and exclusion criteria.

B. All sources of bias (*e.g.,* non-responders) must be predefined and accounted for in the study results with regard to both responders and non-responders.

C. The testing must follow a format where users have limited time to complete the studies (such as an onsite survey format and a one-time visit with a cap on the maximum amount of time that a participant has to complete the tests).

D. Users must be randomly assigned to study arms. Test reports given to users must: (1) Define the condition being tested and related symptoms, (2) explain the intended use and limitations of the test, (3) explain the relevant ethnicities regarding the variant tested, (4) explain carrier status and relevance to the user's ethnicity, (5) provide links to additional information pertaining to situations where the user is concerned about their test results or would like followup information as indicated in test labeling). The study shall assess participants' ability to understand the following comprehension concepts: The test's limitations, purpose, and results.

E. Study participants must be untrained, naive to the test subject of the study, and be provided only the materials that will be available to them when the test is marketed.

F. The user comprehension study must meet the predefined primary endpoint criteria, including a minimum of a 90 percent or greater overall comprehension rate (*i.e.* selection of the correct answer) for each comprehension concept to demonstrate that the education module and test reports are adequate for over-the-counter use.

iv. A summary of the user comprehension study must be provided and include the following:

A. Results regarding reports that are provided for each gene/variant/ethnicity tested.

B. Statistical methods used to analyze all data sets.

C. Completion rate, non-responder rate, and reasons for non-response/data exclusion, as well as a summary table of comprehension rates regarding comprehension concepts (purpose of test, test results, test limitations, ethnicity relevance for the test results, etc.) for each study report.

4. Your 21 CFR 809.10 compliant labeling and any test report generated must include the following warning and limitation statements, as applicable:

a. A warning that reads ''The test is intended only for autosomal recessive carrier screening in adults of reproductive age.''

b. A statement accurately disclosing the genetic coverage of the test in lay terms, including, as applicable, information on variants not queried by the test, and the proportion of incident disease that is not related to the gene(s) tested. For example, where applicable, the statement would have to include a warning that the test does not or may not detect all genetic variants related to the genetic disease, and that the absence of a variant tested does not rule out the presence of other genetic variants that may be disease-related. Or, where applicable, the statement would have to include a warning that the basis for the disease for which the genetic carrier status is being tested is unknown or believed to be non-heritable in a substantial number of people who have the disease, and that a negative test result cannot rule out the possibility that any offspring may be affected with the disease. The statement would have to include any other warnings needed to accurately convey to consumers the degree to which the test is informative for carrier status.

c. For prescription use tests, the following warnings that read:

i. ''The results of this test are intended to be interpreted by a board-certified clinical molecular geneticist or equivalent and should be used in conjunction with other available laboratory and clinical information.''

ii. ''This device is not intended for disease diagnosis, prenatal testing of fetuses, risk assessment, prognosis or pre-symptomatic testing, susceptibility testing, or newborn screening.''

d. For over-the-counter tests, a statement that reads ''This test is not intended to diagnose a disease, or tell you anything about your risk for developing a disease in the future. On its own, this test is also not intended to tell you anything about the health of your fetus, or your newborn child's risk of developing a particular disease later on in life.''

e. For over-the-counter tests, the following warnings that read:

i. ''This test is not a substitute for visits to a healthcare provider. It is recommended that you consult with a healthcare provider if you have any questions or concerns about your results.''

ii. ''The test does not diagnose any health conditions. Results should be used along with other clinical information for any medical purposes.''

iii. ''The laboratory may not be able to process your sample. The probability that the laboratory cannot process your saliva sample can be up to [actual probability percentage].''

iv. ''Your ethnicity may affect how your genetic health results are interpreted.''

f. For a positive result in an over-the-counter test when the positive predictive value for a specific population is less than 50 percent and more than 5 percent, a warning that reads ''The positive result you obtained may falsely identify you as a carrier. Consider genetic counseling and followup testing.''

g. For a positive result in an over-the-counter test when the positive predictive value for a specific population is less than 5 percent, a warning that reads ''The positive result you obtained is very likely to be incorrect due to the rarity of this variant. Consider genetic counseling and followup testing.''

5. The testing done to comply with paragraph 3 must show the device meets or exceeds each of the following performance specifications:

a. The accuracy must be shown to be equal to or greater than 99 percent for both PPA and NPA. Variants that have a point estimate for PPA or NPA of less than 99 percent (incorrect test results as compared to bidirectional sequencing or other methods identified as appropriate by FDA) must not be incorporated into test claims and reports.

b. Precision (reproducibility) performance must meet or exceed 99 percent for both positive and negative results.

c. The user comprehension study must obtain values of 90 percent or greater user comprehension for each comprehension concept.

6. The distribution of this device, excluding the collection device described in paragraph 2, shall be limited to the manufacturer, the manufacturer's subsidiaries, and laboratories regulated under the Clinical Laboratory Improvement Amendments.

Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) of the FD&C Act if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. For this type of device, FDA believes premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device type and, therefore, is planning to exempt the device from the premarket notification requirements of the FD&C Act. Elsewhere in this issue of the **Federal Register**, FDA is publishing a notice of intent to exempt an autosomal recessive carrier screening gene mutation detection system under section 510(m) of the FD&C Act. If there are questions about 510(k) submission prior to finalization of the 510(k) exemption, you should contact FDA at the number provided in this Final order. Once finalized, persons who intend to market this device type need not submit a 510(k) premarket notification containing information on the autosomal recessive carrier screening gene mutation detection system prior to marketing the device.

II. Environmental Impact

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

III. Paperwork Reduction Act of 1995

This final administrative order establishes special controls that refer to previously approved collections of information found in other FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120, and the collections of information in 21 CFR parts 801 and 809 regarding labeling have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 866

Biologics, Laboratories, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner

of Food and Drugs, 21 CFR part 866 is amended as follows:

PART 866—IMMUNOLOGY AND MICROBIOLOGY DEVICES

■ 1. The authority citation for 21 CFR part 866 continues to read as follows:

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

■ 2. Add § 866.5940 to subpart F to read as follows:

§ 866.5940 Autosomal recessive carrier screening gene mutation detection system.

(a) *Identification.* Autosomal recessive carrier screening gene mutation detection system is a qualitative in vitro molecular diagnostic system used for genotyping of clinically relevant variants in genomic DNA isolated from human specimens intended for prescription use or over-the-counter use. The device is intended for autosomal recessive disease carrier screening in adults of reproductive age. The device is not intended for copy number variation, cytogenetic, or biochemical testing.

(b) *Classification.* Class II (special controls). Autosomal recessive carrier screening gene mutation detection system must comply with the following special controls:

(1) If the device is offered over-the-counter, the device manufacturer must provide information to a potential purchaser or actual test report recipient about how to obtain access to a board-certified clinical molecular geneticist or equivalent to assist in pre- and post-test counseling.

(2) The device must use a collection device that is FDA cleared, approved, or classified as 510(k) exempt, with an indication for in vitro diagnostic use in DNA testing.

(3) The device's labeling must include a prominent hyperlink to the manufacturer's public Web site where the manufacturer shall make the information identified in this section publicly available. The manufacturer's home page, as well as the primary part of the manufacturer's Web site that discusses the device, must provide a prominently placed hyperlink to the Web page containing this information and must allow unrestricted viewing access. If the device can be purchased from the Web site or testing using the device can be ordered from the Web site, the same information must be found on the Web page for ordering the device or provided in a prominently placed and publicly accessible hyperlink on the Web page for ordering the device. Any changes to the device that could significantly affect safety or effectiveness would require new data or information in support of such changes, which would also have to be posted on the manufacturer's Web site. The information must include:

(i) A detailed device description including:

(A) Gene (or list of the genes if more than one) and variants the test detects (using standardized nomenclature, Human Genome Organization (HUGO) nomenclature, and coordinates).

(B) Scientifically established clinical validity of each variant detected and reported by the test, which must be well-established in peer-reviewed journal articles, authoritative summaries of the literature such as Genetics Home Reference (*http://ghr.nlm.nih.gov/*), GeneReviews (*http://www.ncbi.nlm.nih.gov/books/NBK1116/*), or similar summaries of valid scientific evidence, and/or professional society recommendations, including:

(*1*) Genotype-phenotype information for the reported mutations.

(*2*) Relevant American College of Medical Genetics (ACMG) or American Congress of Obstetricians and Gynecologists (ACOG) guideline recommending testing of the specific gene(s) and variants the test detects and recommended populations, if available. If not available, a statement stating that professional guidelines currently do not recommend testing for this specific gene(s) and variants.

(*3*) Table of expected prevalence of carrier status in major ethnic and racial populations and the general population.

(C) The specimen type (*e.g.,* saliva, whole blood), matrix, and volume.

(D) Assay steps and technology used.

(E) Specification of required ancillary reagents, instrumentation, and equipment.

(F) Specification of the specimen collection, processing, storage, and preparation methods.

(G) Specification of risk mitigation elements and description of all additional procedures, methods, and practices incorporated into the directions for use that mitigate risks associated with testing.

(H) Information pertaining to the probability of test failure (*e.g.,* failed quality control) based on data from clinical samples, description of scenarios in which a test can fail (*i.e.,* low sample volume, low DNA concentration, etc.), how customers will be notified, and followup actions to be taken.

(I) Specification of the criteria for test result interpretation and reporting.

(ii) Information that demonstrates the performance characteristics of the device, including:

(A) Accuracy (method comparison) of study results for each claimed specimen type.

(*1*) Accuracy of the device shall be evaluated with fresh clinical specimens collected and processed in a manner consistent with the device's instructions for use. If this is impractical, fresh clinical samples may be substituted or supplemented with archived clinical samples. Archived samples shall have been collected previously in accordance with the device's instructions for use, stored appropriately, and randomly selected. In some instances, use of contrived samples or human cell line samples may also be appropriate; the contrived or human cell line samples shall mimic clinical specimens as much as is feasible and provide an unbiased evaluation of the device's accuracy.

(*2*) Accuracy must be evaluated as compared to bidirectional sequencing or other methods identified as appropriate by FDA. Performance criteria for both the comparator method and device must be predefined and appropriate to the test's intended use. Detailed appropriate study protocols must be provided.

(*3*) Information provided shall include the number and type of specimens, broken down by clinically relevant variants, that were compared to bidirectional sequencing or other methods identified as appropriate by FDA. The accuracy, defined as positive percent agreement (PPA) and negative percent agreement (NPA), must be measured; accuracy point estimates must be greater than 99 percent (both per reported variant and overall) and uncertainty of the point estimate must be presented using the 95 percent confidence interval. Clinical specimens must include both homozygous wild type and heterozygous genotypes. The number of clinical specimens for each variant reported that must be included in the accuracy study must be based on the variant prevalence. Common variants (greater than 0.1 percent allele frequency in ethnically relevant population) must have at least 20 unique heterozygous clinical specimens tested. Rare variants (less than or equal to 0.1 percent allele frequency in ethnically relevant population) shall have at least three unique mutant heterozygous specimens tested. Any no calls (*i.e.,* absence of a result) or invalid calls (*e.g.,* failed quality control) in the study must be included in accuracy study results and reported separately. Variants that have a point estimate for PPA or NPA of less than 99 percent (incorrect test results as compared to bidirectional sequencing or other methods identified as appropriate by FDA) must not be incorporated into test

claims and reports. Accuracy measures generated from clinical specimens versus contrived samples or cell lines must be presented separately. Results must be summarized and presented in tabular format, by sample and by genotype. Point estimate of PPA should be calculated as the number of positive results divided by the number of specimens known to harbor variants (mutations) without ''no calls'' or invalid calls. The point estimate of NPA should be calculated as the number of negative results divided by the number of wild type specimens tested without ''no calls'' or invalid calls, for each variant that is being reported. Point estimates should be calculated along with 95 percent two-sided confidence intervals.

(*4*) Information shall be reported on the clinical positive predictive value (PPV) and negative predictive value (NPV) for carrier status (and where possible, for each variant) in each population. Specifically, to calculate PPV and NPV, estimate test coverage (TC) and the percent of persons with variant(s) included in the device among all carriers: PPV = (PPA * TC * π)/(PPA * TC * π + (1 − NPA) * (1 − π)) and NPV = (NPA * (1 − π))/(NPA *(1 − π) + (1 − PPA*TC) * π) where PPA and NPA described either in paragraph (b)(3)(ii)(A)(*4*)(*i*) or in paragraph (b)(3)(ii)(A)(*4*)(*ii*) of this section and π is prevalence of carriers in the population (pre-test risk to be a carrier for the disease).

(*i*) For the point estimates of PPA and NPA less than 100 percent, use the calculated estimates in the PPV and NPV calculations.

(*ii*) Point estimates of 100 percent may have high uncertainty. If these variants are measured using highly multiplexed technology, calculate the random error rate for the overall device and incorporate that rate in the estimation of the PPA and NPA as calculated previously. Then use these calculated estimates in the PPV and NPV calculations. This type of accuracy study is helpful in determining that there is no systematic error in such devices.

(B) Precision (reproducibility): Precision data must be generated using multiple instruments and multiple operators, on multiple non-consecutive days, and using multiple reagent lots. The sample panel must include specimens with claimed sample type (*e.g.* saliva samples) representing different genotypes (*i.e.,* wild type, heterozygous). Performance criteria must be predefined. A detailed study protocol must be created in advance of the study and then followed. The ''failed quality control'' rate must be indicated. It must be clearly documented whether results were generated from clinical specimens, contrived samples, or cell lines. The study results shall state, in a tabular format, the variants tested in the study and the number of replicates for each variant, and what testing conditions were studied (*i.e.,* number of runs, days, instruments, reagent lots, operators, specimens/type, etc). The study must include all nucleic acid extraction steps from the claimed specimen type or matrix, unless a separate extraction study for the claimed sample type is performed. If the device is to be used at more than one laboratory, different laboratories must be included in the precision study (and reproducibility must be evaluated). The percentage of ''no calls'' or invalid calls, if any, in the study must be provided as a part of the precision (reproducibility) study results.

(C) Analytical specificity data: Data must be generated evaluating the effect on test performance of potential endogenous and exogenous interfering substances relevant to the specimen type, evaluation of cross-reactivity of known cross-reactive alleles and pseudogenes, and assessment of cross-contamination.

(D) Analytical sensitivity data: Data must be generated demonstrating the minimum amount of DNA that will enable the test to perform accurately in 95 percent of runs.

(E) Device stability data: The manufacturer must establish upper and lower limits of input nucleic acid and sample stability that will achieve the claimed accuracy and reproducibility. Data supporting such claims must be described.

(F) Specimen type and matrix comparison data: Specimen type and matrix comparison data must be generated if more than one specimen type or anticoagulant can be tested with the device, including failure rates for the different specimen types.

(iii) If the device is offered over-the-counter, including cases in which the test results are provided direct-to-consumer, the manufacturer must conduct a study that assesses user comprehension of the device's labeling and test process and provide a concise summary of the results of the study. The following items must be included in the user study:

(A) The test manufacturer must perform pre- and post-test user comprehension studies to assess user ability to understand the possible results of a carrier test and their clinical meaning. The comprehension test questions must directly evaluate the material being presented to the user in the test reports.

(B) The test manufacturer must provide a carrier testing education module to potential and actual test report recipients. The module must define terms that are used in the test reports and explain the significance of carrier status.

(C) The user study must meet the following criteria:

(*1*) The study participants must be comprised of a statistically justified and demographically diverse population (determined using methods such as quota-based sampling) that is representative of the intended user population. Furthermore, the users must be comprised of a diverse range of age and educational levels that have no prior experience with the test or its manufacturer. These factors shall be well-defined in the inclusion and exclusion criteria.

(*2*) All sources of bias (*e.g.,* non-responders) must be predefined and accounted for in the study results with regard to both responders and non-responders.

(*3*) The testing must follow a format where users have limited time to complete the studies (such as an onsite survey format and a one-time visit with a cap on the maximum amount of time that a participant has to complete the tests).

(*4*) Users must be randomly assigned to study arms. Test reports given to users must: Define the condition being tested and related symptoms; explain the intended use and limitations of the test; explain the relevant ethnicities regarding the variant tested; explain carrier status and relevance to the user's ethnicity; and provide links to additional information pertaining to situations where the user is concerned about their test results or would like followup information as indicated in test labeling. The study shall assess participants' ability to understand the following comprehension concepts: The test's limitations, purpose, and results.

(*5*) Study participants must be untrained, naive to the test subject of the study, and be provided only the materials that will be available to them when the test is marketed.

(*6*) The user comprehension study must meet the predefined primary endpoint criteria, including a minimum of a 90 percent or greater overall comprehension rate (*i.e.* selection of the correct answer) for each comprehension concept to demonstrate that the education module and test reports are adequate for over-the-counter use.

(D) A summary of the user comprehension study must be provided and include the following:

(*1*) Results regarding reports that are provided for each gene/variant/ethnicity tested.

(*2*) Statistical methods used to analyze all data sets.

(*3*) Completion rate, non-responder rate, and reasons for non-response/data exclusion, as well as a summary table of comprehension rates regarding comprehension concepts (purpose of test, test results, test limitations, ethnicity relevance for the test results, etc.) for each study report.

(4) Your 21 CFR 809.10 compliant labeling and any test report generated must include the following warning and limitation statements, as applicable:

(i) A warning that reads ''The test is intended only for autosomal recessive carrier screening in adults of reproductive age.''

(ii) A statement accurately disclosing the genetic coverage of the test in lay terms, including, as applicable, information on variants not queried by the test, and the proportion of incident disease that is not related to the gene(s) tested. For example, where applicable, the statement would have to include a warning that the test does not or may not detect all genetic variants related to the genetic disease, and that the absence of a variant tested does not rule out the presence of other genetic variants that may be disease-related. Or, where applicable, the statement would have to include a warning that the basis for the disease for which the genetic carrier status is being tested is unknown or believed to be non-heritable in a substantial number of people who have the disease, and that a negative test result cannot rule out the possibility that any offspring may be affected with the disease. The statement would have to include any other warnings needed to accurately convey to consumers the degree to which the test is informative for carrier status.

(iii) For prescription use tests, the following warnings that read:

(A) ''The results of this test are intended to be interpreted by a board-certified clinical molecular geneticist or equivalent and should be used in conjunction with other available laboratory and clinical information.''

(B) ''This device is not intended for disease diagnosis, prenatal testing of fetuses, risk assessment, prognosis or pre-symptomatic testing, susceptibility testing, or newborn screening.''

(iv) For over-the-counter tests, a statement that reads ''This test is not intended to diagnose a disease, or tell you anything about your risk for developing a disease in the future. On its own, this test is also not intended to tell you anything about the health of your fetus, or your newborn child's risk of developing a particular disease later on in life.''

(v) For over-the-counter tests, the following warnings that read:

(A) ''This test is not a substitute for visits to a healthcare provider. It is recommended that you consult with a healthcare provider if you have any questions or concerns about your results.''

(B) ''The test does not diagnose any health conditions. Results should be used along with other clinical information for any medical purposes.''

(C) ''The laboratory may not be able to process your sample. The probability that the laboratory cannot process your saliva sample can be up to [actual probability percentage].''

(D) ''Your ethnicity may affect how your genetic health results are interpreted.''

(vi) For a positive result in an over-the-counter test when the positive predictive value for a specific population is less than 50 percent and more than 5 percent, a warning that reads ''The positive result you obtained may falsely identify you as a carrier. Consider genetic counseling and followup testing.''

(vii) For a positive result in an over-the-counter test when the positive predictive value for a specific population is less than 5 percent, a warning that reads ''The positive result you obtained is very likely to be incorrect due to the rarity of this variant. Consider genetic counseling and followup testing.''

(5) The testing done to comply with paragraph (b)(3) of this section must show the device meets or exceeds each of the following performance specifications:

(i) The accuracy must be shown to be equal to or greater than 99 percent for both PPA and NPA. Variants that have a point estimate for PPA or NPA of less than 99 percent (incorrect test results as compared to bidirectional sequencing or other methods identified as appropriate by FDA) must not be incorporated into test claims and reports.

(ii) Precision (reproducibility) performance must meet or exceed 99 percent for both positive and negative results.

(iii) The user comprehension study must obtain values of 90 percent or greater user comprehension for each comprehension concept.

(6) The distribution of this device, excluding the collection device described in paragraph (b)(2) of this section, shall be limited to the manufacturer, the manufacturer's subsidiaries, and laboratories regulated under the Clinical Laboratory Improvement Amendments.

Dated: October 20, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–27197 Filed 10–26–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–409]

RIN 1117–ZA30

Schedules of Controlled Substances: Table of Excluded Nonnarcotic Products: Nasal Decongestant Inhaler/ Vapor Inhaler

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Interim final rule.

SUMMARY: The Drug Enforcement Administration is amending the table of Excluded Nonnarcotic Products to update the company name for the drug product Nasal Decongestant Inhaler/ Vapor Inhaler (containing 50 milligrams levmetamfetamine) to Aphena Pharma Solutions—New York, LLC. This over-the-counter, nonnarcotic drug product is excluded from the provisions of the Controlled Substances Act.

DATES: This interim final rule is effective on October 27, 2015. Interested persons may file written comments on this rule pursuant to 21 CFR 1308.21(c). Electronic comments must be submitted, and written comments must be postmarked, on or before December 28, 2015. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period. Interested persons are defined as those ''adversely affected or aggrieved by any rule or proposed rule issuable pursuant to section 201 of the Act (21 U.S.C. 811).'' 21 CFR 1300.01(b).

ADDRESSES: To ensure proper handling of comments, please reference ''Docket No. DEA–409'' on all electronic and written correspondence, including any attachments. The DEA encourages that all comments be submitted electronically through the Federal eRulemaking Portal which provides the ability to type short comments directly into the comment field on the Web page

or attach a file for lengthier comments. Please go to *http://www.regulations.gov* and follow the online instructions at that site for submitting comments. Paper comments that duplicate electronic submissions are not necessary. Should you, however, wish to submit written comments, in lieu of electronic comments, they should be sent via regular or express mail to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODL, 8701 Morrissette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: John R. Scherbenske, Office of Diversion Control, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received in response to this docket are considered part of the public record and will be made available for public inspection online at *http://www.regulations.gov.* Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

The Freedom of Information Act (FOIA) applies to all comments received. If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be made publicly available, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also place all of the personal identifying information you do not want made publicly available in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be made publicly available, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify the confidential business information to be redacted within the comment.

Comments containing personal identifying information or confidential business information identified as directed above will be made publicly available in redacted form. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be made publicly available. Comments posted to *http://www.regulations.gov* may include any personal identifying information (such as name, address, and phone number) included in the text of your electronic submission that is not identified as directed above as confidential.

An electronic copy of this document and supplemental information to this interim final rule is available at *http://www.regulations.gov* for easy reference.

Legal Authority

The Drug Enforcement Administration (DEA) implements and enforces titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended. 21 U.S.C. 801–971. Titles II and III are referred to as the ''Controlled Substances Act'' and the ''Controlled Substances Import and Export Act,'' respectively, and they are collectively referred to as the ''Controlled Substances Act'' or the ''CSA'' for the purpose of this action. The DEA publishes the implementing regulations for these statutes in title 21 of the Code of Federal Regulations (CFR), chapter II.

The CSA and its implementing regulations are designed to prevent, detect, and eliminate the diversion of controlled substances and listed chemicals into the illicit market while ensuring an adequate supply is available for the legitimate medical, scientific, research, and industrial needs of the United States. Controlled substances have the potential for abuse and dependence and are controlled to protect the public health and safety. 21 U.S.C. 801.

Under the CSA, each controlled substance is classified into one of five schedules based upon its potential for abuse, its currently accepted medical use in treatment in the United States, and the degree of dependence the drug or other substance may cause. 21 U.S.C. 812. The initial schedules of controlled substances established by Congress are found at 21 U.S.C. 812(c) and the current list of all scheduled substances is published at 21 CFR part 1308. 21 U.S.C. 812(a).

The CSA states that the Attorney General shall by regulation exclude any nonnarcotic drug which contains a controlled substance from the application of the CSA, if such drug may, under the Federal Food, Drug, and Cosmetic Act (FD&C Act), [21 U.S.C. 301 *et seq.*] be lawfully sold over-the-counter without a prescription. 21 U.S.C. 811(g)(1). Such exclusions apply only to specific nonnarcotic drugs following suitable application to the DEA in accordance with 21 CFR 1308.21. The current table of Excluded Nonnarcotic Products is found in 21 CFR 1308.22. The authority to exclude such substances has been delegated to the Administrator of the DEA, 28 CFR 0.100, and redelegated to the Deputy Assistant Administrator of the Office of Diversion Control, section 7 of 28 CFR part 0, appendix to subpart R.

Background

On December 10, 2013, pursuant to the application process of 21 CFR 1308.21, the DEA received correspondence from Aphena Pharma Solutions—New York, LLC (Aphena Pharma) stating that it had acquired Classic Pharmaceuticals LLC and requesting that the current exclusion for the drug product Nasal Decongestant Inhaler/Vapor Inhaler be transferred to Aphena Pharma. Aphena Pharma also stated that the manufacturing process (*i.e.,* facility) and the formulation for the drug product Nasal Decongestant Inhaler/Vapor Inhaler had not changed.

Based on the application and other information received, the DEA has determined that this product may, under the FD&C Act, be lawfully sold over-the-counter without a prescription. 21 U.S.C. 811(g)(1). In addition, the Deputy Assistant Administrator of the Office of Diversion Control finds that the active ingredient in this drug product (levmetamfetamine) is a schedule II controlled substance [1] and is not a narcotic drug as defined by 21 U.S.C. 802(17). The Deputy Assistant Administrator of the Office of Diversion Control therefore finds and concludes that this drug product continues to meet the criteria for exclusion from the CSA pursuant to 21 U.S.C. 811(g)(1).

This exclusion only applies to the finished drug product in the form of an inhaler (in the exact formulation detailed in the application for exclusion), which is lawfully sold under the FD&C Act over-the-counter without a prescription. The extraction or removal of the active ingredient (levmetamfetamine) from the inhaler shall negate this exclusion and result in the possession of a schedule II controlled substance.

Administrative Procedure Act

An agency may find good cause to exempt a rule from certain provisions of the Administrative Procedure Act (APA), including notice of proposed rulemaking and the pre-promulgation opportunity for public comment, if it is determined to be impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). The DEA

[1] Levmetamfetamine is controlled in schedule II of the CSA because it is an isomer of methamphetamine.

finds for good cause that it is unnecessary to seek public comment prior to amending the table of Excluded Nonnarcotic Products to update the listing for this product, as the amendment is technical in nature and would not result in any substantive change. The DEA is merely changing the name of the company associated with the Nasal Decongestant Inhaler/Vapor Inhaler as the result of the acquisition of Classic Pharmaceuticals LLC by Aphena Pharma. The manufacturing process (*i.e.,* facility) and the formulation for the drug product Nasal Decongestant Inhaler/Vapor Inhaler have not changed as a result of this acquisition.

The APA requires the publication of a substantive rule to be made not less than 30 days before its effective date. 5 U.S.C. 553(d). However, this requirement need not apply for ''a substantive rule which grants or recognizes an exemption or relieves a restriction'' or ''as otherwise provided by the agency for good cause found and published with the rule.'' 5 U.S.C. 553(d)(1). This rule continues the exclusion of a nonnarcotic drug product from the provisions of the CSA. Given that this amendment to the table of Excluded Nonnarcotic Products is technical in nature and thereby would not warrant any further delay, the DEA finds that there is good cause to make this rule effective immediately upon publication.

Regulatory Analyses

Executive Orders 12866 and 13563

This regulation has been developed in accordance with the Executive Orders 12866, ''Regulatory Planning and Review,'' section 1(b) and Executive Order 13563, ''Improving Regulation and Regulatory Review.'' The DEA has determined that this rule is not a significant regulatory action, and accordingly this rule has not been reviewed by the Office of Management and Budget. This product was previously exempted under a different company name. This action will not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities; create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Executive Order 12988

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, ''Civil Justice Reform,'' to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132

This rulemaking does not have federalism implications warranting the application of Executive Order 13132. The rule does not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175

This rule does not have tribal implications warranting the application of Executive Order 13175. This rule does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Unfunded Mandates Reform Act of 1995

The DEA has determined and certifies pursuant to the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1501 *et seq.,* that this action would not result in any Federal mandate that may result ''in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted for inflation) in any one year. . . .'' Therefore, neither a Small Government Agency Plan nor any other action is required under provisions of the UMRA.

Paperwork Reduction Act

This rule does not impose a new collection of information requirement under the Paperwork Reduction Act, 44 U.S.C. 3501–3521. This action would not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Congressional Review Act

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act (CRA)). This rule will not result in: an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets. However, pursuant to the CRA, the DEA has submitted a copy of this interim final rule to both Houses of Congress and to the Comptroller General.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, 21 CFR part 1308 is amended to read as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), unless otherwise noted.

■ 2. In § 1308.22, remove the company name ''Classic Pharmaceuticals LLC'', and add to the table, in alphabetical order, the company name listed below to read as follows:

§ 1308.22 Excluded substances.

* * * * *

EXCLUDED NONNARCOTIC PRODUCTS

Company	Trade name	NDC code	Form	Controlled substance	(mg or mg/ml)
*	*	*	*	* *	*
Aphena Pharma Solutions—New York, LLC.	Nasal Decongestant Inhaler/Vapor Inhaler.	.....	IN	Levmetamfetamine (l-Desoxyephedrine)	50.00
*	*	*	*	* *	*

Dated: October 20, 2015.

Louis J. Milione,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 2015–27264 Filed 10–26–15; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–367]

RIN 1117–AB39

Schedules of Controlled Substances: Table of Excluded Nonnarcotic Products: Vicks® VapoInhaler®

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Interim final rule.

SUMMARY: The Drug Enforcement Administration (DEA) is amending the table of Excluded Nonnarcotic Products to update the listing for Vicks® VapoInhaler®, containing 50 mg levmetamfetamine in a nasal decongestant inhaler, marketed by The Proctor & Gamble Company. This over-the-counter, non-narcotic drug product is excluded from provisions of the Controlled Substances Act.

DATES: This interim final rule is effective on October 27, 2015. Interested persons may file written comments on this rule pursuant to 21 CFR 1308.21(c). Electronic comments must be submitted, and written comments must be postmarked, on or before December 28, 2015. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period. Interested persons are defined as those ''adversely affected or aggrieved by any rule or proposed rule issuable pursuant to section 201 of the Act (21 U.S.C. 811).'' 21 CFR 1300.01(b).

ADDRESSES: To ensure proper handling of comments, please reference ''Docket No. DEA–367'' on all electronic and written correspondence, including any attachments. The DEA encourages that all comments be submitted electronically through the Federal eRulemaking Portal which provides the ability to type short comments directly into the comment field on the Web page or attach a file for lengthier comments. Please go to *http://www.regulations.gov* and follow the online instructions at that site for submitting comments. Paper comments that duplicate electronic submissions are not necessary. Should you, however, wish to submit written comments, in lieu of electronic comments, they should be sent via regular or express mail to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/ODL, 8701 Morrissette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: John R. Scherbenske, Office of Diversion Control, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION:

Posting of Public Comments

Please note that all comments received in response to this docket are considered part of the public record and will be made available for public inspection online at *http://www.regulations.gov.* Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

The Freedom of Information Act (FOIA) applies to all comments received. If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be made publicly available, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also place all of the personal identifying information you do not want made publicly available in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be made publicly available, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify the confidential business information to be redacted within the comment.

Comments containing personal identifying information or confidential business information identified as directed above will be made publicly available in redacted form. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be made publicly available. Comments posted to *http://www.regulations.gov* may include any personal identifying information (such as name, address, and phone number) included in the text of your electronic submission that is not identified as directed above as confidential.

An electronic copy of this document and supplemental information to this interim final rule is available at *http://www.regulations.gov* for easy reference.

Legal Authority

The Drug Enforcement Administration (DEA) implements and enforces titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended. 21 U.S.C. 801–971. Titles II and III are referred to as the ''Controlled Substances Act'' and the ''Controlled Substances Import and Export Act,'' respectively, and are collectively referred to as the ''Controlled Substances Act'' or the ''CSA'' for the purpose of this action. The DEA publishes the implementing regulations for these statutes in title 21 of the Code of Federal Regulations (CFR), chapter II.

The CSA and its implementing regulations are designed to prevent, detect, and eliminate the diversion of controlled substances and listed chemicals into the illicit market while ensuring an adequate supply is available for the legitimate medical, scientific, research, and industrial needs of the United States. Controlled substances have the potential for abuse and dependence and are controlled to

protect the public health and safety. 21 U.S.C. 801.

Under the CSA, each controlled substance is classified into one of five schedules based upon its potential for abuse, its currently accepted medical use in treatment in the United States, and the degree of dependence the drug or other substance may cause. 21 U.S.C. 812. The initial schedules of controlled substances established by Congress are found at 21 U.S.C. 812(c), and the current list of all scheduled substances is published at 21 CFR part 1308. 21 U.S.C. 812(a).

The CSA states that the Attorney General shall by regulation exclude any non-narcotic drug which contains a controlled substance from the application of the CSA, if such drug may, under the Federal Food, Drug, and Cosmetic Act (FD&C Act), [21 U.S.C. 301 *et seq*.] be lawfully sold over-the-counter without a prescription. 21 U.S.C. 811(g)(1). Such exclusions apply only to specific non-narcotic drugs following suitable application to the DEA in accordance with 21 CFR 1308.21. The current table of Excluded Nonnarcotic Products is found in 21 CFR 1308.22. The authority to exclude such substances has been delegated to the Administrator of the DEA, 28 CFR 0.100, and redelegated to the Deputy Assistant Administrator of the Office of Diversion Control, section 7 of 28 CFR part 0, appendix to subpart R.

Background

On February 9, 2012, pursuant to the application process of 21 CFR 1308.21, the DEA received correspondence from The Proctor & Gamble Company (''P&G'') notifying the DEA that it had reduced the quantity of *l*-desoxyephedrine (levmetamfetamine) from 113 mg to 50 mg in their Vicks® Inhaler™ product which is currently excluded under 21 CFR 1308.22. Levmetamfetamine is controlled in schedule II as an isomer of methamphetamine. 21 CFR 1308.12(d)(2). P&G requested that the DEA update the current exclusion for their Vicks® Inhaler™ and indicated it had acquired Richardson-Vicks, Inc. (including its subsidiary, the Vick Chemical Company). The company also stated that the product name has been modified from Vicks® Inhaler™ to Vicks® VapoInhaler® and that the change included a corresponding National Drug Code (NDC) number reassignment by the U.S. Food and Drug Administration. P&G also stated that the nomenclature for the active ingredient/controlled substance had been changed from *l*-desoxyephedrine to levmetamfetamine. P&G indicated that nothing in the formulation change affects other aspects of the drug delivery system.

Based on the application and other information received, including the quantitative composition of the substance and labeling and packaging information, the DEA has determined that this product may, under the FD&C Act, be lawfully sold over-the-counter without a prescription. 21 U.S.C. 811(g)(1). In addition, the Deputy Assistant Administrator of the Office of Diversion Control finds that the active ingredient in this drug product (levmetamfetamine) is a schedule II controlled substance and is not a narcotic drug as defined by 21 U.S.C. 802(17). The Deputy Assistant Administrator of the Office of Diversion Control therefore finds and concludes that this product continues to meet the criteria for exclusion from the CSA pursuant to 21 U.S.C. 811(g)(1).

This exclusion only applies to the finished drug product in the form of an inhaler (in the exact formulation detailed in the application for exclusion), which is lawfully sold under the FD&C Act over-the-counter without a prescription. The extraction or removal of the active ingredient (levmetamfetamine) from the inhaler shall negate this exclusion and result in the possession of a schedule II controlled substance.

Administrative Procedure Act

An agency may find good cause to exempt a rule from certain provisions of the Administrative Procedure Act (APA), including notice of proposed rulemaking and the pre-promulgation opportunity for public comment, if it is determined to be impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). The DEA finds for good cause that it is unnecessary to seek public comment prior to amending the table of Excluded Nonnarcotic Products to update the listing for this product, as the amendments are primarily technical in nature and would not result in any substantive change. The product was previously exempted under a different company name, which is no longer accurate due to acquisition of Vick Chemical Company by The Proctor & Gamble Company. Additionally, the product name has been modified and was reassigned a corresponding NDC number, and the nomenclature for the active ingredient has changed. Lastly, while the amount of the schedule II ingredient *l*-desoxyephedrine (levmetamfetamine) in this product has been reduced by half the original quantity, the changes in the formulation will not affect the effectiveness of the product or the public's ability to benefit from the use of the product. There is also no further formulation change which would affect other aspects of the drug delivery system.

The APA requires the publication of a substantive rule to be made not less than 30 days before its effective date. 5 U.S.C. 553(d). However, this requirement need not apply for ''a substantive rule which grants or recognizes an exemption or relieves a restriction'' or ''as otherwise provided by the agency for good cause found and published with the rule.'' 5 U.S.C. 553(d)(1). This rule continues the exclusion of a nonnarcotic drug product from the provisions of the CSA. Given that these amendments to the table of Excluded Nonnarcotic Products are primarily technical in nature and thereby would not warrant any further delay, the DEA finds that there is good cause to make this rule effective immediately upon publication.

Regulatory Analyses

Executive Orders 12866 and 13563

This regulation has been developed in accordance with the Executive Orders 12866, ''Regulatory Planning and Review,'' section 1(b) and Executive Order 13563, ''Improving Regulation and Regulatory Review.'' The DEA has determined that this rule is not a significant regulatory action, and accordingly this rule has not been reviewed by the Office of Management and Budget. This product is a modified version of a product that is currently exempted under the DEA's regulations. This action will not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities; create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Executive Order 12988

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, ''Civil Justice Reform,'' to eliminate drafting errors and ambiguity, minimize

litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132

This rulemaking does not have federalism implications warranting the application of Executive Order 13132. The rule does not have substantial direct effects on the States, on the relationship between the Federal Government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175

This rule does not have tribal implications warranting the application of Executive Order 13175. This rule does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Unfunded Mandates Reform Act of 1995

The DEA has determined and certifies pursuant to the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1501 *et seq.,* that this action would not result in any Federal mandate that may result ''in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted for inflation) in any one year * * * .'' Therefore, neither a Small Government Agency Plan nor any other action is required under the provisions of the UMRA.

Paperwork Reduction Act of 1995

This rule does not impose a new collection of information requirement under the Paperwork Reduction Act, 44 U.S.C. 3501–3521. This action would not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Congressional Review Act

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act (CRA)). This rule will not result in: An annual effect on the economy of $100,000,000 or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets. However, pursuant to the CRA, the DEA has submitted a copy of this interim final rule to both Houses of Congress and to the Comptroller General.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, 21 CFR part 1308 is amended as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), unless otherwise noted.

■ 2. In § 1308.22, remove the product listed in the table for the company, ''Vicks Chemical Co'' and Trade name, ''Vicks Inhaler,'' and add to the table, in alphabetical order, the product listed below:

§ 1308.22 Excluded substances.

* * * * *

EXCLUDED NONNARCOTIC PRODUCTS

Company	Trade name	NDC code	Form	Controlled substance	(mg or mg/ml)
* *	*	*	*	*	*
Proctor & Gamble Co., The	Vicks VapoInhaler	37000–686–01	IN	Levmetamfetamine (*l*-Desoxyephedrine).	50.00
* *	*	*	*	*	*

Dated: October 20, 2015.

Louis J. Milione,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 2015–27266 Filed 10–26–15; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9741]

RIN 1545–BB23; 1545–BC07; 1545–BH48

General Allocation and Accounting Regulations Under Section 141; Remedial Actions for Tax-Exempt Bonds

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations on allocation and accounting, and certain remedial actions, for purposes of the private activity bond restrictions under section 141 of the Internal Revenue Code that apply to tax-exempt bonds issued by State and local governments. The final regulations provide State and local governmental issuers of tax-exempt bonds with guidance for applying the private activity bond restrictions.

DATES: *Effective Date:* These regulations are effective on October 27, 2015.

Applicability Date: For dates of applicability, see § 1.141–15.

FOR FURTHER INFORMATION CONTACT: Johanna Som de Cerff or Zoran Stojanovic, (202) 317–6980 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in these regulations has been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) under control number 1545–1451. The collection of information in these final regulations is in § 1.141–12(d)(3), which requires an issuer to make a declaration of official intent to remediate bonds. This collection of information is necessary for an issuer's redemption or defeasance of bonds to be treated as a remedial action under § 1.141–12 to preserve the tax-exempt status of the bonds. This collection of information is an increase in the total annual burden under control number 1545–1451. The respondents are State and local government issuers of tax-exempt bonds.

Estimated total annual reporting burden is 30,250 hours.

Estimated average annual burden per respondent is 3 hours.

Estimated number of respondents is 10,100.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally tax returns and tax return information are confidential, as required by section 6103.

Background

In general, interest on State and local governmental bonds is excludable from gross income under section 103 upon satisfaction of certain requirements. Interest on a private activity bond, other than a qualified private activity bond within the meaning of section 141, is not excludable under section 103. Section 141 provides certain tests that are used to determine whether a State or local bond is a private activity bond. These tests include the private business use test and the private security or payment test in section 141(b), and the private loan financing test in section 141(c). Section 145 provides similar tests that apply in modified form to qualified 501(c)(3) bonds.

Final regulations (TD 8712) under section 141 were published in the **Federal Register** on January 16, 1997 (62 FR 2275) (the 1997 Final Regulations), to provide comprehensive guidance on most aspects of the private activity bond restrictions. The 1997 Final Regulations, however, reserved most of the general allocation and accounting rules for purposes of section 141. An advance notice of proposed rulemaking (REG–142599–02) was published in the **Federal Register** on September 23, 2002 (67 FR 59767), regarding allocation and accounting rules for tax-exempt bond proceeds used to finance mixed-use output facilities. A notice of proposed rulemaking and notice of public hearing (REG–140379–02; REG–142599–02) was published in the **Federal Register** on September 26, 2006 (71 FR 56072), regarding allocation and accounting rules for tax-exempt bond proceeds, including special rules for mixed-use projects, and rules regarding the treatment of partnerships for purposes of section 141 (the Proposed Allocation Regulations). The Proposed Allocation Regulations also included amendments to regulations under section 145 on related matters that apply to qualified 501(c)(3) bonds. A public hearing was held on January 11, 2007. This document amends the Income Tax Regulations under sections 141 and 145 by adopting final rules on these topics. Certain provisions of the Proposed Allocation Regulations are not being finalized and are withdrawn. A partial withdrawal of notice of proposed rulemaking is published elsewhere in this edition of the **Federal Register**.

A notice of proposed rulemaking and notice of public hearing (REG–132483–03) was published in the **Federal Register** on July 21, 2003 (68 FR 43059), regarding the amount and allocation of nonqualified bonds for purposes of certain remedial actions under sections 141 and 142 (the Proposed Remedial Action Regulations). The public hearing was cancelled because no requests to speak were received. Final regulations (TD 9150) were published in the **Federal Register** on August 13, 2004 (69 FR 50065), adopting the portions of the Proposed Remedial Action Regulations relating to section 142. Because of the interrelationship between the remedial action provisions under section 141 and the allocation and accounting rules, the portions relating to section 141 were not finalized at that time. This document adopts final rules regarding the amount and allocation of nonqualified bonds for purposes of the remedial action provisions under section 141. We refer to the Proposed Remedial Action Regulations and the Proposed Allocation Regulations collectively as the Proposed Regulations.

Explanation and Summary of Comments

I. Introduction

After consideration of the public comments, the Treasury Department and the IRS adopt the Proposed Regulations, with revisions, as final regulations (the Final Regulations). This section discusses significant aspects of the public comments and the revisions made in the Final Regulations.

II. General Allocation Rules

The Proposed Regulations provided several allocation rules. Among these were rules regarding the allocation of proceeds of an issue of bonds that are obligations of a state or political subdivision under section 103(c)(1) (see § 1.150–1(b)) (proceeds) and all other sources of funds (other funds) to expenditures, to the project, and to the uses of the project (that is, governmental use or private business use). The Proposed Regulations provided that proceeds and other funds generally may be allocated to expenditures using any reasonable, consistently applied accounting method, and that the allocation of proceeds and other funds to expenditures must be consistent with the allocation of proceeds and other funds for purposes of the arbitrage investment restrictions under section 148.

Commenters expressed concern that the consistency requirement was in conflict with the allowance of more than one method for allocating proceeds and other funds to projects. Commenters further questioned whether allocations of proceeds to expenditures were necessary other than for purposes of the arbitrage investment restrictions. The Final Regulations clarify that the issuer's allocation of proceeds to expenditures for purposes of the arbitrage investment restrictions also apply to expenditures for purposes of the private activity bond tests.

The Proposed Regulations provided generally that proceeds and other funds allocated to capital expenditures for a capital project are treated as allocated ratably throughout the project in proportion to the relative amounts of proceeds and other funds spent on that project. The Proposed Regulations further provided that generally proceeds and other funds are allocated to both governmental use and private business use of the project in proportion to the relative amounts of each source of funding spent on the project. The Final Regulations adopt these general pro rata allocation rules as proposed.

The Proposed Regulations defined a project to include functionally related or

integrated facilities located on the same site, or on geographically proximate sites, that are reasonably expected to be placed in service within the same 12-month period. The Proposed Regulations provided certain special rules for the treatment of subsequent improvements to, and replacements of, a project. These proposed special rules treated subsequent improvements and replacements made more than 12 months after the original project was placed in service as part of the same project if the improvements and replacements were within the size, function, and usable space or the original design of the project.

Commenters expressed various concerns about the definition of project in the Proposed Regulations. Some commenters were concerned that the narrow definition of project, which includes only geographically proximate facilities placed in service within a short period, is inconsistent with the private activity bond tests generally, which apply to all facilities financed by the proceeds of a single issue of bonds. Commenters also questioned how the definition of project would apply in the context of a capital improvement program financed by the proceeds of a single issue of bonds that involves multiple facilities in different locations (for example, different school buildings within a district) placed in service over more than 12 months. Conversely, other commenters expressed concern that the definition of project is so broad that it would allow properties that have different owners, types of ownership interests, or types of financing (that is, are financed from different sources) to be considered a single project.

Commenters inferred that the treatment of subsequent improvements meant that the funds, which could include proceeds and equity, for the original project and the subsequent improvements would be allocated throughout the original project and the subsequent improvements, possibly subjecting assets financed solely with equity to the private activity bond restrictions. They expressed concerns that the special allocation rules for mixed-use projects (discussed in section III. in this preamble) would be unavailable for these improvements due to the timing requirement applicable to the election.

The Final Regulations simplify the definition of project to cover all facilities or capital projects financed in whole or in part with proceeds of a single issue of bonds. This definition permits an issuer in its bond documents to identify as a single project all of the properties to be financed by proceeds of a single bond issue. Under this rule, issuers may identify specific properties or portions of properties regardless of the properties' locations or placed-in-service dates. This approach to the definition of project comports with the application of the private activity bond tests generally, which apply at the issue level. The Final Regulations also clarify through the examples that improvements financed with a later issue are a separate project.

Commenters requested clarification that, consistent with longstanding practice, each undivided ownership interest in an output facility be treated separately for purposes of applying the allocation rules. The Final Regulations provide this clarification.

Commenters also recommended extending the separate facility treatment for output facilities under the Proposed Regulations to other types of facilities. The Final Regulations do not adopt this recommendation because the use of output facilities is measured differently from the use of other facilities. The use of an output facility generally is measured in the amount of output purchased as a percentage of the facility's total available output. The amount of use by each user reflects the proportionate benefit of the available output to such user. Uses of other types of facilities are measured in various ways depending on how that use occurs (for example, in different discrete portions, at different times, or simultaneously) and may reflect simultaneous use by more than one user on a different, rather than proportionate, basis. Even without separate facility treatment, however, issuers may use proceeds to finance the governmental use portion of an eligible mixed-use project.

III. Special Allocation Rules for Eligible Mixed-Use Projects

A. In General

The Proposed Regulations provided special elective allocation rules for mixed-use projects. In general, these special rules gave effect to congressional intent to permit funding of mixed-use projects in part with tax-exempt bonds and in part with other funds using reasonable, proportionate allocation methods that reflect proportionate benefits to the various users. *See* H.R. Rep. No. 99–426, at 538 (1985). The Proposed Regulations defined a mixed-use project as a project that is reasonably expected to be used for more than the de minimis amount (generally 10 percent) of private business use permitted under the private activity bond tests (de minimis permitted private business use). The Proposed Regulations provided two alternative elective allocation methods for a mixed-use project, the discrete physical portion allocation method (discrete portion method) and the undivided portion allocation method. The Proposed Regulations required the issuer to make a timely, written election, including preliminary and final allocations of proceeds and other funds, to use one of these alternative methods.

The discrete portion method allowed for dividing a mixed-use project into physically discrete portions and allocating the different sources of funds to the various discrete portions using a reasonable, consistently applied method that reflects the proportionate benefit to be derived by the various users of the project. The discrete portion method had a number of limitations, including the physical constraints of a discrete portion under the proposed project definition, limitations on measurement of a discrete portion, limitations associated with the fair market value of a discrete portion, and comparability conditions on reallocations of discrete portions within a project.

Under the undivided portion allocation method, projects were divided into governmental use and private business use portions on a notional, rather than physical, basis with tax-exempt proceeds allocated to the governmental use portion and the other funds allocated to the private business use portion. The availability of the proposed undivided portion allocation method was limited to circumstances in which the issuer reasonably expected that governmental use and private business use of the project would occur simultaneously on the same basis, or at different times.

Commenters criticized the complexity of the Proposed Regulations' two special allocation methods and the administrative burdens associated with the election requirement for mixed-use allocations. Commenters also criticized the discrete portion method's overly rigid treatment of reallocations or ''floating'' allocations. To simplify these rules, commenters recommended expanding the availability of the undivided portion allocation method to include all measureable use, adopting the undivided portion allocation method as the general rule for allocating proceeds and other sources to the uses of a mixed-use project, and eliminating the discrete portion method.

The Final Regulations adopt the recommendation to expand the availability of the undivided portion allocation method to include all

measureable use and to make the undivided portion allocation method the exclusive allocation method for eligible mixed-use projects. Consistent with this change, the Final Regulations eliminate the discrete portion method and the election requirement. The Treasury Department and the IRS believe that the expanded version of the undivided portion allocation method in the Final Regulations generally will be simpler and more administrable than the two proposed allocation methods and will cover all circumstances otherwise covered by the discrete portion method under the Proposed Regulations. For example, unlike the proposed discrete portion method, which had significant constraints on ''floating'' allocations for administrability reasons, the undivided portion allocation method in the Final Regulations inherently allows floating allocations without further action or special tracking in that it involves allocations for an entire mixed-use project. Section III.B. in this preamble further discusses the undivided portion allocation method under the Final Regulations.

Under the Final Regulations, the undivided portion allocation method is available for ''eligible mixed use projects.'' The Final Regulations define an ''eligible mixed-use project'' as a project that is financed with proceeds of bonds that purport to be governmental bonds when issued and qualified equity (discussed under *Definition of qualified equity* in section III.C. in this preamble) pursuant to the same plan of financing (discussed under *Same plan of financing* in section III.D. in this preamble). Further, to qualify, the project must be wholly owned by one or more governmental persons or by a partnership in which at least one governmental person is a partner. (See discussion under *Partnerships* in section IV. in this preamble.)

B. Allocations to Uses of a Project

Under the Proposed Regulations, the undivided portion allocation method limited the targeting of qualified equity to private business use of the project to that percentage of the private business use equal to the percentage of capital expenditures of the project financed by the qualified equity, and similarly limited the targeting of proceeds to government use of the project to that percentage of the government use equal to the percentage of capital expenditures of the project financed by the proceeds. For projects other than output facilities, these limits applied to each one-year period of the measurement period. Commenters requested that unused qualified equity be carried over from one year to another or, in lieu of a carryover provision, revising the limit from an annual limit to one spanning the entire measurement period.

The Final Regulations do not adopt these recommendations. The general private business measurement rules, in contrast to those for use arising from output contracts, require a determination of the private business use of the proceeds on an annual basis as a preliminary step to determining the average private business use of the proceeds during the measurement period. When the amount of private business use of the project in any one-year period is less than the percentage of qualified equity, that qualified equity is not unused but, as the Final Regulations clarify, is allocated to governmental use of the project that is in excess of the percentage of proceeds. To allow carryover of private business use of the proceeds or in an amount determined solely over the measurement period would require revision of the measurement rules plus additional rules to prevent potentially abusive situations, thereby increasing complexity. The Final Regulations do, however, clarify that the annual limit only applies to use measured under the general measurement rules and not to use arising from output contracts.

C. Definition of Qualified Equity

The Proposed Regulations defined qualified equity to mean proceeds of taxable bonds and funds not derived from a borrowing that are spent on the same project as proceeds of the purported governmental bonds to which the private activity bond tests will be applied (the applicable bonds). The Proposed Regulations further provided that qualified equity does not include equity interests in real property or tangible personal property. Commenters suggested expanding the definition of qualified equity to include the value of contributed property not purchased with proceeds of tax-advantaged bonds, arguing that this contribution should be treated as the equivalent of cash. Commenters also suggested that qualified equity include funds used to redeem bonds.

The Final Regulations adopt the proposed definition of qualified equity, with modifications. In recognition of the advent of expanded types of bonds that provide a Federal tax benefit (a tax-advantaged bond), which include, for example, a qualified tax credit bond under section 54A on which the interest on the bond is taxable, the Final Regulations clarify that ''taxable bonds'' that give rise to qualified equity exclude any tax-advantaged bond. The Final Regulations do not adopt the suggestion to include contributions of existing property as qualified equity for a project because that treatment would raise difficult issues of valuation and administrability and would be inconsistent with the rules governing allocations of proceeds of reimbursement bonds.

The Final Regulations do not adopt the comment recommending that amounts (other than proceeds) used to redeem bonds be treated as qualified equity because permitting increased private business use for the redemption of bonds in the ordinary course would be inconsistent with the private activity bond restrictions on the issue of bonds being redeemed. The 1997 Final Regulations already address the use of funds to redeem bonds under certain conditions in which bond redemptions serve as a remedial action to cure violations of the private business use restrictions. Further, as discussed under *Anticipatory redemptions* in section V.A. in this preamble, the Final Regulations add a new remedial action provision permitting early redemption in anticipation of increased private business use.

D. Same Plan of Financing

The definition of ''project'' in the Proposed Regulations required spending the proceeds and other sources on the properties pursuant to the same plan of financing. Commenters requested clarification of the meaning of the same plan of financing. The Final Regulations clarify that ''same plan of financing'' has the same meaning as in § 1.150–1(c)(1)(ii) and that qualified equity is spent under the same plan of financing as proceeds of the applicable bonds if the qualified equity is spent on capital expenditures of the project no earlier than the earliest date on which the expenditure would be eligible for reimbursement were the bonds from which the proceeds are derived issued as reimbursement bonds and no later than the date that is the beginning of the measurement period for the project (other than amounts retained for reasonable purposes relating to the project as defined under the arbitrage investment restrictions).

E. Allocation of Proceeds of Multiple Issues

The Proposed Regulations provided that if proceeds of more than one issue are allocated to capital expenditures of a mixed-use project to which the issuer elects to apply the discrete physical portion or undivided portion allocation method, then proceeds of those issues

are allocated ratably to a discrete portion or undivided portion to which any proceeds are allocated in proportion to their relative shares of the total proceeds of such issues used for the project (the multiple issue rule). Commenters suggested eliminating this rule to permit issuers to allocate proceeds of the different issues financing a project to take maximum advantage of the overall private business use permitted, such as disproportionately allocating proceeds of a larger issue or a general obligation issue (that is, one paid from generally applicable taxes, for which private business use may be 100 percent because the private security or payment test will not be met) to private business use.

The Treasury Department and the IRS are concerned that a non-pro rata method of allocating proceeds of more than one issue to the uses of a project could not only lead to more private business use than when proceeds of a single issue are allocated, but would also be difficult to administer. Furthermore, this approach also would be inconsistent with the general allocation rule that allocates proceeds of two issues on a proportionate basis to the uses of a project that is not an eligible mixed-use project.

Commenters also suggested that the proposed multiple issue rule would create a barrier to tax-exempt financing of projects, such as airports, that traditionally have been financed with a combination of tax-exempt governmental bonds and qualified private activity bonds to reflect the governmental and qualified private business use occurring, respectively, in different discrete portions of a project, as neither type of bond would meet the criteria for tax-exempt status if the proceeds of both types were allocated to the same portions. The Treasury Department and the IRS recognize that certain projects contain portions that, if treated as separate facilities, would be eligible for financing with different types of tax-exempt bonds. The Final Regulations remove this barrier to tax-exempt financing of projects through the definition of ''project,'' which allows each issuer to identify the different projects financed by its separate issues of governmental bonds and qualified private activity bonds.

IV. Partnerships

The Proposed Regulations generally treated a partnership as an entity that is a nongovernmental person for purposes of the private activity bond tests. However, if all of the partners in a partnership were governmental persons, the Proposed Regulations provided a limited exception that would treat the partnership as an aggregate of its partners (that is, as governmental persons) for these purposes. The preamble to the Proposed Regulations specifically requested comments on the usefulness of aggregate treatment for a partnership of governmental persons (or 501(c)(3) organizations for qualified 501(c)(3) bonds) and private businesses. The preamble to the Proposed Regulations further indicated that the Treasury Department and the IRS were considering aggregate treatment in at least the limited circumstance of partnerships involving a constant percentage (''straight up'') allocation of all partnership items. Commenters were in favor of aggregate treatment for such partnerships.

In recognition of the development of various financing and management structures for government (or 501(c)(3) organization) facilities that involve the participation of private businesses, to provide flexibility to accommodate public-private partnerships, and to remove barriers to tax-exempt financing of the government's (or 501(c)(3) organization's) portion of the benefit of property used in joint ventures, the Final Regulations provide aggregate treatment for all partnerships. The Final Regulations further provide a rule for measuring the private business use of financed property resulting from the use of the property by a partnership that includes a partner that is a nongovernmental person. The amount of such use is the nongovernmental partner's share of the amount of the use of the property by the partnership, with such share defined as the nongovernmental partner's greatest percentage share of any of the specified partnership items attributable to the time during the measurement period that the partnership uses the property. The Final Regulations also provide that an issuer may determine the nongovernmental partner's share under guidance published in the Internal Revenue Bulletin.

The definition of qualified 501(c)(3) bonds under section 145(a) includes the private activity bond tests (with certain modifications) and an ownership test under which the property financed with qualified 501(c)(3) bonds must be owned by a 501(c)(3) organization or a governmental unit. In applying the private activity bond tests for purposes of qualified 501(c)(3) bonds, the Proposed Regulations treated a partnership as an aggregate if each of the partners was either a governmental person or a 501(c)(3) organization. The Proposed Regulations, however, did not apply such aggregate treatment for purposes of the ownership test. Commenters recommended applying aggregate treatment to partnerships for purposes of the ownership test, seeing no reason to distinguish between ownership for purposes of the ownership test and for purposes of the private activity bond tests, which also look to ownership of the financed property. The Final Regulations adopt this comment.

V. Remedial Actions

A. Anticipatory Redemptions

The Proposed Allocation Regulations permitted proceeds of taxable bonds and funds not derived from borrowing that are used to retire tax-exempt governmental bonds to be treated as qualified equity under certain circumstances. This allows targeting of funds other than tax-exempt bond proceeds to finance portions of projects that are expected to be used for private business use in the future. The intent of this proposed rule is to encourage retirement of tax-exempt bonds before the occurrence of nonqualified use. The Proposed Allocation Regulations addressed when the bond must be retired, the issuer's reasonable expectations regarding use of the project, actual use of the project prior to the redemption, and the length of the term of the issue of which the bond to be retired is a part. Specifically, the bond to be redeemed was required to be retired at least five years before its otherwise-scheduled maturity date and within a period that starts one year before the deliberate act and ends 91 days before the deliberate act. Further, the issuer must not have expected that the project would be a mixed-use project. Thus, under the Proposed Allocation Regulations, an issuer could not use this anticipatory redemption for a project for which it had elected the special mixed-use allocation rules.

Most commenters stated that the proposed provision would be of limited use and that the eligibility requirements are contrary to the policy of encouraging redemption of tax-exempt bonds earlier rather than later. Commenters recommended that the conditions for anticipatory redemption not be stricter than those under the existing remedial action regime for private business use, which permits a curative redemption or defeasance of nonqualified bonds within 90 days of the deliberate action causing the private activity bonds tests to be met. Commenters further suggested adding a provision to the remedial action rules permitting an issuer to redeem or defease bonds at any

time in advance of a deliberate action that would cause the private business tests to be met. The suggested provision would require the issuer to declare its intent to redeem or defease the bonds that potentially could become the nonqualified bonds and identify the financed property. To encourage early redemption of tax-exempt bonds without imposing another set of rules for projects with unanticipated private business use, the Final Regulations adopt this recommendation to expand the remedial action rules to address this point.

B. Nonqualified Bonds

The Proposed Remedial Action Regulations included amendments relating to the amount and allocation of nonqualified bonds to be remediated as a result of a deliberate action causing the private business tests or the private loan financing test to be met. The Proposed Remedial Action Regulations provided that the amount of the nonqualified bonds is that portion of the outstanding bonds in an amount that, if the remaining bonds were issued on the date on which the deliberate action occurs, the remaining bonds would not meet the private business use test or private loan financing test, as applicable. For this purpose, the amount of private business use is the greatest percentage of private business use in any one-year period commencing with the one-year period in which the deliberate action occurs.

Commenters requested that the amount of nonqualified bonds be determined using the average amount of private business use over the entire measurement period rather than the highest private business use in any one-year period. The Final Regulations do not adopt this recommendation because this request is inconsistent with the limitations on annual allocations of proceeds and qualified equity to the uses of the project. The Final Regulations adopt the amendment to the provision regarding the amount of nonqualified bonds as proposed.

Commenters generally agreed with the proposed change that allows any bonds of any issue to be treated as the nonqualified bonds provided that the redemption or defeasance does not have the effect of extending the weighted average maturity (WAM) of the issue. Commenters, however, stated that some bond indentures require optional redemptions of a portion of a term bond to be used first to reduce the earliest mandatory sinking fund payments on the bond. In this case, the redemption or defeasance of the longest bonds would result in the extension of the WAM. Commenters recommended that the regulations permit bonds with longer maturities to be treated as the nonqualified bonds, as is permitted under the existing regulations. The Final Regulations adopt the rule as proposed, but provide a transition rule for outstanding bonds similar to that provided with respect to outstanding exempt facility bonds.

The Final Regulations reduce the amount of nonqualified bonds. An issuer who chooses to redeem or defease the nonqualified bonds need only redeem or defease sufficient bonds such that the remaining bonds would not meet the private business use or private loan financing test. Thus, unlike under the previous definition of nonqualified bonds, not all of the private business use or private loan, as calculated under the remedial action rules, necessarily will be remediated. To take into account any such remaining unremediated private business use or loan should a subsequent deliberate action occur, a conforming change is needed pertaining to continuing compliance. The Final Regulations include this change.

VII. Effective/Applicability Dates

The Final Regulations generally apply to bonds sold on or after January 25, 2016. The rules regarding remedial actions, however, apply to deliberate actions that occur on or after January 25, 2016. The Final Regulations allow permissive application of (1) the partnership provisions, the allocation and accounting rules, and certain corresponding rules for qualified 501(c)(3) bonds in whole, but not in part, to bonds to which the 1997 Final Regulations apply; and (2) the multipurpose rule to bonds to which the refunding rules apply.

Special Analyses

Certain IRS regulations, including this one, are exempt from the requirements of Executive Order 12866, as supplemented and reaffirmed by Executive Order 13563. Therefore, a regulatory impact assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. It is hereby certified that the collection of information in these regulations will not have a significant economic impact on a substantial number of small governmental jurisdictions. This certification is based upon the fact that few small governmental issuers are expected to take an anticipatory remedial action and that the amount of time required to meet the recordkeeping requirement is not significant. Therefore, a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notices of proposed rulemaking preceding these regulations were submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small governmental jurisdictions. No comments were received.

Drafting Information

The principal author of these regulations is Johanna Som de Cerff, Office of Associate Chief Counsel (Financial Institutions & Products), IRS. However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.141–0 is amended by adding an entry for § 1.141–1(e), revising entries for § 1.141–6 and § 1.141–12(d)(3) through (5), adding an entry for § 1.141–12(d)(6), revising the heading for § 1.141–15, and adding entries for § 1.141–15(b)(4), (e)(1), (e)(2), (l) and (m) to read as follows:

§ 1.141–0 Table of contents.

* * * * *

§ 1.141–1 Definitions and rules of general application.

* * * * *

(e) Partnerships.

* * * * *

§ 1.141–6 Allocation and accounting rules.

(a) Allocation of proceeds to expenditures, projects, and uses in general.

(1) Allocations to expenditures.

(2) Allocations of sources to a project and its uses.

(3) Definition of project.

(b) Special allocation rules for eligible mixed-use projects.

(1) In general.

(2) Definition of eligible mixed-use project.

(3) Definition of qualified equity.

(4) Same plan of financing.

(c) Allocations of private payments.

(d) Allocations of proceeds to common costs of an issue.

(e) Allocations of proceeds to bonds.
(f) Examples.
* * * * *
§ 1.141–12 Remedial actions.
* * * * *
(d) * * *
(3) Anticipatory remedial action.
(4) Notice of defeasance.
(5) Special limitation.
(6) Defeasance escrow defined.
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§ 1.141–15 Effective/applicability dates.
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(4) Certain remedial actions.
* * * * *
(e) * * *
(1) In general.
(2) Transition rule for pre-effective date bonds.
* * * * *
(l) Applicability date for certain regulations related to allocation and accounting.
(1) In general.
(2) Permissive application.
(m) Permissive retroactive application of certain regulations.
* * * * *

■ **Par. 3.** Section 1.141–1 is amended by adding paragraph (e) to read as follows:

§ 1.141–1 Definitions and rules of general application.

* * * * *

(e) *Partnerships.* A partnership (as defined in section 7701(a)(2)) is treated as an aggregate of its partners, rather than as an entity.

■ **Par. 4.** Section 1.141–3 is amended by redesignating paragraph (g)(2)(v) as paragraph (g)(2)(vi) and adding new paragraph (g)(2)(v) to read as follows:

§ 1.141–3 Definition of private business use.

* * * * *

(g) * * *

(2) * * *

(v) *Special rule for partners that are nongovernmental persons*—(A) The amount of private business use by a nongovernmental person resulting from the use of property by a partnership in which that nongovernmental person is a partner is that nongovernmental partner's share of the amount of use of the property by the partnership. For this purpose, except as otherwise provided in paragraph (g)(2)(v)(B) of this section, a nongovernmental partner's share of the partnership's use of the property is the nongovernmental partner's greatest percentage share under section 704(b) of any partnership item of income, gain, loss, deduction, or credit attributable to the period that the partnership uses the property during the measurement period. For example, if a partnership has a nongovernmental partner and that partner's share of partnership items varies, with the greatest share being 25 percent, then that nongovernmental partner's share of the partnership's use of property is 25 percent.

(B) An issuer may determine a nongovernmental partner's share of the partnership's use of the property under guidance published in the Internal Revenue Bulletin (see § 601.601(d)(2)(ii)(*b*) of this chapter).

* * * * *

■ **Par. 5.** Section 1.141–6 is revised to read as follows:

§ 1.141–6 Allocation and accounting rules.

(a) *Allocations of proceeds to expenditures, projects, and uses in general*—(1) *Allocations to expenditures.* The allocations of proceeds and other sources of funds to expenditures under § 1.148–6(d) apply for purposes of §§ 1.141–1 through 1.141–15.

(2) *Allocations of sources to a project and its uses.* Except as provided in paragraph (b) of this section (regarding an eligible mixed-use project), if two or more sources of funding (including two or more tax-exempt issues) are allocated to capital expenditures (as defined in § 1.150–1(b)) for a project (as defined in paragraph (a)(3) of this section), those sources are allocated throughout that project to the governmental use and private business use of the project in proportion to the relative amounts of those sources of funding spent on the project.

(3) *Definition of project*—(i) *In general.* For purposes of this section, *project* means one or more facilities or capital projects, including land, buildings, equipment, or other property, financed in whole or in part with proceeds of the issue.

(ii) *Output facilities.* If an output facility has multiple undivided ownership interests (respectively owned by governmental persons or by both governmental and nongovernmental persons), each owner's interest in the facility is treated as a separate facility for purposes of this section, provided that all owners of the undivided ownership interests share the ownership and output in proportion to their contributions to the capital costs of the output facility.

(b) *Special allocation rules for eligible mixed-use projects*—(1) *In general.* The sources of funding allocated to capital expenditures for an eligible mixed-use project (as defined in paragraph (b)(2) of this section) are allocated to undivided portions of the eligible mixed-use project and the governmental use and private business use of the eligible mixed-use project in accordance with this paragraph (b). Qualified equity (as defined in paragraph (b)(3) of this section) is allocated first to the private business use of the eligible mixed-use project and then to governmental use, and proceeds are allocated first to the governmental use and then to private business use, using the percentages of the eligible mixed-use project financed with the respective sources and the percentages of the respective uses. Thus, if the percentage of the eligible mixed-use project financed with qualified equity is less than the percentage of private business use of the project, all of the qualified equity is allocated to the private business use. Proceeds are allocated to the balance of the private business use of the project. Similarly, if the percentage of the eligible mixed-use project financed with proceeds is less than the percentage of governmental use of the project, all of the proceeds are allocated to the governmental use, and qualified equity is allocated to the balance of the governmental use of the project. Further, if proceeds of more than one issue finance the eligible mixed-use project, proceeds of each issue are allocated ratably to the uses to which proceeds are allocated in proportion to the relative amounts of the proceeds of such issues allocated to the eligible mixed-use project. For private business use measured under § 1.141–3(g), qualified equity and proceeds are allocated to the uses of the eligible mixed-use project in each one-year period under § 1.141–3(g)(4). *See Example 1* of paragraph (f) of this section.

(2) *Definition of eligible mixed-use project. Eligible mixed-use project* means a project (as defined in paragraph (a)(3) of this section) that is financed with proceeds of bonds that, when issued, purported to be governmental bonds (as defined in § 1.150–1(b)) (the applicable bonds) and with qualified equity pursuant to the same plan of financing (within the meaning of § 1.150–1(c)(1)(ii)). An eligible mixed-use project must be wholly owned by one or more governmental persons or by a partnership in which at least one governmental person is a partner.

(3) *Definition of qualified equity.* For purposes of this section, *qualified equity* means proceeds of bonds that are not tax-advantaged bonds and funds that are not derived from proceeds of a borrowing that are spent on the same eligible mixed-use project as the proceeds of the applicable bonds. Qualified equity does not include equity interests in real property or tangible personal property. Further, qualified equity does not include funds used to

redeem or repay governmental bonds. *See* §§ 1.141–2(d)(2)(ii) and 1.141–12(i) (regarding the effects of certain redemptions as remedial actions).

(4) *Same plan of financing.* Qualified equity finances a project under the same plan of financing that includes the applicable bonds if the qualified equity pays for capital expenditures of the project on a date that is no earlier than a date on which such expenditures would be eligible for reimbursement by proceeds of the applicable bonds under § 1.150–2(d)(2) (regardless of whether the applicable bonds are reimbursement bonds) and, except for a reasonable retainage (within the meaning of § 1.148–7(h)), no later than the date on which the measurement period begins.

(c) *Allocations of private payments.* Except as provided in this paragraph (c), private payments for a project are allocated in accordance with § 1.141–4. Payments under an output contract that result in private business use of an eligible mixed-use project are allocated to the same source of funding (notwithstanding § 1.141–4(c)(3)(v) (regarding certain allocations of private payments to equity)) allocated to the private business use from such contract under paragraph (b) of this section.

(d) *Allocations of proceeds to common costs of an issue.* Proceeds used for expenditures for common costs (for example, issuance costs, qualified guarantee fees, or reasonably required reserve or replacement funds) are allocated in accordance with § 1.141–3(g)(6). Proceeds, as allocated under § 1.141–3(g)(6) to an eligible mixed-use project, are allocated to the uses of the project in the same proportions as the proceeds allocated to the uses under paragraph (b) of this section.

(e) *Allocations of proceeds to bonds.* In general, proceeds are allocated to bonds in accordance with the rules for allocations of proceeds to bonds for separate purposes of multipurpose issues in § 1.141–13(d). For an issue that is not a multipurpose issue (or is a multipurpose issue for which the issuer has not made a multipurpose allocation), proceeds are allocated to bonds ratably in a manner similar to the allocation of proceeds to projects under paragraph (a)(2) of this section.

(f) *Examples.* The following examples illustrate the application of this section:

Example 1. Mixed-use project. City A issues $70x of bonds (the Bonds) and finances the construction of a 10-story office building costing $100x (the Project) with proceeds of the Bonds and $30x of qualified equity (the Qualified Equity). To the extent that the private business use of the Project does not exceed 30 percent in any particular year, the Qualified Equity is allocated to the private business use. If private business use of the Project were, for example, 44 percent in a year, the Qualified Equity would be allocated to 30 percent ($30x) private business use and proceeds of the Bonds would be allocated to the excess (that is, 14 percent or $14x), resulting in private business use of the Bonds in that year of 20 percent ($14x/$70x). Conversely, if private business use of the Project were 20 percent, Qualified Equity would be allocated to that 20 percent. The remaining Qualified Equity (that is, 10 percent or $10x) would be allocated to the governmental use in excess of the 70 percent to which the proceeds of the Bonds would be allocated.

Example 2. Mixed-use output facility. Authority A is a governmental person that owns and operates an electric transmission facility. Several years ago, Authority A used its equity to pay capital expenditures of $1000x for the facility. Authority A wants to make capital improvements to the facility in the amount of $100x (the Project). Authority A reasonably expects that, after completion of the Project, it will sell 46 percent of the available output of the facility, as determined under § 1.141–7, under output contracts that result in private business use and it will sell 54 percent of the available output of the facility for governmental use. On January 1, 2017, Authority A issues $60x of bonds (the Bonds) and uses the proceeds of the Bonds and $40x of qualified equity (the Qualified Equity) to finance the Project. The Qualified Equity is allocated to 40 of the 46 percent private business use resulting from the output contracts. Proceeds of the Bonds are allocated to the 54 percent governmental use and thereafter to the remaining 6 percent private business use.

Example 3. Subsequent improvements and replacements. County A owns a hospital, which opened in 2001, that it financed entirely with proceeds of bonds it issued in 1998 (the 1998 Bonds). In 2017, County A finances the cost of an addition to the hospital with proceeds of bonds (the 2017 Bonds) and qualified equity (the 2017 Qualified Equity). The original hospital is a project (the 1998 Project) and the addition is a project (the 2017 Project). Proceeds of the 2017 Bonds and the 2017 Qualified Equity are allocated to the 2017 Project. The 2017 Qualified Equity is allocated first to the private business use of the 2017 Project and then to the governmental use of the 2017 Project. Proceeds of the 2017 Bonds are allocated first to the governmental use of the 2017 Project and then to the private business use of that project. Neither proceeds of the 2017 Bonds nor 2017 Qualified Equity is allocated to the uses of the 1998 Project. Proceeds of the 1998 Bonds are not allocated to uses of the 2017 Project.

■ **Par 6.** Section 1.141–12 is amended by:

■ a. Revising the last sentence of paragraph (d)(1).

■ b. Redesignating paragraphs (d)(3) through (d)(5) as (d)(4) through (d)(6).

■ c. Adding new paragraph (d)(3).

■ d. Revising paragraph (i)(1).

■ e. Redesignating paragraph (i)(2) as (i)(3).

■ f. Adding new paragraph (i)(2).

■ g. Revising paragraphs (j), and (k), *Example 8.*

The revisions and additions read as follows:

§ 1.141–12 Remedial actions.

* * * * *

(d) * * * (1) * * * Except as provided in paragraph (d)(3) of this section, if the bonds are not redeemed within 90 days of the date of the deliberate action, a defeasance escrow must be established for those bonds within 90 days of the deliberate action.

* * * * *

(3) *Anticipatory remedial action.* The requirements of paragraphs (d)(1) and (2) of this section for redemption or defeasance of the nonqualified bonds within 90 days of the deliberate action are met if the issuer declares its official intent to redeem or defease all of the bonds that would become nonqualified bonds in the event of a subsequent deliberate action that would cause the private business tests or the private loan financing test to be met and redeems or defeases such bonds prior to that deliberate action. The issuer must declare its official intent on or before the date on which it redeems or defeases such bonds, and the declaration of intent must identify the financed property or loan with respect to which the anticipatory remedial action is being taken and describe the deliberate action that potentially may result in the private business tests being met (for example, sale of financed property that the buyer may then lease to a nongovernmental person). Rules similar to those in § 1.150–2(e) (regarding official intent for reimbursement bonds) apply to declarations of intent under this paragraph (d)(3), including deviations in the descriptions of the project or loan and deliberate action and the reasonableness of the official intent.

* * * * *

(i) * * *

(1) If a remedial action is taken under paragraph (d) of this section, the amount of private business use or private loans resulting from the deliberate action that is taken into account for purposes of determining whether the bonds are private activity bonds is that portion of the remaining bonds that is used for private business use or private loans (as calculated under paragraph (j) of this section);

(2) If a remedial action is taken under paragraph (e) or (f) of this section, the amount of private business use or private loans resulting from the deliberate action is not taken into account for purposes of determining

whether the bonds are private activity bonds; and

* * * * *

(j) *Nonqualified bonds*—(1) *Amount of nonqualified bonds.* The nonqualified bonds are a portion of the outstanding bonds in an amount that, if the remaining bonds were issued on the date on which the deliberate action occurs, the remaining bonds would not meet the private business use test or private loan financing test, as applicable. For this purpose, the amount of private business use is the greatest percentage of private business use in any one-year period commencing with the one-year period in which the deliberate action occurs.

(2) *Allocation of nonqualified bonds.* Allocations of nonqualified bonds must be made on a pro rata basis, except that, for purposes of paragraph (d) of this section (relating to redemption or defeasance), an issuer may treat any bonds of an issue as the nonqualified bonds so long as—

(i) The remaining weighted average maturity of the issue, determined as of the date on which the nonqualified bonds are redeemed or defeased (determination date), and excluding from the determination the nonqualified bonds redeemed or defeased by the issuer in accordance with this section, is not greater than

(ii) The remaining weighted average maturity of the issue, determined as of the determination date, but without regard to the redemption or defeasance of any bonds (including the nonqualified bonds) occurring on the determination date.

(k) * * *

Example 8. Compliance after remedial action. In 2007, City G issues bonds with proceeds of $10 million to finance a courthouse. The bonds have a weighted average maturity that does not exceed 120 percent of the reasonably expected economic life of the courthouse. City G enters into contracts with nongovernmental persons that result in private business use of 10 percent of the courthouse per year. More than 10 percent of the debt service on the issue is secured by private security or payments. In 2019, in a bona fide and arm's length arrangement, City G enters into a management contract with a nongovernmental person that results in private business use of an additional 40 percent of the courthouse per year during the remaining term of the bonds. City G immediately redeems the nonqualified bonds, or 44.44 percent of the outstanding bonds. This is the portion of the outstanding bonds that, if the remaining bonds were issued on the date on which the deliberate action occurs, the remaining bonds would not meet the private business use test, treating the amount of private business use as the greatest percentage of private business use in any one-year period commencing with the one-year period in which the deliberate action occurs (50 percent). This percentage is computed by dividing the percentage of the facility used for a government use (50 percent) by the minimum amount of government use required (90 percent), and subtracting the resulting percentage (55.56 percent) from 100 percent (44.44 percent). For purposes of subsequently applying section 141 to the issue, City G may continue to use all of the proceeds of the outstanding bonds in the same manner (that is, for the courthouse and the private business use) without causing the issue to meet the private business use test. The issue continues to meet the private security or payment test. The result would be the same if City G, instead of redeeming the bonds, established a defeasance escrow for those bonds, provided that the requirement of paragraph (d)(5) of this section is met. If City G takes a subsequent deliberate action that results in further private business use, it must take into account 10 percent of private business use in addition to that caused by the second deliberate act.

■ **Par. 7.** Section 1.141–13 is amended by revising paragraph (d)(1) and paragraph (g), *Example 5,* to read as follows:

§ 1.141–13 Refunding issues.

* * * * *

(d) *Multipurpose issue allocations*—(1) *In general.* For purposes of section 141, unless the context clearly requires otherwise, § 1.148–9(h) applies to allocations of multipurpose issues (as defined in § 1.148–1(b)), including allocations involving the refunding purposes of the issue. An allocation under this paragraph (d) may be made at any time, but once made, may not be changed. An allocation is not reasonable under this paragraph (d) if it achieves more favorable results under section 141 than could be achieved with actual separate issues. Each of the separate issues under the allocation must consist of one or more tax-exempt bonds. Allocations made under this paragraph (d) and § 1.148–9(h) must be consistent for purposes of sections 141 and 148.

* * * * *

(g) * * *

Example 5. Multipurpose issue. (i) In 2017, State D issues bonds to finance the construction of two office buildings, Building 1 and Building 2. D expends an equal amount of the proceeds on each building. D enters into arrangements that result in private business use of 8 percent of Building 1 and 12 percent of Building 2 during the measurement period under § 1.141–3(g) and private payments of 4 percent of the 2017 bonds in respect of Building 1 and 6 percent of the 2017 bonds in respect of Building 2. These arrangements result in a total of 10 percent of the proceeds of the 2017 bonds being used for a private business use and total private payments of 10 percent. In 2022, D purports to make a multipurpose issue allocation under paragraph (d) of this section of the outstanding 2017 bonds, allocating the issue into two separate issues of equal amounts with one issue allocable to Building 1 and the second allocable to Building 2. An allocation is unreasonable under paragraph (d) of this section if it achieves more favorable results under section 141 than could be achieved with actual separate issues. D's allocation is unreasonable because, if permitted, it would allow more favorable results under section 141 for the 2017 bonds (that is, private business use and private payments that exceed 10 percent for the 2017 bonds allocable to Building 2) than could be achieved with actual separate issues. In addition, if D's purported allocation was intended to result in two separate issues of tax-exempt governmental bonds (versus tax-exempt private activity bonds), the allocation would violate paragraph (d) of this section in the first instance because the allocation to the separate issue for Building 2 would fail to qualify separately as an issue of tax-exempt governmental bonds as a result of its 12 percent of private business use and private payments.

(ii) The facts are the same as in paragraph (i) of this *Example 5,* except that D enters into arrangements only for Building 1, and it expects no private business use of Building 2. In 2022, D allocates an equal amount of the outstanding 2017 bonds to Building 1 and Building 2. D selects particular bonds for each separate issue such that the allocation does not achieve a more favorable result than could have been achieved by issuing actual separate issues. D uses the same allocation for purposes of both sections 141 and 148. D's allocation is reasonable.

(iii) The facts are the same as in paragraph (ii) of this *Example 5,* except that as part of the same issue, D issues bonds for a privately used airport. The airport bonds, if issued as a separate issue, would be qualified private activity bonds. The remaining bonds, if issued separately from the airport bonds, would be governmental bonds. Treated as one issue, however, the bonds are taxable private activity bonds. Therefore, D makes its allocation of the bonds under paragraph (d) of this section and § 1.150–1(c)(3) into 3 separate issues on or before the issue date. Assuming all other applicable requirements are met, the bonds of the respective issues will be tax-exempt qualified private activity bonds or governmental bonds.

* * * * *

■ **Par. 8.** Section 1.141–15 is amended by:

■ a. Revising the heading and paragraph (a).

■ b. Adding paragraph (b)(4),

■ c. Revising paragraphs (e) and (i).

■ d. Adding paragraphs (l) and (m).

The revisions and additions read as follows:

§ 1.141–15 Effective/applicability dates.

(a) *Scope.* The effective dates of this section apply for purposes of §§ 1.141–1 through 1.141–14, 1.145–1 through

1.145–2, and 1.150–1(a)(3) and the definition of bond documents contained in § 1.150–1(b).

(b) * * *

(4) *Certain remedial actions*—(i) *General rule.* For bonds subject to § 1.141–12, the provisions of § 1.141–12(d)(3), (i), (j), and (k), *Example 8,* apply to deliberate actions that occur on or after January 25, 2016.

(ii) *Special rule for allocations of nonqualified bonds.* For purposes of § 1.141–12(j)(2), in addition to the allocation methods permitted in § 1.141–12(j)(2), an issuer may treat bonds with the longest maturities (determined on a bond-by-bond basis) as the nonqualified bonds, but only for bonds sold before January 25, 2016.

* * * * *

(e) *Permissive application of certain sections*—(1) *In general.* The following sections may each be applied by issuers to any bonds:

(i) Section 1.141–3(b)(4);

(ii) Section 1.141–3(b)(6); and

(iii) Section 1.141–12.

(2) *Transition rule for pre-effective date bonds.* For purposes of paragraphs (e)(1) and (h) of this section, issuers may apply § 1.141–12 to bonds issued before May 16, 1997, without regard to paragraph (d)(5) thereof with respect to deliberate actions that occur on or after April 21, 2003.

* * * * *

(i) *Permissive application of certain regulations relating to output facilities.* Issuers may apply each of the following sections to any bonds used to finance output facilities:

(1) Section 1.141–6;

(2) Section 1.141–7(f)(3); and

(3) Section 1.141–7(g).

* * * * *

(l) *Applicability date for certain regulations relating to allocation and accounting*—(1) *In general.* Except as otherwise provided in this section, §§ 1.141–1(e), 1.141–3(g)(2)(v), 1.141–6, 1.141–13(d), and 1.145–2(b)(4), (b)(5), and (c)(2) apply to bonds that are sold on or after January 25, 2016 and to which the 1997 regulations (as defined in paragraph (b)(1) of this section) apply.

(2) *Permissive application.* Issuers may apply §§ 1.141–1(e), 1.141–3(g)(2)(v), 1.141–6, and 1.145–2(b)(4), (b)(5), and (c)(2), in whole but not in part, to bonds to which the 1997 regulations apply.

(m) *Permissive retroactive application of certain regulations.* Issuers may apply § 1.141–13(d) to bonds to which § 1.141–13 applies.

■ **Par. 9.** Section 1.145–2 is amended by adding paragraphs (b)(4) and (b)(5) and revising the first sentence of paragraph (c)(2) to read as follows:

§ 1.145–2 Application of private activity bond regulations.

* * * * *

(b) * * *

(4) References to *governmental bonds* in § 1.141–6 mean qualified 501(c)(3) bonds.

(5) References to *ownership by governmental persons* in § 1.141–6 mean ownership by governmental persons or 501(c)(3) organizations.

(c) * * *

(2) *Costs of issuance.* Sections 1.141–3(g)(6) and 1.141–6(d) do not apply to the extent costs of issuance are allocated among the other purposes for which the proceeds are used or to portions of a project. * * *

* * * * *

■ **Par. 10.** Section 1.150–5 is amended by revising paragraph (a)(1) to read as follows:

§ 1.150–5 Filing notices and elections.

(a) * * *

(1) Section 1.141–12(d)(4);

* * * * *

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

Approved: October 6, 2015.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2015–27328 Filed 10–26–15; 8:45 am]

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DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 552

RIN 1235–AA05

Application of the Fair Labor Standards Act to Domestic Service; Dates of Previously Announced 30-Day Period of Non-Enforcement

AGENCY: Wage and Hour Division, Department of Labor.

ACTION: Policy statement.

SUMMARY: The Department of Labor (Department) previously announced that it would not bring enforcement actions against any employer for violations of Fair Labor Standards Act (FLSA) obligations resulting from amendments to its domestic service regulations for 30 days after the U.S. Court of Appeals for the District of Columbia issued a mandate making effective its opinion affirming the validity of the regulatory changes. The Court issued its mandate on October 13, 2015; the Department's 30-day non-enforcement period will therefore conclude on November 12, 2015. From November 12, 2015 through December 31, 2015, the Department will exercise prosecutorial discretion pursuant to its previously announced time-limited non-enforcement policy.

DATES: The Department will not bring enforcement actions against any employer for FLSA violations resulting from the revised domestic service regulations before November 12, 2015.

FOR FURTHER INFORMATION CONTACT: Mary Ziegler, Assistant Administrator, Office of Policy, U.S. Department of Labor, Wage and Hour Division, 200 Constitution Avenue NW., Room S–3502, FP Building, Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number), email: *HomeCare@dol.gov*. Copies of this Policy Statement may be obtained in alternative formats (Large Print, Braille, Audio Tape, or Disc), upon request, by calling (202) 693–0675 (not a toll-free number). TTY/TTD callers may dial toll-free (877) 889–5627 to obtain information or request materials in alternative formats.

SUPPLEMENTARY INFORMATION:

I. Non-Enforcement Period Until November 12, 2015

The Department's Final Rule amending FLSA regulations regarding domestic service employment, 78 FR 60454 (October 1, 2013), which extends minimum wage and overtime protections to most home care workers, had an effective date of January 1, 2015. The Department did not begin enforcement of the Final Rule on that date both because of its time-limited non-enforcement policy, 79 FR 60974 (October 9, 2014), and because it was a party to a federal lawsuit regarding the amended regulations in which the U.S. District Court for the District of Columbia issued opinions and orders vacating the rule's major provisions. *Home Care Ass'n of Am.* v. *Weil,* 76 F. Supp. 3d 138 (D.D.C. 2014); *Home Care Ass'n of Am.* v. *Weil,* 78 F. Supp. 3d 123 (D.D.C. 2015). On August 21, 2015, the U.S. Court of Appeals for the District of Columbia Circuit reversed the district court's judgment. *Home Care Ass'n of America* v. *Weil,* 799 F.3d 1084 (D.C. Cir. 2015). On September 14, 2015, the Department announced that it would not bring enforcement actions against any employer for violations of FLSA obligations resulting from the amended domestic service regulations for 30 days after the date the Court of Appeals issued a mandate making its opinion

effective. 80 FR 55029 (September 14, 2015).

The Court of Appeals issued the mandate directing the district court to enter a new judgment in favor of the Department on October 13, 2015. The Department will therefore not bring enforcement actions against any employer for violations of FLSA obligations resulting from the amended domestic service regulations before November 12, 2015.

This 30-day non-enforcement policy does not replace or affect the timeline of the Department's existing time-limited non-enforcement policy announced in October 2014. 79 FR 60974. Therefore, from November 12, 2015 through December 31, 2015, the Department will exercise prosecutorial discretion in determining whether to bring enforcement actions, with particular consideration given to the extent to which States and other entities have made good faith efforts to bring their home care programs into compliance with the FLSA since the promulgation of the Final Rule. The Department will also continue to provide intensive technical assistance to the regulated community up to and after December 31, 2015, as it has since promulgation of the Final Rule.

II. Regulatory Requirements

This Policy Statement is guidance articulating considerations relevant to the Department's exercise of its enforcement authority under the FLSA. It is therefore exempt from the notice-and-comment rulemaking requirements under the Administrative Procedure Act pursuant to 5 U.S.C. 553(b).

Because no notice of proposed rulemaking is required, the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis. 5 U.S.C. 603(a), 604(a). The Department has determined that this guidance does not impose any new or revise any existing recordkeeping, reporting, or disclosure requirements on covered entities or members of the public that would be collections of information requiring OMB approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Dated: October 21, 2015.

David Weil,

Administrator, Wage and Hour Division.

[FR Doc. 2015–27332 Filed 10–26–15; 8:45 am]

BILLING CODE 4510–27–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0943]

RIN 1625–AA00

Safety Zone; Rich Passage, Manchester, WA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone encompassing all navigable waters within a designed area in the vicinity of the Manchester Fuel Piers, Manchester, Washington. This safety zone is necessary to ensure the safety of the waterway users and participants of a maritime training exercise. The temporary safety zone will prohibit any person or vessel not involved in the training exercise from entering or remaining in the safety zone unless authorized by the Captain of the Port, Puget Sound (COTP) or his designated representative.

DATES: This rule is effective from 7 a.m. on November 2, 2015 until 6 p.m. on November 8, 2015. This rule shall be enforced during actual training operations occurring within the effective period while exercise participants are present in the safety zone.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2015–0943 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Kate Haseley, Waterways Management Division, Coast Guard Sector Puget Sound; telephone 206–217–6051, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR—Code of Federal Regulations
DHS—Department of Homeland Security
E.O.—Executive order
FR—**Federal Register**
NPRM—Notice of proposed rulemaking
Pub. L.—Public Law
§—Section
U.S.C.—United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule publishing an NPRM would be impracticable as delayed promulgation may result in injury or damage to the maritime public and response vessels prior to conclusion of a notice and comment period.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because immediate action is needed to minimize the potential impact to the waterway users and emergency response personnel involved in the training exercise.

III. Legal Authority and Need for Rule

The Coast Guard has authority to issue a rule under authority in 33 U.S.C. 1231. The Captain of the Port, Puget Sound has determined that potential hazards associated with the training exercise will be a safety concern for anyone transiting through the operational location of the exercise. A safety zone is needed to ensure the safety of the maritime public and emergency response vessels participating in the exercise by preventing collisions between exercising vessels and the maritime public, and by keeping the maritime public a safe distance away from elements associated with the exercise.

IV. Discussion of the Rule

The Coast Guard is establishing a temporary safety zone that will encompass all navigable waters within an area established by the following points: 47°34′13″ N., 122°32′12″ W., thence southeast to 47°33′41″ N., 122°31′07″ W., thence southwest to 47°33′15″ N., 122°32′04″ W., thence south to 47°31′49 N., 122°31′47″ W., thence west to 47°31′55″ N., 122°32′28″ W., thence north to 47°33′20″ N., 122°32′29″ W., thence northeast to

47°34′08″ N., 122°32′17″ W., located near the Manchester fuel piers, Manchester, WA and is effective from 7 a.m. on November 2, 2015 until 6 p.m. on November 8, 2015 when vessel exercise participants are present in the safety zone. Vessels wishing to enter the safety zone must request permission to do so from the Captain of the Port, Puget Sound by contacting the Joint Harbor Operations Center at 206–217–6001 or the on-scene Law Enforcement patrol craft, if any, via VHF–FM Channel 16. If permission for entry is granted, vessels must proceed at a minimum speed for safe navigation.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders (E.O.s) related to rulemaking. Below we summarize our analyses based on a number of these statutes and E.O.s, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

E.O.s 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a ''significant regulatory action,'' under E.O. 12866. Accordingly, it has not been reviewed by the Office of Management and Budget.

This regulatory action determination is based on the limited nature of the size and duration of the temporary safety zone. Moreover, the Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM Channel 16 about the safety zone and the rule allows vessels to seek permission to enter the safety zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V above, this rule will not have a significant economic impact on any vessel owner or operator, because the zone established in this rule is limited in nature of size and duration.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under E.O. 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in E.O. 13132.

Also, this rule does not have tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a temporary safety zone lasting less than 29 days that will prohibit entry into various training exercise operations within the designated area. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T13–300 to read as follows:

§ 165.T13–300 Safety Zone; Manchester, WA

(a) *Location.* The temporary safety zone established in this rule will encompass all navigable waters within an area established by the following points: 47°34′13″ N., 122°32′12″ W., thence southeast to 47°33′41″ N., 122°31′07″ W., thence southwest to 47°33′15″ N., 122°32′04″ W., thence south to 47°31′49 N., 122°31′47″ W., thence west to 47°31′55″ N., 122°32′28″ W., thence north to 47°33′20″ N., 122°32′29″ W., thence northeast to 47°34′08″ N., 122°32′17″ W., located near the Manchester fuel piers, Manchester, WA.

(b) *Regulations.* In accordance with the general regulations in 33 CFR 165, Subpart C, no person or vessel may enter or remain in the safety zone unless authorized by the Captain of the Port, Puget Sound or his designated representative. To request permission to enter the safety zone, contact the Joint Harbor Operations Center at 206–217–6001, or the on-scene Law Enforcement patrol craft, if any, via VHF–FM Channel 16. If permission for entry into the safety zone is granted, vessels or persons must proceed at the minimum speed for safe navigation and in compliance with any other directions given by the Captain of the Port, Puget Sound or his designated representative.

(c) *Dates.* This rule is effective from 7 a.m. on November 2, 2015 until 6 p.m. on November 8, 2015. This rule shall be enforced during actual training operations occurring within the effective period while exercise participants are present in the safety zone.

Dated: October 9, 2015.

M.W. Raymond,

Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.

[FR Doc. 2015–27304 Filed 10–26–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No.: PTO–P–2014–0012]

RIN 0651–AC95

Changes To Facilitate Applicant's Authorization of Access to Unpublished U.S. Patent Applications by Foreign Intellectual Property Offices

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The electronic sharing of information and documents between intellectual property (IP) offices is critical for increasing the efficiency and quality of patent examination worldwide. Current examples of this sharing include the priority document exchange (PDX) program and the program by which U.S. search results are delivered to the European Patent Office (EPO). In support of electronic file sharing, the United States Patent and Trademark Office (Office) is revising its rules of practice to include a specific provision by which an applicant can authorize the Office to give a foreign IP office that is a party to an agreement with the Office access to all or part of the file contents of an unpublished U.S. patent application in order to satisfy a requirement for information imposed on a counterpart application filed with the foreign IP office. Previously, for unpublished U.S. patent applications, applicants followed one regulatory provision to provide the Office with authorization for a foreign IP office to access an application-as-filed and followed another regulatory provision to provide the Office with authorization to share the file contents with a foreign IP office. The final rule changes consolidate the specific provisions of the regulations by which applicants give the Office authority to provide a foreign IP office with access to an application in order to satisfy a requirement for information of the foreign IP office. The Office is also revising the rules of practice to indicate there is no fee for providing a foreign IP office with an electronic copy of an application-as-filed or an electronic copy of file contents pursuant to a bilateral or multilateral agreement. Additionally, along with changes to the application data sheet (ADS) form, the final rule changes simplify the process for how applicants provide the Office with the required authorization, thereby reducing the resources applicants must expend to comply with these foreign IP office requirements, and enhance the quality of patent examination.

DATES: *Effective Date:* The changes in this final rule are effective on November 30, 2015. The revised ADS form (PTO/AIA/14) will be posted on the Office's Web site on or before the effective date.

Applicability Date: The changes to 37 CFR 1.14(h) apply to all patent applications filed before November 30, 2015, and to all patent applications filed on or after November 30, 2015.

FOR FURTHER INFORMATION CONTACT: Susy Tsang-Foster, Senior Legal Advisor (telephone (571) 272–7711; electronic mail message (*susy.tsang-foster@uspto.gov*)) or Joseph F. Weiss, Jr., Senior Legal Advisor (telephone (571) 272–2259; electronic mail message (*joseph.weiss@uspto.gov*)), of the Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy.

SUPPLEMENTARY INFORMATION:

Executive Summary: *Purpose:* 37 CFR 1.14(h) regulates access by foreign IP offices to U.S. applications. Formerly, 37 CFR 1.14(h) contained only a specific provision by which an applicant could authorize the Office to give a foreign IP office participating with the Office in a bilateral or multilateral priority document exchange agreement access to a U.S. application-as-filed. 37 CFR 1.14(h) is now expanded to also include a specific provision by which, under certain circumstances, an applicant can authorize the Office to give a foreign IP office access to all or part of the file contents of a U.S. patent application in order to satisfy the foreign IP office's requirement for information.

Summary of Major Provisions: This final rule primarily provides a specific provision by which an applicant can authorize the Office to provide a foreign IP office access to all or part of the file contents of a U.S. patent application where the foreign IP office has imposed a requirement for information on a counterpart application filed with that office and is a party to a bilateral or multilateral agreement with the Office to provide the required information from the U.S. application.

This final rule also revises the rules of practice to indicate that there is no fee for providing a foreign IP office with an electronic copy of an application-as-filed or an electronic copy of file contents pursuant to a bilateral or multilateral agreement. Previously, the regulations only indicated that there was no fee for providing a foreign IP office with a copy of an application-as-filed pursuant to a priority document exchange agreement.

Additionally, the Office is revising the ADS form (PTO/AIA/14) as well as the PTO/SB/39 and PTO/SB/69 forms to facilitate applicant's authorization of access to unpublished U.S. applications by foreign IP offices.

Costs and Benefits: This rulemaking is not economically significant as that term is defined in Executive Order 12866 (Sept. 30, 1993).

Background: The electronic sharing of information and documents between IP offices is critical for increasing the efficiency and quality of patent examination worldwide. The electronic sharing of documents between IP offices also benefits applicants by reducing the cost of ordering documents from one IP office and then filing them in another IP office where a counterpart application has been filed.

Due to the confidential nature of unpublished U.S. patent applications, set forth in 35 U.S.C. 122, an applicant must provide the Office with written authority in accordance with 37 CFR 1.14 to grant a foreign IP office access to an unpublished U.S. patent application. With this grant of authority, the Office may provide the U.S. patent application-as-filed or the requested file contents, such as information and documents, from the U.S. patent application to the foreign IP office on behalf of the applicant. Previously, applicants used former 37 CFR 1.14(h) to authorize the Office to allow a foreign IP office participating in a bilateral or multilateral priority document exchange agreement access to an unpublished U.S. priority application-as-filed. Former 37 CFR 1.14(h), however, did not contain a specific provision by which an applicant could authorize the Office to provide a foreign IP office access to an unpublished U.S. patent application's file contents. As a result, U.S. applicants, unprompted by the rules, found it necessary to provide written authority for access by a foreign IP office to an unpublished application's contents in accordance with 37 CFR 1.14(c) in order to satisfy a requirement for information by the foreign IP office.

General Discussion of the Changes to 37 CFR 1.14(h): The Office is revising 37 CFR 1.14(h) to include a specific provision by which an applicant can authorize the Office to give a foreign IP office access to all or part of the file contents (as opposed to a copy of the application-as-filed) of an unpublished patent application, including search results, to satisfy a foreign IP office requirement for information in a counterpart application filed by a U.S. applicant. The changes to 37 CFR 1.14(h) consolidate the provisions by which applicants can authorize the Office to give access to an unpublished application-as-filed or its file contents to a foreign IP office, while also clarifying for applicants the provision of 37 CFR 1.14 under which such access authorization can be provided. The final rule changes will further serve as a reminder of the opportunity for applicants to grant the Office the authority to provide a foreign IP office with access to file contents of an unpublished U.S. patent application.

Any information concerning an unpublished application or documents from an unpublished application will only be shared in accordance with the authority provided by applicant and in accordance with the terms of an agreement between the Office and respective foreign IP offices. The Office is not requiring any fee for this service. In addition, sharing of information and documents would be limited to those foreign IP offices where applicant has filed a counterpart application and provided written authority to give a foreign IP office access to all or part of the file contents of an unpublished U.S. application.

The changes to 37 CFR 1.14(h) emphasize the Office's continued support of work sharing efforts between IP offices to increase the quality of issued patents, as well as its commitment to assist in reducing the expenditure of resources of its applicants when complying with the requirements of a foreign IP office in a counterpart application.

Revision to Application Data Sheet Form: In addition to the final rule changes, the Office is revising the application data sheet (ADS) form, PTO/AIA/14 (''the revised ADS form''). The revised ADS form includes separate access authorizations for the PDX program and for the program by which U.S. search results are delivered to the European Patent Office (EPO). The ADS form may be modified in the future to include access authorizations for new work sharing initiatives.

In contrast to the previous version of the ADS form, the revised ADS form includes an ''opt-out'' check box for each access authorization and not an ''opt-in'' check box. Therefore, when an ''opt-out'' check box for a specific authorization is selected, the Office would not provide access to the contents of the application identified in the authorization.

The revised ADS form will make it easier for applicants to give the necessary authorization for access to an application, as well as afford an applicant the opportunity to inform the Office that the required authority to allow a foreign IP office specific access to an application has not been given. The ''Authorization to Permit Access'' section containing an opt-in check box for the PDX program in the previous version of the ADS form will be replaced by the ''Authorization or Opt-Out of Authorization to Permit Access'' section in the first release of the revised ADS form, which is intended to contain two subsections. The first subsection will contain the authorization to permit access to the application-as-filed (the PDX program) and the authorization to permit access to the search results by the EPO. The second subsection will contain the corresponding ''opt-out'' check box for each authorization in the first subsection.

Appropriate authorization language for access in any ADS generated by applicant must be the same as the authorization language provided in the Office's revised ADS form. Use of the same language will permit the Office to readily recognize that applicant has given the necessary authorization. If an applicant-generated ADS does not include the required authorization language for access by a foreign IP office, the ADS will be interpreted as not providing the authorization necessary to give a foreign IP office access.

The submission of a properly signed revised ADS form with the appropriate authorization language on filing of the patent application under 35 U.S.C. 111(a) would be a specific act authorizing access. In addition to an application filed under 35 U.S.C. 111(a), if an ADS is present upon the initial submission of a patent application under 35 U.S.C. 371, the submitted ADS containing authorization would be a specific act authorizing access. Where a revised ADS form, including the authorization language for access by foreign IP office(s) and signed in accordance with 37 CFR 1.14(c) and 1.33(b), has been submitted with an application, the Office would give the foreign IP office(s) access to the contents in accordance with the specific authorization language, upon request of the foreign IP office.

If, however, applicant files a corrected ADS form (*i.e.,* PTO/AIA/14) or a corrected applicant-generated ADS that was not submitted with an application, the authorization for access section will not be reviewed as any changes concerning authorization for access may not be readily apparent to the Office. Instead, applicants must use forms PTO/SB/39 and PTO/SB/69 (or an applicant-generated equivalent), as appropriate, to give or rescind authorization for access after the filing of the application. Forms PTO/SB/39 and PTO/SB/69 will be

revised to include opt-in and opt-out check boxes for giving and rescinding the respective authorizations for access after the filing of an application. These two forms can be used in all applications, regardless of their filing dates. Therefore, a revised ADS form used to correct or update application data would only need to be signed in accordance with 37 CFR 1.33(b) because the authorization for access section is not effective if the revised ADS form is not submitted with the application.

To avoid duplicative processing, the Office is removing the opt-in check box and associated authorization language for the PDX program from the inventor's oath or declaration form PTO/AIA/08 (for applications filed on or after September 16, 2012). Form PTO/SB/39 for the PDX authorization and Form PTO/SB/69 for the search results to the EPO authorization will remain available for applicants that do not use an ADS or have selected the check boxes for opting out of specific authorizations for access by a foreign IP office on the revised ADS form submitted with the application, but later decide to give a foreign IP office access to the application.

The changes to the Office's ADS form PTO/AIA/14 should reduce those instances where an applicant inadvertently fails to provide the authorization necessary to participate in PDX (by not selecting the opt-in check box for priority document exchange authorization on the previous version of the PTO/AIA/14 form submitted with the application) and, as a result, must expend resources to obtain and file a copy of a U.S. priority document with a foreign IP office. Similarly, this approach will help eliminate those instances where an applicant inadvertently fails to give the Office authority (by filing the former version of form PTO/SB/69) to provide the EPO with the search results from an unpublished U.S. priority application and, as a consequence, must expend resources to file the results with the EPO.

If applicant has not provided proper written authority for access, the Office will not deliver an unpublished priority document or file contents of an unpublished application to a foreign IP office, even where a counterpart application has been filed. As discussed above, the revised ADS form would need to be executed in accordance with 37 CFR 1.33(b), and if there is written authority for any access by a foreign IP office, the revised ADS form also must be executed in accordance with 37 CFR 1.14(c). Applicants should be aware of the differences in signature requirements under 37 CFR 1.33(b) and under 37 CFR 1.14(c). For example, under 37 CFR 1.33(b) in applications filed on or after September 16, 2012, the following individuals can sign:

- A patent practitioner of record;
- A patent practitioner not of record who acts in a representative capacity under the provisions of 37 CFR 1.34; or
- The applicant under 37 CFR 1.42. Unless otherwise specified, all papers submitted on behalf of a juristic entity must be signed by a patent practitioner.

By contrast, under 37 CFR 1.14(c) in applications filed on or after September 16, 2012, the following individuals can sign:

- The applicant;
- A patent practitioner of record;
- The assignee or an assignee of an undivided part interest;
- The inventor or a joint inventor; or
- A registered attorney or agent named in the papers accompanying the application papers filed under 37 CFR 1.53 or the national stage under 37 CFR 1.495, if a power of attorney has not been appointed under 37 CFR 1.32.

If the revised ADS form submitted with an application is not signed in accordance with the relevant rules, then applicant has not provided written authority for access by a foreign IP office to an application. As can be seen by a comparison of the individuals listed in both 37 CFR 1.33(b) and 37 CFR 1.14(c), in most instances an individual listed in 37 CFR 1.33(b) that can sign the revised ADS form can also give access to the application. For example, a patent practitioner of record can sign under both of these regulations. However, if a power of attorney has been appointed under 37 CFR 1.32, which was effective on filing, and a patent practitioner not of record who acts in a representative capacity under the provisions of 37 CFR 1.34 signs the revised ADS form that is submitted with the application, the Office will not recognize that the applicant has provided written authority for access in the revised ADS form. Where forms PTO/SB/39 for PDX authorization and PTO/SB/69 for search results to the EPO authorization are used instead of the revised ADS form, these forms must still be executed in accordance with 37 CFR 1.14(c) even though written authority is provided for under 37 CFR 1.14(h) as amended by this final rule.

The transaction of sharing documents and information from a U.S. application with a foreign IP office has several built in safeguards to ensure that only authorized sharing occurs. For example, in order for a foreign IP office to receive information about a U.S. application, the Office requires that the foreign IP office expressly identify the U.S. application number, along with other elements of bibliographic data for each U.S. application in its request, to ensure that only information pertaining to the correct U.S. application will be provided to the foreign IP office. Once the application is properly identified, the Office will then determine whether the requisite authorization for access exists in the U.S. application. The Office will only share information or other file content from a U.S. application with a foreign IP office when both the correct application is identified and the existence of proper authorization is confirmed. If an unpublished application, which has not been foreign filed, includes an unintended access authorization pursuant to revised 37 CFR 1.14(h), a foreign IP office would not obtain access because it would not have the information necessary to request access to that specific U.S. application.

Further, the U.S. application's filing receipt will indicate whether applicant has provided written authority for access pursuant to 37 CFR 1.14(h). Applicants should inspect the application filing receipt and request a corrected filing receipt if authorization for access under 37 CFR 1.14(h) was incorrectly captured from the revised ADS form or from an applicant-generated ADS filed along with the application. If authorization for access was inadvertently given, a request for rescission of the authorization can be made by filing either the PTO/SB/39 form or the PTO/SB/69 form in each application where the authorization has been recognized by the Office. The Office should be informed of such rescission as early as possible so the Office has time to recognize the request for rescission and act upon it.

Discussion of Specific Rules: The following is a discussion of the amendments to Title 37 of the Code of Federal Regulations, part 1, in this final rule.

Section 1.14: Section 1.14(h)(1) is amended to retain the first sentence of former § 1.14(h)(1) and include the provisions from former § 1.14(h)(3). Section 1.14(h)(1) also is amended to include that the date of filing of the written authority for priority document exchange may be provided to the respective participating foreign IP office, which codifies the practice set forth in the Official Gazette of the United States Patent and Trademark Office (1328 OG 90 (March 11, 2008)). In § 1.14(h)(1), the text added from former § 1.14(h)(3) has been amended to delete the language ''indicated in the written authority.'' This deleted language is not necessary

as written authority for access under former § 1.14(h) and § 1.14(h) as amended in this final rule will result in access being granted to all PDX and WIPO Digital Access Service (DAS) participating foreign IP offices in which a subsequently filed application claims benefit of the earlier filed U.S. application.

Sections 1.14(h)(1)(i) and (ii) also are amended to include the term ''bibliographic data'' to reflect that ''bibliographic data'' is used to ensure the correct application-as-filed is being provided to the participating foreign IP office requesting access in any access to the application-as-filed transaction. The term bibliographic data as used in § 1.14(h)(1) covers certain bibliographic data set forth in WIPO standard ST.9 for bibliographic data. The bibliographic data used to confirm that the correct application-as-filed is being provided may include the patent document identification, filing data, priority data, publication data, data concerning technical information such as patent classification (international or domestic), and the title of the invention.

Section 1.14(h)(2) is revised to include a provision by which an applicant can authorize the Office to grant a foreign IP office access to the file contents of an application where a counterpart application has been filed with a foreign IP office that has imposed a requirement for information on a counterpart application filed with the foreign IP office. The Office would only provide access to the relevant portion or portions of an unpublished U.S. application's file contents necessary to satisfy any requirement for information by the foreign IP office, triggered by the U.S. applicant filing a counterpart application with the foreign IP office. The Office and the foreign IP office would also need to have a bilateral or multilateral agreement for the Office to provide the required information. The agreement would provide for the secure transmission and receipt of any shared information. Section 1.14(h)(2)(i) is amended to include the term ''bibliographic data'' to reflect that ''bibliographic data'' is used to ensure the information is from the correct application for which access has been requested by the foreign IP office in any access to the application. The term bibliographic data as used in § 1.14(h)(2) includes the same types of bibliographic data set discussed above with respect to § 1.14(h)(1).

Former 1.14(h)(2) has been moved to § 1.14(h)(3).

Section 1.14(h)(3) is amended to indicate that written authority provided under §§ 1.14(h)(1) and (h)(2) should be submitted before the filing of any subsequent foreign application in which priority is claimed to the application. Section 1.14(h)(3) also is amended to indicate that the written authority under §§ 1.14(h)(1) and (2) must include the title of the invention (§ 1.72(a)), comply with the requirements of § 1.14(c), and must be submitted on an application data sheet (§ 1.76) or on a separate document (§ 1.4(c)).

Section 1.19: Section 1.19(b)(1)(iv) is amended to indicate there is no fee for providing a foreign IP office with a copy of either an application-as-filed or patent related file wrapper and contents pursuant to a bilateral or multilateral agreement (see § 1.14(h)).

Comments and Responses to Comments: The Office published a notice of proposed rulemaking on July 11, 2014, proposing to amend its rules of practice to include a specific provision by which an applicant can authorize the Office to give a foreign intellectual property (IP) office access to all or part of the file contents of an unpublished U.S. patent application in order to satisfy a requirement for information imposed on a counterpart application filed with the foreign IP office. *See Changes to Facilitate Applicant's Authorization of Access to Unpublished U.S. Patent Applications by Foreign Intellectual Property Offices,* 79 FR 40035 (July 11, 2014). The Office received comments from two intellectual property organizations, a patent practitioner, and a member of the public in response to this notice of proposed rulemaking. Three comments were very positive and supported the proposed changes. One comment opposed the proposed changes. Comments that supported the proposed changes are not discussed. The remaining comments and the Office's responses to those comments follow:

Comment 1: Three comments suggested removing the language ''indicated in the written authority'' from ''all foreign intellectual property offices indicated in the written authority'' in proposed § 1.14(h)(2). Two comments noted that this specific language was excluded from proposed § 1.14(h)(1) relating to access to an application-as-filed. One comment asserted that this language may be inconsistent with the statement in the notice of proposed rulemaking that the written authority to provide access to this information would be provided on an ''opt-out'' basis on the ADS and that any such provision on the ADS would not include a list of foreign intellectual property offices. One comment questioned whether an applicant will have to specify in advance all foreign IP offices that will receive pre-publication information.

Response: Section 1.14(h)(2) as adopted in this final rule does not include the language ''indicated in the written authority.'' Each written authorization on the revised ADS form will indicate either the specific foreign IP office(s) that is being granted access to the associated pre-publication information or that all the foreign IP offices participating with the Office in a particular work sharing initiative program are being granted access to pre-publication data.

Comment 2: One comment stated that access to pre-publication documents under the proposed rule change facilitates implementation of global projects like the IP5's Global Dossier project. Another comment raised concerns that the proposed rule change will require all of the IP5 Patent Offices to have mutual agreements with each other in order to implement the Global Dossier to cover pre-publication information and suggested that the Office review this requirement in light of the prospective Global Dossier System.

Response: The sharing of documents or information from unpublished U.S. applications between the Office and any foreign IP office has historically required a mutual agreement to cover these shared information or documents. An agreement is needed to ensure that the parties are aware of their obligations to one another (*e.g.,* keeping pre-publication information in confidence). Additionally, as stated in the notice of proposed rulemaking, the Office and the foreign IP office would need to have a bilateral or multilateral agreement that provides for the secure transmission and receipt of any shared information. 79 FR at 40038. Furthermore, the agreement serves as notice to the public regarding what application information (with applicant's consent if the application is unpublished) the Office and other foreign IP office have agreed to share with one another to thereby reduce the resources applicants must expend to comply with any IP office's requirements for information imposed when a counterpart application is filed with a foreign IP office. Currently, the Office will not provide any information or documents from an unpublished U.S. application to a foreign IP office if the Office does not have an agreement to provide such information or documents. Should the Office determine that sharing documents from an unpublished U.S. application with other IP offices in the absence of an agreement would be beneficial, the Office would engage the public to seek its input.

Comment 3: One comment requested seeing the proposed new ADS form before actual implementation of the final rule to be sure that the language in the ADS meets the needs of our applicants.

Response: Due to IT constraints, the EFS-Web based version of the revised ADS form had to be finalized well in advance of the publication of the final rules. The public will have an opportunity to comment on the first release of the revised ADS form. The Office will consider these comments for the next release of the form.

Comment 4: One comment asserted that the proposed rule change is based upon the assumption that a specific authority is required from an applicant in order to send out pre-publication information to a foreign IP office where applicant has filed an application and that the Office should reconsider this assumption. The comment further asserted that once an applicant files an application in a foreign IP office, applicant inherently agrees to the rules and requirements of that foreign IP office. Accordingly, the comment suggests that the Office does not need a separate authorization to either send a priority document or pre-publication information to that foreign IP office. Therefore, the comment requested that the Office reconsider the need for any authorization for access in this circumstance. The comment stated that if the Office adopts this position, then the entire authorization section from the ADS can be removed and a filing of an application in a foreign IP office by an applicant can serve as authorization for access to send priority documents and/or pre-publication information to that foreign IP office(s).

Response: After due consideration of the comment, the Office has decided to not adopt the position expressed in the comment. The written authority requirement is in accord with 35 U.S.C. 122(a), and consistent with current Office policy, practice, and procedure regarding access. Therefore, the Office is retaining the requirement for written authority from an applicant for access to the file contents of an unpublished application.

Comment 5: One comment opposed the proposed rule and asserted that the proposed rule will do great harm to independent inventors, university technology licensing organizations, small entity inventors, and overall U.S. development. Specifically, the comment alleged that the majority of foreign patent offices are integral parts of their national industrial development efforts and serve as collectors of information about U.S. technologies and that permitting these foreign governments to have access to unpublished patent applications will significantly undermine U.S. inventors and U.S. innovation.

Response: Neither the proposed rule nor the final rule establish a new program for providing unpublished applications to foreign governments. Under the final rule, the Office would only provide information to a foreign IP office where the applicant has already filed a counterpart application with that foreign IP office coupled with applicant's written authorization for access in the U.S. application. Specifically, the Office would be satisfying a duty placed on a U.S. applicant by the foreign IP office due to the U.S. applicant filing a counterpart application with that foreign IP office. For example, the Office, after receiving applicant's written authorization for access, would provide the foreign IP office where the counterpart application was filed the required information, along with sufficient bibliographic data to confirm that the correct U.S. and foreign counterpart applications have been matched. Finally, the Office will not deliver an unpublished priority document, file contents of an unpublished application, including information about an unpublished application, to a foreign IP office, even where a counterpart application has been filed, if applicant has not provided proper written authorization for access.

Rulemaking Considerations

A. Administrative Procedure Act

This rulemaking amends the rules of practice to include a specific provision by which an applicant can authorize the Office to give a foreign IP office access to all or part of the file contents of an application, and thus pertains solely to the process for an applicant to provide a limited waiver of confidentiality under 35 U.S.C. 122(a) to allow a counterpart IP office access to all or part of the file contents of an application. Therefore, the changes in this final rulemaking involve rules of agency practice and procedure and/or interpretive rules. *See Bachow Commc'ns Inc.* v. *FCC,* 237 F.3d 683, 690 (D.C. Cir. 2001) (rules governing an application process are procedural under the Administrative Procedure Act); *Inova Alexandria Hosp.* v. *Shalala,* 244 F.3d 342, 350 (4th Cir. 2001) (rules for handling appeals were procedural where they did not change the substantive standard for reviewing claims). The Office received no public comment on this section or any of the sections under the Rulemaking Considerations.

Accordingly, prior notice and opportunity for public comment are not required pursuant to 5 U.S.C. 553(b) or (c) (or any other law). *See Cooper Techs. Co.* v. *Dudas,* 536 F.3d 1330, 1336–37 (Fed. Cir. 2008) (stating that 5 U.S.C. 553, and thus 35 U.S.C. 2(b)(2)(B), does not require notice and comment rulemaking for ''interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice'' (quoting 5 U.S.C. 553(b)(A))). The Office, however, published proposed changes for comment as it sought the benefit of the public's views on the Office's proposed changes to include a specific regulatory provision by which an applicant can provide the Office with authority to give a foreign IP office access to all or part of the file contents of an application.

B. Regulatory Flexibility Act

For the reasons set forth herein, the Deputy General Counsel for General Law of the United States Patent and Trademark Office has certified to the Chief Counsel for Advocacy of the Small Business Administration that changes in this final rule will not have a significant economic impact on a substantial number of small entities. *See* 5 U.S.C. 605(b).

This rulemaking amends the rules of practice to include a specific provision by which an applicant can authorize the Office to give a foreign IP office access to all or part of the file contents of an application. This rulemaking consolidates and clarifies in one place—37 CFR 1.14(h)—existing procedures in both 37 CFR 1.14(c) and (h) relevant to authorizing the Office to provide a foreign IP office access to all or part of the file contents of an application or to an application-as-filed. Moreover, the use of the revised forms discussed (PTO/AIA/14; PTO/SB/39; and PTO/SB/69) will provide applicants that wish to provide a foreign IP office access to their applications greater ease and efficiency in transmitting the requisite authorization. The changes in this rulemaking do not require any applicant to provide the Office with this authority. There is no fee for this service. Therefore, the changes in this final rule will not have a significant economic impact on a substantial number of small entities.

C. Executive Order 12866 (Regulatory Planning and Review)

This rulemaking has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

D. Executive Order 13563 (Improving Regulation and Regulatory Review)

The Office has complied with Executive Order 13563. Specifically, the Office has, to the extent feasible and applicable: (1) Made a reasoned determination that the benefits justify the costs of the rule; (2) tailored the rule to impose the least burden on society consistent with obtaining the regulatory objectives; (3) selected a regulatory approach that maximizes net benefits; (4) specified performance objectives; (5) identified and assessed available alternatives; (6) involved the public in an open exchange of information and perspectives among experts in relevant disciplines, affected stakeholders in the private sector, and the public as a whole, and provided on-line access to the rulemaking docket; (7) attempted to promote coordination, simplification, and harmonization across government agencies and identified goals designed to promote innovation; (8) considered approaches that reduce burdens and maintain flexibility and freedom of choice for the public; and (9) ensured the objectivity of scientific and technological information and processes.

E. Executive Order 13132 (Federalism)

This rulemaking does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

F. Executive Order 13175 (Tribal Consultation)

This rulemaking will not: (1) Have substantial direct effects on one or more Indian tribes; (2) impose substantial direct compliance costs on Indian tribal governments; or (3) preempt tribal law. Therefore, a tribal summary impact statement is not required under Executive Order 13175 (Nov. 6, 2000).

G. Executive Order 13211 (Energy Effects)

This rulemaking is not a significant energy action under Executive Order 13211 because this rulemaking is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required under Executive Order 13211 (May 18, 2001).

H. Executive Order 12988 (Civil Justice Reform)

This rulemaking meets applicable standards to minimize litigation, eliminate ambiguity, and reduce burden as set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 (Feb. 5, 1996).

I. Executive Order 13045 (Protection of Children)

This rulemaking does not concern an environmental risk to health or safety that may disproportionately affect children under Executive Order 13045 (Apr. 21, 1997).

J. Executive Order 12630 (Taking of Private Property)

This rulemaking will not affect a taking of private property or otherwise have taking implications under Executive Order 12630 (Mar. 15, 1988).

K. Congressional Review Act

Under the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), prior to issuing any final rule, the United States Patent and Trademark Office will submit a report containing the final rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the Government Accountability Office. The changes in this final rule are not expected to result in an annual effect on the economy of 100 million dollars or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, this final rule is not expected to result in a ''major rule'' as defined in 5 U.S.C. 804(2).

L. Unfunded Mandates Reform Act of 1995

The changes set forth in this final rule do not involve a Federal intergovernmental mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, of 100 million dollars (as adjusted) or more in any one year, or a Federal private sector mandate that will result in the expenditure by the private sector of 100 million dollars (as adjusted) or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995. *See* 2 U.S.C. 1501 *et seq.*

M. National Environmental Policy Act

This rulemaking will not have any effect on the quality of the environment and is thus categorically excluded from review under the National Environmental Policy Act of 1969. *See* 42 U.S.C. 4321 *et seq.*

N. National Technology Transfer and Advancement Act

The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) are not applicable because this rulemaking does not contain provisions which involve the use of technical standards.

O. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) requires that the Office consider the impact of paperwork and other information collection burdens imposed on the public. This rulemaking involves information collection requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3549). The collection of information involved in this rulemaking has been reviewed and previously approved by OMB under OMB Control Numbers 0651–0031 and 0651–0032. The Office is not resubmitting an information collection package to OMB for its review and approval because the changes in this rulemaking do not change patent fees or change the information collection requirements (the estimated number of respondents, time per response, total annual respondent burden hours, or total annual respondent cost burden) associated with the information collections approved under OMB Control Numbers 0651–0031 and 0651–0032. The revised ADS form (PTO/AIA/14) as well as the PTO/SB/39 and PTO/SB/69 forms have already been reviewed and approved by OMB, or have been determined to not collect ''information'' within the meaning of the Paperwork Reduction Act of 1995.

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

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Courts, Freedom of information, Inventions and patents, Reporting and recordkeeping requirements, Small businesses.

For the reasons stated in the preamble, 37 CFR part 1 is amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

■ 1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2).

■ 2. Section 1.14 is amended by revising paragraph (h) to read as follows:

§ 1.14 Patent applications preserved in confidence.

* * * * *

(h) *Access by a Foreign Intellectual Property Office.* (1) Access to an application-as-filed may be provided to any foreign intellectual property office participating with the Office in a bilateral or multilateral priority document exchange agreement (participating foreign intellectual property office), if the application contains written authority granting such access. Written authority provided under this paragraph (h)(1) will be treated as authorizing the Office to provide the following to all participating foreign intellectual property offices in accordance with their respective agreements with the Office:

(i) A copy of the application-as-filed and its related bibliographic data;

(ii) A copy of the application-as-filed of any application the filing date of which is claimed by the application in which written authority under this paragraph (h)(1) is filed and its related bibliographic data; and

(iii) The date of filing of the written authorization under this paragraph (h)(1).

(2) Access to the file contents of an application may be provided to a foreign intellectual property office that has imposed a requirement for information on a counterpart application filed with the foreign intellectual property office where the foreign intellectual property office is a party to a bilateral or multilateral agreement with the Office to provide the required information from the application filed with the Office and the application contains written authority granting such access. Written authority provided under this paragraph (h)(2) will be treated as authorizing the Office to provide the following to all foreign intellectual property offices in accordance with their respective agreements with the Office:

(i) Bibliographic data related to the application; and

(ii) Any content of the application file necessary to satisfy the foreign intellectual property office requirement for information imposed on the counterpart application as indicated in the respective agreement.

(3) Written authority provided under paragraphs (h)(1) and (h)(2) of this section must include the title of the invention (§ 1.72(a)), comply with the requirements of paragraph (c) of this section, and be submitted on an application data sheet (§ 1.76) or on a separate document (§ 1.4(c)). The written authority provided under these paragraphs should be submitted before filing any subsequent foreign application in which priority is claimed to the application.

* * * * *

■ 3. Section 1.19 is amended by revising paragraph (b)(1)(iv) to read as follows:

§ 1.19 Document supply fees.

* * * * *

(b) * * *

(1) * * *

(iv) If provided to a foreign intellectual property office pursuant to a bilateral or multilateral agreement (see § 1.14(h)): $0.00.

* * * * *

Dated: October 21, 2015.

Michelle K. Lee,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2015–27335 Filed 10–26–15; 8:45 am]

BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2011–0799; FRL–9936–03–Region 10]

Air Plan Approval; OR; Portland, Medford, Salem; Clackamas, Multnomah, Washington Counties; Gasoline Dispensing Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve three state implementation plan (SIP) revisions submitted by the State of Oregon Department of Environmental Quality (Oregon or ODEQ) and a specific portion of a fourth SIP submittal identified in a supplementary letter. These SIP submittals primarily include rule amendments related to control measures for volatile organic compounds from gasoline dispensing facilities in the Portland-Vancouver, Medford-Ashland, and Salem-Keizer Area Transportation Study air quality management areas, as well as all of Clackamas, Multnomah, and Washington counties. The EPA received the SIP submittals from the ODEQ on February 5, 2009, November 1, 2010, May 25, 2011, and April 20, 2015, and the supplementary letter on September 18, 2015. The EPA is approving the SIP submittals because they are consistent with the requirements of the Clean Air Act (Act or CAA).

DATES: This rule is effective on December 28, 2015, without further notice, unless the EPA receives adverse comment by November 27, 2015. If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2011–0799, by any of the following methods:

- *Federal eRulemaking Portal http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: vaupel.claudia@epa.gov.*
- *Mail:* Claudia Vergnani Vaupel, EPA Region 10, Office of Air, Waste and Toxics, AWT–150, 1200 Sixth Avenue, Suite 900, Seattle WA, 98101.
- *Hand Delivery/Courier:* EPA Region 10, 1200 Sixth Avenue, Suite 900, Seattle WA, 98101. Attention: Claudia Vergnani Vaupel, Office of Air, Waste and Toxics, AWT–150. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R10–OAR–2011–0799. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *http://www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit

an electronic comment, the 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 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: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy. Publicly available docket materials are available at *http://www.regulations.gov* or at EPA Region 10, Office of Air, Waste, and Toxics, AWT–150, 1200 Sixth Avenue, Seattle, Washington 98101. The EPA requests that 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: Claudia Vergnani Vaupel at (206) 553–6121, *vaupel.claudia@epa.gov,* or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we'', ''us'' or ''our'' is used, it is intended to refer to the EPA.

I. Introduction

Section 110 of the CAA requires states to develop and submit to the EPA SIPs to ensure that state air quality meets National Ambient Air Quality Standards (NAAQS). Each federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin through air pollution regulations and control strategies. The EPA-approved SIP provisions and control strategies are federally enforceable. States revise the SIP as needed and submit revisions to the EPA for review and approval.

II. Background

This action primarily addresses Oregon's SIP submittals dated February 5, 2009, November 1, 2010, and May 25, 2011. These submittals include amendments to rules that control volatile organic compound (VOC) emissions from gasoline dispensing facilities in the Air Quality Management Areas (AQMAs) of Portland-Vancouver (which includes portions of Clackamas, Multnomah, and Washington counties), Medford-Ashland, and Salem-Keizer Area Transportation Study (SKATS), as well as all of Clackamas, Multnomah, and Washington counties. The VOC rules were previously approved into the Oregon SIP to address Reasonably Available Control Technology (RACT) requirements for ozone nonattainment areas. (*See* for example 45 FR 42265, June 24, 1980). The VOC RACT rules support continued attainment and maintenance of the ozone NAAQS. They address emissions during the delivery of gasoline from gasoline cargo tank trucks to gasoline dispensing facility storage tanks as well as the emissions during the refueling of individual vehicles at gasoline dispensing facilities. During delivery, the emission controls generally include submerged fill pipes and stage I vapor balance systems. Stage I vapor balance systems capture vapors and return them to the gasoline cargo tank truck to keep the vapors from being emitted to the air. During the refueling of individual vehicles, special fuel dispensing nozzles at the pump (known as ''stage II'') capture vapors and direct them into the gasoline dispensing facility storage tanks.

In general, the February 5, 2009 submittal amended the VOC rules to consolidate them with Oregon's then newly adopted rules that implemented the Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) for gasoline dispensing facilities, (40 CFR part 63, subpart CCCCCC) (gasoline dispensing facility NESHAP). The effect of Oregon's rule amendments was to incorporate the substantive stage I VOC RACT rule requirements for gasoline dispensing facilities in Oregon Administrative Rules (OAR) 340 division 232 ''Emission Standards for VOC Point Sources'' and division 242 ''Rules Applicable to the Portland Area'' into division 244 ''Oregon Federal Hazardous Air Pollutant Program,'' and to incorporate the permitting requirements for these facilities into division 216 ''Air Contaminant Discharge Permits.'' The November 1, 2010 and May 25, 2011 submittals made additional amendments to the rules for gasoline dispensing facilities. These three submittals also include minor amendments to other rules in divisions 200 ''State of Oregon Clean Air Act Implementation Plan,'' 209 ''Public Notice Categories and Timing,'' and 210 ''Registration in General''.

The April 20, 2015 submittal consists of comprehensive revisions to the ODEQ's air permitting and other air rules, including revisions to the rules for gasoline dispensing facilities in divisions 242 and 244. In a September 18, 2015 supplementary letter, the ODEQ requested that the EPA approve specific division 242 and 244 rules to ensure the most current version of the division 242 and 244 rules for gasoline dispensing facilities be approved into the SIP. Therefore, in this action, we are reviewing and acting only on the division 242 and 244 rule amendments in the April 20, 2015 submittal that were identified in the supplementary letter. We are not reviewing or acting on any other portion of the April 20, 2015 submittal at this time, but will address the remainder of that submittal in a future action. In addition, the ODEQ requested that the EPA approve the identified division 244 rules for gasoline dispensing facilities that replaced OAR 340–232–0070 and OAR 340–242–0520 in the February 5, 2009 submittal only to the extent they apply to sources in the Portland-Vancouver, Medford-Ashland, and SKATS AQMAs, as well as all of Clackamas, Multnomah, and Washington counties.

III. The EPA's Evaluation

In the February 5, 2009 submittal, the ODEQ repealed the SIP-approved rule OAR 340–232–0070 that applied to gasoline dispensing facilities in the Portland-Vancouver, Medford-Ashland, and SKATS AQMAs. The ODEQ also removed references to stage I vapor balance systems from the SIP-approved rules OAR 340–242–0500 and –0520, which applied to gasoline dispensing facilities in Clackamas, Multnomah and Washington counties, but retained the stage II vapor collection system requirements in those rules. The stage I vapor balance requirements contained in OAR 340–232–0070, OAR 340–242–0500 and OAR 340–242–0520 were added to sections of new rules in division 244 (–0030, –0234, –0238, –0240, –0242, and –0244) and to amended sections of existing rules in division 216 (–0020, including tables 1 and 2, –0040, and –0060). The ODEQ made further amendments to the rules for gasoline dispensing facilities in the subsequent submittals, as explained in section II.

In addition to the VOC RACT gasoline dispensing facility rule amendments, the SIP submittals also include amendments to the following rules: OAR 340–200–0040, 340–209–0030, 340–210–0100, 340–210–0110, 340–210–0120, 340–216–0062, and 340–244–0020. A summary discussion of the rule amendments is provided below. A table that identifies which new rules address

the SIP-approved gasoline dispensing facility provisions is included in the docket for this action.

A. Emission Control Requirements

As in the SIP-approved rules, the amended rules in OAR 340 divisions 244 and 216 continue to apply to the delivery of gasoline to a gasoline dispensing facility storage tank, require submerged filling and have specific piping requirements. The amended rules exempt all gasoline storage tanks with a capacity of less than 250 gallons from the submerged fill requirements. For tanks installed on or before October 14, 1999, this is more stringent than the SIP-approved rules which exempted tanks with a capacity of 1,500 gallons or less. However, the SIP-approved rules required submerged fill for all tanks installed after October 14, 1999. Thus, for those tanks with a capacity less than 250 gallons, the amended rules are less stringent. The ODEQ provided emissions estimates for these small tanks exempt from the submerged fill requirements under the amended rules and explained that, in general, such sources use the gasoline for their own equipment (*e.g.,* golf courses to fuel golf carts or a facility that has a gasoline powered forklift) rather than for resale, and that not many tanks are under this size threshold. The ODEQ estimates increases in VOC emissions in the AQMAs from this minor exemption to be 55 pounds, or 0.027 tons, per year.

The vapor balance system requirements in the amended rules are similar to the SIP-approved rules, including requirements that equipment be vapor tight, maintained in good working order, and properly connected. Both the amended and the SIP-approved rules exempt tanks with floating roofs from the vapor balance system requirements. Similar to the SIP-approved rule, the amended rules require that vapor balance systems meet certain specifications and demonstrate compliance. The amended rules cite more recently adopted test methods for compliance than the SIP-approved test methods. In addition, the new rules require a compliance demonstration every three years after the initial compliance demonstration for gasoline dispensing facilities with a monthly throughput of 100,000 gallons of gasoline or more. This is more stringent than the SIP-approved rule. In the Portland-Vancouver, Medford-Ashland, and SKATS AQMAs, the amended rules continue to exempt gasoline storage tanks that have a capacity of 1,500 gallons or less from the vapor balance system requirements. However, in Clackamas, Multnomah, and Washington counties, the requirements for vapor balance systems are slightly amended. In these counties, the SIP-approved rules required a vapor balance system for all tanks if the gasoline dispensing facility had an annual throughput of 120,000 gallons of gasoline or more regardless of the storage capacity of the tank. The amended rules exempt gasoline storage tanks that have a capacity less than 250 gallons from the vapor balance system requirements. The EPA does not consider this to be a relaxation of the SIP-approved rules because gasoline dispensing facilities that have an annual throughput of 120,000 gallons of gasoline or more would be expected to have storage tanks that are larger than 250 gallons.

The amended rules do not specify that training and written instructions be provided to the operators of gasoline dispensing facilities and gasoline transport vehicles as in the SIP-approved rules. The management practices for gasoline dispensing facilities and cargo tanks included in OAR 340–244–0242 tables 2 and 3 provide a similar level of assurance, however, that equipment is operated properly. In addition, the new rules for gasoline dispensing facilities in division 244 also include other requirements that are not currently in the SIP but are based on the requirements of the gasoline dispensing facility NESHAP. These include a specific timeframe for demonstrating initial compliance with the vapor balance system, demonstrating monthly throughput, general duties to minimize emissions, notifications, recordkeeping, and reporting. These requirements are consistent with the gasoline dispensing facility NESHAP and will either reduce VOC emissions or enhance the enforceability of VOC SIP requirements for gasoline dispensing facilities. Thus, while a few aspects of the amended requirements for gasoline dispensing facilities are less stringent than in the existing SIP, given the overall strengthening of the requirements for gasoline dispensing facilities in the identified areas under the amended rules, the EPA finds that the revisions to the requirements for gasoline dispensing facilities in the Portland-Vancouver, Medford-Ashland, and SKATS AQMAs and in Clackamas, Multnomah, and Washington counties will not interfere with any applicable requirement concerning attainment or maintenance of the NAAQS or any other applicable CAA requirements. The EPA is therefore approving these requirements for the Portland-Vancouver, Medford-Ashland, and SKATS AQMAs as well as all of Clackamas, Multnomah, and Washington counties.[1]

B. Permitting Rules

The General Air Contaminant Discharge Permits (ACDPs) rules in the amended OAR division 216 have replaced the vapor balance system (stage I) and stage II vapor collection permit requirements in the SIP-approved rules. The EPA has approved the submitted amendments to division 216 (*See* 76 FR 80747, December 27, 2011). Like the SIP-approved rules, the amended rules include equivalent[2] permitting requirements, permitting fees, and a 10 year limit on the permit. Other administrative requirements, however, such as the requirement to notify the ODEQ of a change of ownership, the date for submitting renewal applications, and the requirement to keep a copy of the permit on site at the facility, are included in the SIP-approved rule, but are not included in the ODEQ's amended permit provisions for gasoline dispensing facilities. The EPA notes that the ODEQ includes these types of provisions in its general permit for gasoline dispensing facilities. Given the administrative nature of such requirements, the EPA concludes that the revisions to the permitting requirements for gasoline dispensing facilities will not interfere with any applicable requirement concerning attainment or maintenance of the NAAQS or any other applicable CAA requirements.

C. Rule Amendments that the EPA is Not Approving

The February 5, 2009, November 1, 2010, and May 25, 2011 submittals also include amendments to other rules that

[1] The ODEQ has excluded from its submittal the following provisions in the emissions standards for gasoline dispensing facilities in division 244 that do not correspond to current SIP requirements for gasoline dispensing facilities or to provisions in the gasoline dispensing facility NESHAP: OAR 340–244–0238(1)(a) and (2)(c), 340–244–0240(1)(b) and (c), and 340–244–0242 (4)(c) and (d). The ODEQ has also requested that the EPA approve the definitions in OAR 340–244–0030 only to the extent needed to implement the requirements for gasoline dispensing facilities in the division 244 requirements approved into the SIP.

[2] In the amended rules, stage I and stage II permits are required for gasoline dispensing facilities with a monthly throughput of 10,000 gallons of gasoline or more. We consider this requirement to be essentially equivalent to the SIP-approved rule, which (a) required vapor balance systems (stage I) and permits for gasoline dispensing facilities with greater than 1,500 gallon capacity as explained in our May 10, 2000 action (65 FR 29956), and (b) required stage II systems and permits for gasoline dispensing facilities (subject to those requirements in OAR 340–242–0520) with an annual throughput exceeding 600,000 gallons.

we are not approving in this action. The division 210 ''Registration in General'' rules have been superseded by a more recent submittal and have been approved by the EPA (*See* 78 FR 37124, June 20, 2013). The April 20, 2015 submittal superseded OAR 340–209–0030 and OAR 340–216–0062, and we will address them in a future action. We are also not approving OAR 340–244–0020, which was included in the February 5, 2009 submittal, because this rule addresses the authority of Lane Regional Air Protection Agency (LRAPA) to implement requirements within its jurisdiction, and LRAPA does not have jurisdiction in the geographic areas covered by this SIP approval. Finally, OAR 340–200–0040 describes the State's procedures for adopting its SIP and references all of the state air regulations that have been adopted by the ODEQ for approval into the SIP (as a matter of state law), whether or not they have yet been submitted to or approved by the EPA. The EPA is not approving the revisions to this provision in these SIP submittals because the federally-approved SIP consists only of regulations and other requirements that have been submitted by the ODEQ and approved by the EPA.

IV. Final Action

The EPA is taking the following action on the amendments to OAR Chapter 340 that were included in the February 5, 2009, November 1, 2010, and May 25, 2011 submittals and the division 242 and 244 rules in the April 20, 2015 submittal that were identified by the ODEQ for our review in the September 18, 2015 supplementary letter. We are acting on the most recent version of the rules in the submittal identified in parentheses below. Further action on the earlier adopted versions of these rules included in the submittals is not required because they are no longer in effect and have been superseded by the most recent submittal.

We are approving the following rule amendments: OAR 340–232–0070 (repeal) (February 5, 2009 submittal); OAR 340–242–0500, –0510, –0520 (April 20, 2015 submittal as identified in the September 18, 2015 supplementary letter);[3] OAR 340–244–0030,[4] –0232, –0234, –0236, –0238 (except (1)(a) and (2)(c)),[5] –0239, –0240, –0242 (including tables 2 and 3), –0244 (except (1)(b) and (c)),[6] –0246, –0248 (except (4)(c) and (d)),[7] –0250 (April 20, 2015 submittal as identified in the September 18, 2015 supplementary letter); and OAR 340–244–0252 (February 5, 2009 submittal). At the ODEQ's request, the EPA is approving the identified requirements in division 244 only for sources in the Portland-Vancouver, Medford-Ashland, and SKATS AQMAs as well as all of Clackamas, Multnomah, and Washington counties. The EPA notes that, although Oregon's rules for gasoline dispensing facilities also regulate emissions of hazardous air pollutants, the EPA is approving these provisions for the purpose of regulating VOC emissions from these facilities. The EPA's authority to approve SIPs extends to provisions related to attainment and maintenance of the NAAQS and carrying out other specific requirements of section 110 of the CAA.

As discussed above, we are not approving OAR 340–200–0040 (May 25, 2011); OAR 340–209–0030, OAR 340–210–0100, –0110, –0120, and OAR 340–216–0062, –0064 (November 1, 2010 submittal); OAR 340–216–0020, –0060 (May 25, 2011); or OAR 340–244–0020 (February 5, 2009 submittal).

V. Incorporation by Reference

In this rule, the EPA is approving regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is incorporating by reference the Oregon regulations (OAR Chapter 340) described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

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

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

[3] By its terms, division 242 applies only in Clackamas, Multnomah, and Washington Counties.

[4] As discussed above, the ODEQ has requested that the EPA approve the definitions in OAR 340–244–0030 only to the extent needed to implement the requirements for gasoline dispensing facilities in division 244 that are approved into the SIP.

[5] As discussed above, the ODEQ has excluded OAR 240–244–0238(1)(a) and (2)(c) from its submittal.

[6] As discussed above, the ODEQ has excluded OAR 340–244–0240(1)(b) and (c) from its submittal.

[7] As discussed above, the ODEQ has excluded OAR 340–244–0242(4)(c) and (d) from its submittal.

Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 28, 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 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, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: September 25, 2015.

Michelle Pirzadeh,

Acting Regional Administrator, Region 10.

For the reasons stated in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart MM—Oregon

■ 2. In § 52.1970, paragraph (c), Table 2—EPA Approved Oregon Administrative Rules (OAR), is amended by:

■ a. Removing the entry 232–0070;

■ b. Revising entries 242–0500; 242–0510; 242–0520;

■ c. Adding a header titled ''Division 244—Oregon Federal Hazardous Air Pollutant Program'' after the entry for ''242–0790'', and adding entries 244–0030, 244–0232, 244–0234, 244–0236, 244–0238, 244–0239, 244–0240, 244–0242, 244–0244, 244–0246, 244–0248, 244–0250, and 244–0252 in numerical order and

■ d. Adding footnotes 1 and 2, at the end of the table.

The revisions and additions read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)

State citation	Title/subject	State effective date	EPA approval date	Explanations
Chapter 340—Department of Environmental Quality				
*	*	*	*	*
Division 242—Rules Applicable to the Portland Area				
*	*	*	*	*
Gasoline Vapors from Gasoline Transfer and Dispensing Operations				
242–0500	Purpose and Applicability	4/16/2015	10/27/2015 [Insert **Federal Register** citation].	
242–0510	Definitions	4/16/2015	10/27/2015 [Insert **Federal Register** citation].	
242–0520	General Provisions	4/16/2015	10/27/2015 [Insert **Federal Register** citation].	
*	*	*	*	*
Division 244—Oregon Federal Hazardous Air Pollutant Program [1] [2]				
General Provisions for Stationary Sources				
244–0030	Definitions	4/16/2015	10/27/2015 [Insert **Federal Register** citation].	Only to the extent needed to implement the requirements for gasoline dispensing facilities in division 244 that are approved into the SIP.
Emission Standards for Gasoline Dispensing Facilities				
244–0232	Purpose	4/16/2015	10/27/2015 [Insert **Federal Register** citation].	

TABLE 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
244–0234	Affected Sources	4/16/2015	10/27/2015 [Insert **Federal Register** citation].	
244–0236	Affected Equipment or Processes	4/16/2015	10/27/2015 [Insert **Federal Register** citation].	
244–0238	Compliance Dates	4/16/2015	10/27/2015 [Insert **Federal Register** citation].	Except (1)(a) and (2)(c).
Emission Limitations and Management Practices				
244–0239	General Duties to Minimize Emissions.	4/16/2015	10/27/2015 [Insert **Federal Register** citation].	
244–0240	Work Practice and Submerged Fill Requirements.	4/16/2015	10/27/2015 [Insert **Federal Register** citation].	
244–0242	Vapor Balance Requirements	4/16/2015	10/27/2015 [Insert **Federal Register** citation].	Including tables 2 and 3.
Testing and Monitoring Requirements				
244–0244	Testing and Monitoring Requirements.	4/16/2015	10/27/2015 [Insert **Federal Register** citation].	Except (1)(b) and (c).
Notifications, Records, and Reports				
244–0246	Notifications	4/16/2015	10/27/2015 [Insert **Federal Register** citation].	
244–0248	Recordkeeping Requirements	4/16/2015	10/27/2015 [Insert **Federal Register** citation].	Except (4)(c) and (d).
244–0250	Reporting Requirements	4/16/2015	10/27/2015 [Insert **Federal Register** citation].	
244–0252	General Provision Applicability	12/31/2008	10/27/2015 [Insert **Federal Register** citation].	

* * * * * * *

[1] Only for the Portland-Vancouver, Medford-Ashland, and Salem-Keizer Area Transportation Study air quality management areas, as well as all of Clackamas, Multnomah, and Washington counties.
[2] This approval is for the purpose of regulating volatile organic compound (VOC) emissions.

* * * * *

[FR Doc. 2015–27170 Filed 10–26–15; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0256; FRL–9935–66–Region 9]

Approval and Promulgation of Implementation Plans; Arizona; Phased Discontinuation of Stage II Vapor Recovery Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to the receipt of adverse comments, the Environmental Protection Agency (EPA) is withdrawing the September 2, 2015 direct final rule that approves a state implementation plan (SIP) revision related to the removal of ''Stage II'' vapor recovery equipment at gasoline dispensing facilities in the Phoenix-Mesa area. The EPA will address the comments in a subsequent final action based upon the proposed rulemaking action, also published on September 2, 2105. The EPA will not institute a second comment period on this action.

DATES: The direct final rule published at 80 FR 53001 on September 2, 2015 is withdrawn, effective October 27, 2015.

FOR FURTHER INFORMATION CONTACT: Jeffrey Buss, Air Planning Office (AIR–2), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne, San Francisco, California 94105; (415) 947–4152; *buss.jeffrey@epa.gov.*

SUPPLEMENTARY INFORMATION: On September 2, 2015 (80 FR 53001), the EPA published a direct final rule approving a SIP revision submitted by the Arizona Department of Environmental Quality (ADEQ). The revision provides for the phased removal of Stage II vapor recovery equipment at gasoline dispensing facilities in the Phoenix-Mesa area. Specifically, the revision eliminates the requirement to install and operate such equipment at new gasoline dispending facilities, and provides for the phased removal of such equipment at existing gasoline dispensing facilities from October 2016 through September 2018. In the direct final rule, the EPA stated that if adverse comments were received by October 2, 2015, the EPA would publish a timely withdrawal of the direct final rule and address the comments in a subsequent final rule. The EPA received adverse comments and is therefore withdrawing the direct final rule. The EPA will address these comments in a separate final action based on the proposed action also published on September 2, 2015 (80 FR 53086). The EPA will not open a second comment period for this action.

List of Subjects in 40 CFR Part 52

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

Dated: September 28, 2015.

Jared Blumenfeld,

Regional Administrator, Region IX.

Accordingly, the amendment to 40 CFR 52.120 which published in the **Federal Register** on September 2, 2015 (80 FR 53001) on page 53007 is withdrawn as of October 27, 2015.

[FR Doc. 2015–27028 Filed 10–26–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[EPA–R03–OAR–2014–0568; FRL–9917–72–Region 3]

Outer Continental Shelf Air Regulations Consistency Update for Maryland

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve an update to a portion of the Outer Continental Shelf (OCS) Air Regulations for Maryland. Requirements applying to OCS sources located within 25 miles of States' seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area (COA), as mandated by the Clean Air Act, as amended in 1990 (CAA or the Act). The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which Maryland is the designated COA. The intended effect of approving the OCS requirements for the Maryland Department of the Environment is to regulate emissions from OCS sources in accordance with the requirements onshore.

DATES: This rule is effective on December 28, 2015 without further notice, unless EPA receives adverse written comment by November 27, 2015. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of December 28, 2015.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014-0568 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–2014–0568, Dave Campbell, Associate Director, Office of Permits and Air Toxics, 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–2014–0568. 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 Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

FOR FURTHER INFORMATION CONTACT: Cathleen Van Osten, (215) 814–2746, or by email at *vanosten.cathleen@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On September 4, 1992, EPA promulgated 40 CFR part 55 which established requirements to control air pollution from OCS sources in order to attain and maintain Federal and state ambient air quality standards and to comply with the provisions of part C of title I of the CAA. Forty CFR part 55 applies to all OCS sources offshore of the states except those locations in the Gulf of Mexico west of 87.5 degrees longitude. Section 328 of the CAA requires that for such source locations within 25 miles of a state's seaward boundary, the requirements shall be the same as would be applicable if the source were located in the COA. Because the OCS requirements are based on onshore requirements, and onshore requirements may change, section 328(a)(1) requires that EPA update the OCS requirements as necessary to maintain consistency with onshore requirements.

Pursuant to 40 CFR 55.12 of the OCS rule, consistency reviews will occur: (1) At least annually; (2) upon receipt of a Notice of Intent under 40 CFR 55.4; or (3) when a state or local agency submits a rule to EPA to be considered for incorporation by reference in 40 CFR part 55. This proposed action is being taken in response to requirements submitted by Maryland. Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into 40 CFR part 55 as they exist onshore. This limits EPA's flexibility in deciding which requirements will be incorporated into 40 CFR part 55 and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into 40 CFR part 55 that do not conform to all of EPA's state implementation

plan (SIP) guidance or certain requirements of the Act. Consistency updates may result in the inclusion of state or local rules or regulations into 40 CFR part 55, even though the same rules may ultimately be disapproved for inclusion as part of the SIP. Inclusion in the OCS rule does not imply that a rule meets the requirements of the Act for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

II. EPA's Evaluation

EPA reviewed Maryland's rules for inclusion in 40 CFR part 55 to ensure that they are rationally related to the attainment or maintenance of federal or state ambient air quality standards or part C of title I of the CAA; that they are not designed expressly to prevent exploration and development of the OCS; and that they are applicable to OCS sources. EPA has also evaluated the rules to ensure they are not arbitrary or capricious. In addition, EPA has excluded administrative or procedural rules [1] and requirements that regulate toxics which are not related to the attainment and maintenance of Federal and State ambient air quality standards.

III. Final Action

EPA is taking direct final action to incorporate the applicable provisions of the Code of Maryland Regulations into 40 CFR part 55 as required under section 328(a)(1) of the CAA. EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on *December 28, 2015* without further notice unless EPA receives adverse comment by *November 27, 2015.* If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

[1] Each COA that has been delegated the authority to implement and enforce 40 CFR part 55 will use its administrative and procedural rules as onshore. However, in those instances where EPA has not delegated authority to implement and enforce 40 CFR part 55, EPA will use its own administrative and procedural requirements to implement the substantive requirements.

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 Maryland Regulations described in the amendments to 40 CFR part 55 set forth below. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

V. Statutory and Executive Order Reviews

A. General Requirements

Under the Clean Air Act, the Administrator is required to establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore air control requirements. To comply with this statutory mandate, EPA must incorporate applicable onshore rules into 40 CFR part 55 as they exist onshore. 42 U.S.C. 7627(a)(1); 40 CFR 55.12. Thus, in promulgating OCS consistency updates, EPA's role is to maintain consistency between OCS regulations and the regulations of onshore areas, provided that they meet the criteria of the Clean Air Act. Accordingly, this action simply updates the existing OCS requirements to make them consistent with requirements onshore, without the exercise of any policy discretion by EPA. For that reason, this 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);
- 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, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, nor does it impose substantial direct compliance costs on tribal governments, nor preempt tribal law.

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. 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).

C. Petitions for Judicial Review

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 28, 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 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 55

Environmental protection, Administrative practice and procedures, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Nitrogen oxides, Outer Continental Shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: March 10, 2015.

William C. Early,

Acting, Regional Administrator, Region III.

Editorial Note: This document was received for publication by the Office of the Federal Register on October 21, 2015.

Accordingly, 40 CFR part 55 is amended as follows:

PART 55—OUTER CONTINENTAL SHELF AIR REGULATIONS

■ 1. The authority citation for part 55 continues to read as follows:

Authority: Section 328 of the Clean Air Act (42 U.S.C. 7401, *et seq.*) as amended by Public Law 101–549.

■ 2. Section 55.14 is amended as follows:
■ a. By adding paragraph (d)(10).
■ b. By revising paragraph (e) introductory text.
■ c. By adding paragraph (e)(10).

§ 55.14 Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by State.

* * * * *

(d) * * *

(10) Maryland.

(i) 40 CFR part 52, subpart V.

(ii) [Reserved]

* * * * *

(e) *State and local requirements.* State and local requirements promulgated by EPA as applicable to OCS sources located within 25 miles of States' seaward boundaries have been compiled into separate documents organized by State and local areas of jurisdiction. These documents, set forth below, are incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register Office in accordance with 5 U.S.C. 552 (a) and 40 CFR part 51. Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.* Copies of rules pertaining to particular States or local areas may be inspected or obtained from the EPA Docket Center-Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20004 or the appropriate EPA regional offices: U.S. EPA, Region I (Massachusetts) 5 Post Office Square, Boston, MA 02109–3912; U.S. EPA, Region III (Delaware, Maryland, and Virginia) 1650 Arch Street, Philadelphia, PA 19103, (215) 814–5000; U.S. EPA, Region 4 (Florida and North Carolina), 61 Forsyth Street, Atlanta, GA 30303; U.S. EPA, Region 9 (California), 75 Hawthorne Street, San Francisco, CA 94105; and U.S. EPA Region 10 (Alaska), 1200 Sixth Avenue, Seattle, WA 98101. For an informational listing of the State and local requirements incorporated into this part, which are applicable to sources of air pollution located on the OCS, see appendix A to this part.

* * * * *

(10) Maryland.

(i) State requirements.

(A) State of Maryland Requirements Applicable to OCS Sources, January 8, 2014.

(B) [Reserved]

(ii) Local requirements.

(A) [Reserved]

* * * * *

■ 3. In Appendix A to part 55, add an entry for Maryland in alphabetical order to read as follows:

Appendix A to Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, By State

* * * * *

Maryland:

(a) State requirements.

(1) The following State of Maryland requirements are applicable to OCS Sources, January 8, 2014, State of Maryland-Department of the Environment. The following sections of Code of Maryland Regulations (COMAR) Title 26 Subtitle 11:

COMAR 26.11.01-—General Administrative Provisions (Effective as of July 08, 2013)
COMAR 26.11.02—Permits, Approvals, and Registrations (Effective as of December 20, 2012)
COMAR 26.11.03—Permits, Approvals, and Registration- Title V Permits (Effective as of November 12, 2010)
COMAR 26.11.05—Air Pollution Episode System (Effective as of November 12, 2010)
COMAR 26.11.06—General Emission Standards, Prohibitions, and Restrictions (Effective as of July 08, 2013)
COMAR 26.11.07—Open Fires (Effective as of November 12, 2010)
COMAR 26.11.08—Control of Incinerators (Effective as of November 26, 2012)
COMAR 26.11.09—Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines and Certain Fuel-Burning Installations (Effective as of September 16, 2011)
COMAR 26.11.13—Control of Gasoline and Volatile Organic Compound Storage and Handling (Effective as of November 12, 2010)
COMAR 26.11.15—Toxic Air Pollutants (Effective as of November 12, 2010)
COMAR 26.11.16—Procedures Related to Requirements for Toxic Air Pollutants (Effective as of November 12, 2010)
COMAR 26.11.17—Nonattainment Provisions for Major New Sources and Major Modifications (Effective as of July 08, 2013)
COMAR 26.11.19—Volatile Organic Compounds from Specific Processes (Effective as of November 09, 2012)
COMAR 26.11.20—Mobile Sources (Effective as of November 12, 2010)
COMAR 26.11.26—Conformity (Effective as of November 12, 2010)
COMAR 26.11.33—Architectural Coatings (Effective as of November 12, 2010)
COMAR 26.11.35—Volatile Organic Compounds from Adhesives and Sealants (Effective as of November 12, 2010)
COMAR 26.11.36—Distributed Generation (Effective as of June 13, 2011)

* * * * *

[FR Doc. 2015–27158 Filed 10–26–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 141021887–5172–02]

RIN 0648–XE272

Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is exchanging allocations of Amendment 80 cooperative quota (CQ) for Amendment 80 acceptable biological catch (ABC) reserves. This action is necessary to allow the 2015 total allowable catch of flathead sole, rock sole, and yellowfin

sole in the Bering Sea and Aleutian Islands management area to be harvested.

DATES: Effective October 27, 2015, through December 31, 2015.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the Bering Sea and Aleutian Islands management area (BSAI) according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2015 flathead sole, rock sole, and yellowfin sole Amendment 80 allocations of the total allowable catch (TAC) specified in the BSAI are 11,035 metric tons (mt), 52,390 mt, and 118,962 mt as established by the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015) and as revised (80 FR 60073, October 5, 2015). The 2015 flathead sole, rock sole, and yellowfin sole Amendment 80 ABC reserves are 43,019 mt, 101,868 mt, and 82,051 mt as established by the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015) and as revised (80 FR 60073, October 5, 2015).

The Alaska Seafood cooperative has requested that NMFS exchange 600 mt of flathead sole and 1,350 mt of rock sole Amendment 80 allocations of the TAC for 1,950 mt of yellowfin sole Amendment 80 ABC reserves under § 679.91(i). Therefore, in accordance with § 679.91(i), NMFS exchanges 600 mt of flathead sole and 1,350 mt of rock sole Amendment 80 allocations of the TAC for 1,950 mt of yellowfin sole Amendment 80 ABC reserves in the BSAI. This action also decreases and increases the TACs and Amendment 80 ABC reserves by the corresponding amounts. Tables 11 and 13 of the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015) and as revised (80 FR 60073, October 5, 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	17,187	65,915	159,398
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	10,435	51,040	120,912
Alaska Groundfish Cooperative	3,362	2,947	4,171	1,708	13,318	44,455
Alaska Seafood Cooperative	2,978	2,611	3,695	8,727	37,722	76,457

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	17,187	65,915	159,398	24,250	69,250	149,000
ABC surplus	48,943	115,785	89,402	39,461	95,550	96,500
ABC reserve	48,943	115,785	89,402	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	43,619	103,218	80,101	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]	39,783	78,378	44,693	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 Alaska Seafood cooperative the BSAI.

Since these fisheries are currently open, it is important to immediately inform the industry as to the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of October 19, 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: October 22, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–27274 Filed 10–26–15; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 207
Tuesday, October 27, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–1075; Directorate Identifier 2012–NM–111–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: We are revising an earlier proposed airworthiness directive (AD) for certain Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. The NPRM proposed to require revising the maintenance or inspection program to incorporate revised tasks specified in certain temporary revisions (TRs) to the airplane airworthiness limitations (AWLs). The NPRM was prompted by the need for more stringent inspection requirements for certain affected components. This action revises the NPRM by proposing to require revising the maintenance or inspection program to incorporate certain revised AWL tasks instead of TRs, and by proposing to require repairs of affected components. We are proposing this supplemental NPRM (SNPRM) to detect and correct fatigue cracking in the affected components, which could result in loss of structural integrity. Since these actions impose an additional burden over those proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

DATES: We must receive comments on this SNPRM by December 11, 2015.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

For service information identified in this proposed AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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–2012–1075; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jeffrey Zimmer, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7306; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2012–1075; Directorate Identifier 2012–NM–111–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. The NPRM published in the **Federal Register** on October 16, 2012 (77 FR 63282). The NPRM was prompted by a revision to the airplane AWLs to introduce more stringent inspection requirements on certain affected components. The NPRM proposed to require revising the maintenance or inspection program to incorporate revised AWL tasks specified in certain TRs.

Actions Since Previous NPRM (77 FR 63282, October 16, 2012) Was Issued

Since we issued the NPRM (77 FR 63282, October 16, 2012), we have determined that a repair requirement should be added to this SNPRM to correct fatigue cracking in the affected components.

Related Service Information Under 1 CFR Part 51

Bombardier Inc. has issued the following AWLs.

- AWL 52–11–131, ''Passenger door—piano hinge half on door side,'' of Appendix B—Airworthiness Limitations, of Part 2 Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 Maintenance Requirements Manual (MRM) CSP A–053. This AWL describes procedures for a detailed visual inspection of the piano hinge half on the passenger door side.
- AWL 53–11–122, ''Windshield center post and bulkhead aft post at FS202.75,'' of Appendix B—

Airworthiness Limitations, of Part 2 Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053. This AWL describes procedures for a special detailed inspection of the windshield center post and bulkhead aft post at fuselage station (FS) 202.75.

• AWL 53–21–118, ''Potable water servicing door cut-out and internal structure,'' of Appendix B—Airworthiness Limitations, of Part 2 Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053. This AWL describes procedures for a detailed visual inspection of the potable water servicing door cut-out and internal structure.

• AWL 53–21–129, ''Passenger door—piano hinge half on fuselage side,'' of Appendix B—Airworthiness Limitations, of Part 2 Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053. This AWL describes procedures for a detailed visual inspection of the piano hinge half of the passenger door on the fuselage side.

• AWL 53–41–199, ''FS409.0 +128 vertical posts at BL0.0 and BL18.0 left and right local to WL69.0,'' of Appendix B—Airworthiness Limitations, of Part 2 Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053. This AWL describes procedures for a special detailed inspection of the FS409.0 +128 left and right vertical posts at buttock line (BL) 0.0 and BL18.0 local to water line (WL) 69.0.

• AWL 53–41–200, ''FS409.0 +128 frame cap aft and fwd splice angles at STR21 left and right,'' of Appendix B—Airworthiness Limitations, of Part 2 Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053. This AWL describes procedures for a detailed visual inspection of the FS409.0 +128 frame cap aft and forward splice angles at stringer 21.

• AWL 53–41–201, ''FS559.0 pressure bulkhead web and cap angle local to BL9.0 and BL18.0 left and right,'' of Appendix B—Airworthiness Limitations, of Part 2 Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053. This AWL describes procedures for a special detailed inspection of the left and right FS559.0 pressure bulkhead web and cap angle local to BL9.0 and BL18.0.

• AWL 53–61–156, ''Rear pressure bulkhead forward face below floor,'' of Appendix B—Airworthiness Limitations, of Part 2 Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053. This AWL describes procedures for a special detailed inspection of the below floor forward face of the rear pressure bulkhead.

• AWL 54–10–105, ''Pylon track and support fitting,'' of Appendix B—Airworthiness Limitations, of Part 2 Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053. This AWL describes procedures for a special detailed inspection of the pylon track and support fitting.

• AWL 54–10–106, ''Pylon track and support fitting,'' of Appendix B—Airworthiness Limitations, of Part 2 Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053. This AWL describes procedures for a special detailed inspection of the pylon track and support fitting.

• AWL 57–21–105, ''Lower wing skin, between BL0.0 to wing station (WS) 314.0,'' of Appendix B—Airworthiness Limitations, of Part 2 Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053. This AWL describes procedures for a detailed visual inspection of the lower wing skin, between BL0.0 to WS314.0.

• AWL 57–21–112, ''Lower wing plank splice joints at BL45.0, WS65.75, and WS148.0,'' of Appendix B—Airworthiness Limitations, of Part 2 Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053. This AWL describes procedures for a special detailed inspection of the lower wing plank splice joints at BL45.0, WS65.75, and WS148.0.

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

Comments

We gave the public the opportunity to participate in developing this proposed AD. We considered the comments received.

Requests To Reduce the Number of Inspections

Skywest Airlines (Skywest) and Expressjet Airlines (Expressjet) requested that we reduce the number of inspections proposed by the NPRM (77 FR 63282, October 16, 2012) by specifying the AWLs in lieu of the TRs referenced in the NPRM. Skywest and Expressjet stated that many of the TRs have already been incorporated into the maintenance program; the proposed requirements would therefore create difficulty in tracking TRs for compliance because of the many anticipated alternative methods of compliance (AMOCs) that would be needed. Expressjet stated that the large number of proposed inspections will create a significant burden on the operator.

Bombardier requested that we specify the AWLs and cited an example of two TRs issued for the same AWL.

Air Wisconsin (AWI) provided specific references to TRs that have been superseded by subsequently published TRs and requested that we revise the NPRM (77 FR 63282, October 16, 2012) to reference revised TRs that address the identified AWLs.

We agree with the commenters' requests to specify the AWLs instead of the TRs. The entirety of each TR does not need to be mandated. By specifying the AWLs, we also eliminate AWI's concern over TRs that have been superseded. We have revised paragraph (g) of this SNPRM to remove the TRs and specify the AWLs that we propose to be incorporated into the maintenance or inspection program, as applicable.

Request To Change Compliance Times for Tasks Without Phase-in Schedules

AWI requested that, for those tasks without specific phase-in schedules, we change the compliance times to the times specified in the applicable TR, or ''within 1,000 flight cycles after the effective date of this AD,'' whichever occurs later. AWI stated that although most of the tasks have phase-in schedules, some do not; therefore, the ability to perform these tasks on an entire fleet within the 60 days specified in the NPRM (77 FR 63282, October 16, 2012) may not be realistic.

We agree with the commenter's request to specify phase-in schedules for the AWL tasks without specific phase-in schedules. As stated previously, we revised paragraph (g) of this SNPRM to reference the AWLs in lieu of the TRs. We revised paragraph (h) of this SNPRM to specify where to locate compliance times for tasks with phase-in schedules and for those without phase-in schedules. In addition, new paragraph (h)(2) of this SNPRM provides a grace period of ''within 1,000 flight cycles after the effective date of this AD.''

Requests Regarding Previously Approved Repairs

AWI requested that we approve AMOCs for the intervals and/or methods contained in technical repair data, *e.g.,* repair engineering orders

(REOs) or generic repair engineering orders (GREOs) that have been approved previously by Transport Canada Civil Aviation (TCCA). AWI stated that many of these TCCA-approved REOs or GREOs have alternative inspection intervals that differ from the applicable AWL tasks stated in the TRs or the tasks contained within Appendix B—Airworthiness Limitations, of Part 2, Airworthiness Requirements, of the Bombardier CL–600–2B19 MRM CSP A–053.

Skywest and Expressjet requested that we allow previous AWL task repairs that have been approved by Bombardier, Inc.'s TCCA Design Approval Organization (DAO) in the inspection areas. Skywest and Expressjet stated that this will reduce the number of AMOCs needed for previous repairs.

We agree with the commenters' requests regarding previously approved repairs. We agree to include a provision in this SNPRM to allow for previously approved repairs in the inspection area that were approved by the Manager, New York Aircraft Certification Office, ANE–170, FAA; or TCCA; or Bombardier, Inc.'s TCCA DAO. We have added this provision in paragraph (k) of this SNPRM.

Request To Use Future Revisions of AWLs

Expressjet requested that we allow the use of future revisions of the identified AWL tasks, provided they are approved by TCCA.

We disagree to allow the use of future revisions of the identified AWL tasks as a method of compliance with this SNPRM. When referring to a specific document in an AD, using the phrase ''or later approved revisions'' violates Office of the Federal Register (OFR) regulations for approving materials that are incorporated by reference in rules. See 1 CFR 51.1(f). In general terms, we are required by these OFR regulations to either publish the service document contents as part of the actual AD language, or submit the service document to the OFR for approval as ''referenced'' material. In the latter case, we may only refer to such material in the text of an AD; the AD may refer to the service document only if the OFR approved it for incorporation by reference.

To allow operators to use later revisions of the referenced document (issued after publication of the AD), either we must revise the AD to reference specific later revisions, or operators must request approval to use later revisions as an AMOC under the provisions of paragraph (k) of this SNPRM. Therefore, affected operators may request approval to use a later revision of the referenced AWL tasks as an AMOC using the procedures specified in paragraph (k) of this SNPRM provided an adequate level of safety is maintained. We have not changed this SNPRM in this regard.

Request To Permit Removal of TR From Bombardier CL–600–2B19 MRM

Skywest requested that we permit removal of the TR when the required maintenance action is incorporated into an MRM revision. Skywest stated that referring to each TR becomes problematic because a standard revision of the MRM, when published, states that the incorporated TRs are to be removed and discarded.

As stated previously, we have revised paragraph (g) of this SNPRM to remove the TRs and specify the AWLs that we propose to be incorporated into the maintenance or inspection program, as applicable. Therefore, it is unnecessary to change this SNPRM in this regard.

FAA's Determination and Requirements of This SNPRM

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Certain changes described above expand the scope of the NPRM (77 FR 63282, October 16, 2012). As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

This SNPRM proposes to require revisions to certain operator maintenance documents to include new inspections. Compliance with these inspections is required by section 91.403(c) of the Federal Aviation Regulations (14 CFR 91.403(c)). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, an operator might not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval of an AMOC in accordance with the provisions of paragraph (k) of this SNPRM. The request should include a description of changes to the required inspections that will ensure the continued damage tolerance of the affected structure.

Costs of Compliance

We estimate that this SNPRM affects 575 airplanes of U.S. registry.

We estimate that it would take about 1 work-hour per product to comply with the requirements of this SNPRM. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this SNPRM on U.S. operators to be $48,875, or $85 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc.: Docket No. FAA–2012–1075; Directorate Identifier 2012–NM–111–AD.

(a) Comments Due Date

We must receive comments by December 11, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, certificated in any category, serial numbers 7003 and subsequent.

(d) Subject

Air Transport Association (ATA) of America Code 05, Periodic inspections.

(e) Reason

This AD was prompted by a revision to the airplane airworthiness limitations (AWLs) to introduce more stringent inspection requirements on certain affected components. We are issuing this AD to detect and correct fatigue cracking in the affected components and consequent loss of structural integrity.

(f) Compliance

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

(g) Maintenance Program or Inspection Program Revision

Within 60 days after the effective date of this AD: Revise the maintenance or inspection program, as applicable, to incorporate the revised inspection requirements specified in the AWLs identified in paragraphs (g)(1) through (g)(12) of this AD.

(1) AWL 52–11–131, ''Passenger door—piano hinge half on door side,'' of Appendix B—Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 Maintenance Requirements Manual (MRM) CSP A–053.

(2) AWL 53–11–122, ''Windshield center post and bulkhead aft post at FS202.75,'' of Appendix B—Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053.

(3) AWL 53–21–118, ''Potable water servicing door cut-out and internal structure,'' of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053.

(4) AWL 53–21–129, ''Passenger door—piano hinge half on fuselage side,'' of Appendix B—Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053.

(5) AWL 53–41–199, ''FS409.0 + 128 vertical posts at BL0.0 and BL18.0 left and right local to WL69.0,'' of Appendix B—Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053.

(6) AWL 53–41–200, ''FS409.0 + 128 frame cap aft and fwd splice angles at STR21 left and right,'' of Appendix B—Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053.

(7) AWL 53–41–201, ''FS559.0 pressure bulkhead web and cap angle local to BL9.0 and BL18.0 left and right,'' of Appendix B—Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053.

(8) AWL 53–61–156, ''Rear pressure bulkhead forward face below floor,'' of Appendix B—Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053.

(9) AWL 54–10–105, ''Pylon track and support fitting,'' of Appendix B—Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053.

(10) AWL 54–10–106, ''Pylon track and support fitting,'' of Appendix B—Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053.

(11) AWL 57–21–105, ''Lower wing skin, between BL0.0 to WS314.0,'' of Appendix B—Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053.

(12) AWL 57–21–112, ''Lower wing plank splice joints at BL45.0, WS65.75, and WS148.0,'' of Appendix B—Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053.

(h) Initial Compliance Times for AWL Tasks

(1) For tasks with phase-in schedules specified in the AWLs identified in paragraphs (g)(1) through (g)(12) of this AD: The initial compliance times are at the applicable times specified in the applicable AWL, or within 60 days after the effective date of this AD, whichever occurs later, except as specified in paragraph (h)(2) of this AD.

(2) For tasks with no phase-in schedules specified in the AWLs identified in paragraphs (g)(1) through (g)(12) of this AD: The initial compliance times are at the applicable times specified in Appendix B—Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 MRM CSP A–053, or within 1,000 flight cycles after the effective date of this AD, whichever occurs later.

(i) Corrective Action

If any damage (including, but not limited to, cracking, corrosion, and wear) is found during any inspection required by any AWL specified in paragraph (g) of this AD: Before further flight, repair using a method approved by the Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO).

(j) No Alternative Actions or Intervals

After accomplishing the revisions required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used other than those specified in the AWLs identified in paragraphs (g)(1) through (g)(12) of this AD; unless the actions and intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (k) of this AD, or the actions and intervals are approved as part of a repair specified in paragraph (i) of this AD.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) Previously Approved Repairs: Repairs approved before the effective date of this AD that meet the conditions specified in paragraphs (k)(2)(i), (k)(2)(ii), and (k)(2)(iii) of this AD are acceptable methods of compliance for the repaired area.

(i) The repairs were accomplished using a method approved by the Manager, New York ACO, ANE–170, FAA; or TCCA; or Bombardier, Inc.'s TCCA DAO.

(ii) The repair approval refers to MCAI Canadian Airworthiness Directive CF–2012–13, dated April 10, 2012, and provides an inspection program (inspection threshold, method, and repetitive interval).

(iii) The operator has revised its maintenance or inspection program, as

applicable, to include the inspection program (inspection threshold, method, and repetitive interval) for the repair.

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

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2012–13, dated April 10, 2012, for related information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2013-0597-0002.*

(2) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on October 6, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–27267 Filed 10–26–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–140379–02, REG–142599–02]

RIN 1545–BC07, 1545–BB23

General Allocation and Accounting Regulations Under Section 141

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Partial withdrawal of notice of proposed rulemaking.

SUMMARY: This document withdraws a portion of the notice of proposed rulemaking published in the **Federal Register** on September 26, 2006 (71 FR 56072). The withdrawn portion relates to certain general definitions for purposes of section 141 of the Internal Revenue Code and the treatment of partnerships for purposes of section 145(a).

DATES: As of October 27, 2015, the notice of proposed rulemaking published in the **Federal Register** on September 26, 2006 (71 FR 56072) is partially withdrawn.

FOR FURTHER INFORMATION CONTACT: Zoran Stojanovic, (202) 317–6980 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On September 26, 2006, the Department of the Treasury and the IRS published in the **Federal Register** proposed regulations (71 FR 56072; REG–140379–02, REG–142599–02) (the Proposed Regulations) that would amend certain regulations under sections 141 and 145. The Proposed Regulations include, among other provisions, certain general definitions for purposes of the private business tests under section 141 and rules regarding the treatment of certain partnerships for purposes of the modified private business tests and the ownership test under section 145. This document withdraws these general definitions and the provision relating to the treatment of partnerships for purposes of section 145, because these concepts either are unnecessary or are otherwise addressed as a result of other revisions to the remaining portions of the Proposed Regulations that are adopted as final regulations published elsewhere in this edition of the **Federal Register**.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Partial Withdrawal of a Notice of Proposed Rulemaking

Accordingly, under the authority of 26 U.S.C. 7805, §§ 1.141–1(b) and 1.145–2(c)(3) of the notice of proposed rulemaking (REG–140379–02, REG–142599–02) published in the **Federal Register** on September 26, 2006 (71 FR 56072), are withdrawn.

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2015–27319 Filed 10–26–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2015–0005; Notice No. 149A; Re: Notice No. 149]

RIN 1513–AC14

Proposed Establishment of the Lewis-Clark Valley Viticultural Area and Realignment of the Columbia Valley Viticultural Area; Comment Period Reopening

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking; Reopening of comment period.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) is reopening the comment period for Notice No. 149, which concerned the proposed establishment of the approximately 306,650-acre ''Lewis-Clark Valley'' viticultural area in portions of Nez Perce, Lewis, Clearwater and Latah Counties in Idaho and Asotin, Garfield, and Whitman Counties in Washington. Notice No. 149 also proposed to modify the boundary of the existing Columbia Valley viticultural area to eliminate a potential overlap with the proposed Lewis-Clark Valley viticultural area. This reopening of the comment period solicits comments from the public on issues that were raised in public comments received in response to Notice No. 149.

DATES: For Notice No. 149, the proposed rule which published on April 14, 2015 (80 FR 19901), written comments are now due on or before November 27, 2015.

ADDRESSES: Please send your comments on this proposal to one of the following addresses:

- *http://www.regulations.gov* (via the online comment form for Notice No. 149 as posted within Docket No. TTB–2015–0005 at ''Regulations.gov,'' the Federal e-rulemaking portal);
- *U.S. mail:* Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; or
- *Hand delivery/courier in lieu of mail:* Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 400, Washington, DC 20005.

See the Public Participation section of Notice No. 149 for specific instructions and requirements for submitting comments, and for information on how to request a public hearing or view or

obtain copies of the petition and supporting materials.

You may view copies of the petition, Notice No. 149, selected supporting materials, and all public comments associated with this proposal within Docket No. TTB–2015–0005 at *www.regulations.gov*. You also may view copies of the petition, Notice No. 149, the supporting materials, and all public comments associated with this proposal by appointment at the TTB Information Resource Center, 1310 G Street NW., Washington, DC 20005. Please call 202–453–2265 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION: TTB received a petition from Dr. Alan Busacca, a licensed geologist and founder of Vinitas Consultants, LLC, on behalf of the Palouse-Lewis Clark Valley Wine Alliance and the Clearwater Economic Development Association. The petition proposed to establish the approximately 306,650-acre ''Lewis-Clark Valley'' AVA and to modify the boundary of the existing ''Columbia Valley'' AVA (27 CFR 9.74). The proposed Lewis-Clark Valley AVA is located at the confluence of the Snake River and the Clearwater River and covers portions of Nez Perce, Lewis, Clearwater, and Latah Counties in northern Idaho and Asotin, Garfield, and Whitman Counties in southeastern Washington.

A small portion of the proposed Lewis-Clark Valley AVA would, if established, overlap the southeastern corner of the established Columbia Valley AVA. To eliminate the potential overlap, the petitioner proposed to modify the boundary of the Columbia Valley AVA so that the overlapping area (hereinafter referred to as the ''proposed realignment area'') would be solely within the proposed Lewis-Clark Valley AVA. The proposed modifications would reduce the size of the approximately 11,370,320-acre Columbia Valley AVA boundary by approximately 57,020 acres.

TTB published Notice No. 149 in the **Federal Register** on April 14, 2015 (80 FR 19901). In Notice No. 149, TTB described the characteristics of the proposed Lewis-Clark Valley AVA and the rationale for the modification of the boundary of the Columbia Valley AVA and solicited public comment on the proposals. The comment period closed June 15, 2015.

During the comment period, TTB received a comment from a vineyard owner within the proposed realignment area. According to the commenter, his vineyard is the estate vineyard for a winery that is also located within the proposed realignment area. The commenter stated that the proposed realignment area has characteristics similar to those of the Columbia Valley and should not be removed from that AVA. Specifically, the commenter stated, ''The geology, soils, and climate of the proposed Lewis-Clark Valley AVA are quite similar to those of the Columbia Valley and mostly lay within the elevations affected by the Missoula floods.'' The comment is posted as Comment 35 within Docket No. TTB–2015–0005 at *www.regulations.gov*.

Determination To Re-Open the Public Comment Period

TTB reviewed all comments received in response to Notice No. 149 with reference to the original petition information. TTB believes that the comment period for Notice No. 149, which was open for 60 days, was adequate to obtain information on the initially proposed regulation. However, TTB notes that if the proposed realignment area were to be removed from the Columbia Valley AVA and placed into the proposed Lewis-Clark Valley AVA, wines made primarily from grapes grown within the proposed realignment area would no longer be eligible to be labeled with the ''Columbia Valley'' appellation of origin. Therefore, because of the potential effect on label holders if TTB were to adopt the proposed modification of the Columbia Valley AVA boundary, TTB has determined that it would be appropriate in this instance to re-open the comment period, for the specific purpose of obtaining further public comment on the proposed boundary modification, before taking any further regulatory action on this matter.

TTB is, therefore, re-opening the comment period on Notice No. 149 for an additional 30 days, in order to obtain additional comments on the characteristics of the proposed realignment area. Comments on Notice No. 149 are now due on or before November 27, 2015. TTB is specifically interested in comments on whether the evidence provided in the petition to establish the proposed Lewis-Clark Valley AVA and to modify the boundary of the Columbia Valley AVA adequately demonstrates that the characteristics of the proposed realignment area are more similar to those of the rest of the proposed Lewis-Clark Valley AVA than to the distinguishing features of the Columbia Valley AVA, which are described in T.D. TTB–ATF 190 (69 FR 44897, November 13, 1984) and summarized in both the proposed Lewis-Clark Valley AVA petition and Notice No. 149. Please provide any available specific information in support of your comments.

How To Comment

See the Public Participation section of Notice No. 149 for specific instructions and requirements for submitting comments, and for information on how to request a public hearing or view or obtain copies of the petition and supporting materials.

You may view copies of the petition, Notice No. 149, selected supporting materials, and all public comments associated with this proposal within Docket No. TTB–2015–0005 at *www.regulations.gov*. You also may view copies of all comments and documents associated with Notice No. 149 by appointment at the TTB Information Resource Center, 1310 G Street NW., Washington, DC 20005. Please call 202–453–2265 to make an appointment.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this document.

Signed: October 21, 2015.

John J. Manfreda,

Administrator.

[FR Doc. 2015–27362 Filed 10–26–15; 8:45 am]

BILLING CODE 4810–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2011–0799; FRL–9936–02–Region 10]

Air Plan Approval; OR; Portland, Medford, Salem; Clackamas, Multnomah, Washington Counties; Gasoline Dispensing Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve three state implementation plan (SIP) revisions submitted by the State of Oregon Department of Environmental Quality (Oregon or ODEQ) and a specific portion of a fourth SIP submittal identified in a supplementary letter. These SIP submittals primarily

include rule amendments related to control measures for volatile organic compounds from gasoline dispensing facilities in the Portland-Vancouver, Medford-Ashland, and Salem-Keizer Area Transportation Study air quality management areas, as well as all of Clackamas, Multnomah, and Washington counties. The EPA received the SIP submittals from the ODEQ on February 5, 2009, November 1, 2010, May 25, 2011, and April 20, 2015, and the supplementary letter on September 18, 2015. The EPA is proposing to approve the SIP submittals because they are consistent with the requirements of the Clean Air Act (Act or CAA).

DATES: Comments must be received on or before November 27, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2011–0799, by any of the following methods:

- *Federal eRulemaking Portal http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: vaupel.claudia@epa.gov.*
- *Mail:* Claudia Vergnani Vaupel, U.S. EPA Region 10, Office of Air, Waste and Toxics, AWT–150, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.
- *Hand Delivery/Courier:* U.S. EPA Region 10, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101. Attention: Claudia Vergnani Vaupel, Office of Air, Waste and Toxics, AWT–150. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

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: Claudia Vergnani Vaupel at (206) 553–6121, *vaupel.claudia@epa.gov,* or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: For further information, please see the direct final action, of the same title, which is located in the Rules section of this **Federal Register**. The EPA is approving the State's SIP revisions as a direct final rule without prior proposal because the EPA views this as a noncontroversial SIP action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If the EPA receives no adverse comments, the EPA will not take further action on this proposed rule.

If the EPA receives adverse comments, the EPA will withdraw the direct final rule and it will not take effect. The EPA will address all public comments in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. 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, the EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: September 25, 2015.

Michelle Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2015–27169 Filed 10–26–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2015–0334; FRL–9936–17–Region 10]

Approval and Promulgation of Implementation Plans; Washington: Interstate Transport of Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Clean Air Act (CAA) requires each State Implementation Plan (SIP) to contain adequate provisions prohibiting emissions that will have certain adverse air quality effects in other states. On May 11, 2015, the State of Washington made a submittal to the Environmental Protection Agency (EPA) to address these requirements. The EPA is proposing to approve the submittal as meeting the requirement that each SIP contain adequate provisions to prohibit emissions that will contribute significantly to nonattainment or interfere with maintenance of the 2008 ozone National Ambient Air Quality Standard (NAAQS) in any other state.

DATES: Written comments must be received on or before November 27, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2015–0334, by any of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: R10-Public_Comments@epa.gov.*
- *Mail:* Jeff Hunt, EPA Region 10, Office of Air, Waste and Toxics (AWT–150), 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.
- *Hand Delivery/Courier:* EPA Region 10 9th Floor Mailroom, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101. Attention: Jeff Hunt, Office of Air, Waste and Toxics, AWT–150. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R10–OAR–2015–0334. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *http://www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the 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 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: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy during normal business hours at the Office of Air, Waste and Toxics, EPA

Region 10, 1200 Sixth Avenue, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Jeff Hunt at (206) 553–0256, *hunt.jeff@epa.gov,* or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to the EPA.

Information is organized as follows:

Table of Contents

I. Background

On March 12, 2008, the EPA revised the levels of the primary and secondary 8-hour ozone standards from 0.08 parts per million (ppm) to 0.075 ppm (73 FR 16436). The CAA requires states to submit, within three years after promulgation of a new or revised standard, SIPs meeting the applicable ''infrastructure'' elements of sections 110(a)(1) and (2). One of these applicable infrastructure elements, CAA section 110(a)(2)(D)(i), requires SIPs to contain ''good neighbor'' provisions to prohibit certain adverse air quality effects on neighboring states due to interstate transport of pollution. There are four sub-elements within CAA section 110(a)(2)(D)(i). This action addresses the first two sub-elements of the good neighbor provisions, at CAA section 110(a)(2)(D)(i)(I). These sub-elements require that each SIP for a new or revised standard contain adequate provisions to prohibit any source or other type of emissions activity within the state from emitting air pollutants that will ''contribute significantly to nonattainment'' or ''interfere with maintenance'' of the applicable air quality standard in any other state. We note that the EPA has addressed the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) for the eastern portion of the United States in several past regulatory actions.[1] We most recently promulgated the Cross-State Air Pollution Rule (CSAPR), which addressed CAA section 110(a)(2)(D)(i)(I) in the eastern portion of the United States.[2] CSAPR addressed multiple national ambient air quality standards, but did not address the 2008 8-hour ozone standard.[3]

In CSAPR, the EPA used detailed air quality analyses to determine whether an eastern state's contribution to downwind air quality problems was at or above specific thresholds. If a state's contribution did not exceed the specified air quality screening threshold, the state was not considered ''linked'' to identified downwind nonattainment and maintenance receptors and was therefore not considered to significantly contribute to or interfere with maintenance of the standard in those downwind areas. If a state exceeded that threshold, the state's emissions were further evaluated, taking into account both air quality and cost considerations, to determine what, if any, emissions reductions might be necessary. For the reasons stated below, we believe it is appropriate to use the same approach we used in CSAPR to establish an air quality screening threshold for the evaluation of interstate transport requirements for the 2008 ozone standard.

In CSAPR, the EPA proposed an air quality screening threshold of one percent of the applicable NAAQS and requested comment on whether one percent was appropriate.[4] The EPA evaluated the comments received and ultimately determined that one percent was an appropriately low threshold because there were important, even if relatively small, contributions to identified nonattainment and maintenance receptors from multiple upwind states. In response to commenters who advocated a higher or lower threshold than one percent, the EPA compiled the contribution modeling results for CSAPR to analyze the impact of different possible thresholds for the eastern United States. The EPA's analysis showed that the one-percent threshold captures a high percentage of the total pollution transport affecting downwind states, while the use of higher thresholds would exclude increasingly larger percentages of total transport. For example, at a five percent threshold, the majority of interstate pollution transport affecting downwind receptors would be excluded.[5] In addition, the EPA determined that it was important to use a relatively lower one-percent threshold because there are adverse health impacts associated with ambient ozone even at low levels.[6] The EPA also determined that a lower threshold such as 0.5 percent would result in modest increases in the overall percentages of fine particulate matter and ozone pollution transport captured relative to the amounts captured at the one-percent level. The EPA determined that a ''0.5 percent threshold could lead to emission reduction responsibilities in additional states that individually have a very small impact on those receptors—an indicator that emission controls in those states are likely to have a smaller air quality impact at the downwind receptor. We are not convinced that selecting a threshold below one percent is necessary or desirable.'' [7]

In the final CSAPR, the EPA determined that one percent was a reasonable choice considering the combined downwind impact of multiple upwind states in the eastern United States, the health effects of low levels of fine particulate matter and ozone pollution, and the EPA's previous use of a one-percent threshold in CAIR. The EPA used a single ''bright line'' air quality threshold equal to one percent of the 1997 8-hour ozone standard, or 0.08 ppm.[8] The projected contribution from each state was averaged over multiple days with projected high modeled ozone, and then compared to the one-percent threshold. We concluded that this approach for setting and applying the air quality threshold for ozone was appropriate because it provided a robust metric, was consistent with the approach for fine particulate matter used in CSAPR, and because it took into account, and would be applicable to, any future ozone standards below 0.08 ppm.[9]

II. State Submittal

CAA sections 110(a)(1) and (2) and section 110(l) require that revisions to a SIP be adopted by the State after reasonable notice and public hearing. The 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.

On May 11, 2015, Washington submitted a SIP to address the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS. The Washington submittal

[1] NO_X SIP Call, 63 FR 57371 (October 27, 1998); Clean Air Interstate Rule (CAIR), 70 FR 25172 (May 12, 2005); Cross-State Air Pollution Rule (CSAPR), 76 FR 48208 (August 8, 2011).

[2] 76 FR 48208.

[3] CSAPR addressed the 1997 8-hour ozone, and the 1997 and 2006 fine particulate matter NAAQS.

[4] CSAPR proposal, 75 FR 45210, 45237 (August 2, 2010).

[5] *See also* Air Quality Modeling Final Rule Technical Support Document, Appendix F; Analysis of Contribution Thresholds.

[6] CSAPR, 76 FR 48208, 48236–37 (August 8, 2011).

[7] Id.

[8] Id.

[9] Id.

included documentation of a public comment period from March 9, 2015 through April 10, 2015, and opportunity for public hearing. We find that the process followed by Washington in adopting the submittal complies with the procedural requirements for SIP revisions under CAA section 110 and the EPA's implementing regulations.

With respect to the requirements in CAA section 110(a)(2)(D)(i)(I), the Washington submittal referred to applicable rules in the Washington SIP, 2011 National Emissions Inventory (NEI) data, and modeling conducted by the State using the Motor Vehicle Emission Simulator (MOVES2014, database version 20141021). Washington noted that efforts by the EPA and states to address ozone transport have historically been focused on reductions of nitrogen oxides (NO_X), a precursor to ozone formation, and provided 2011 NEI data for the major NO_X emissions categories in the State. Washington found that on-road mobile sources comprise 57 percent of total NO_X emissions, non-road mobile sources represent 11 percent, and the third largest group, point sources, comprises 9 percent of all Washington NO_X emissions in 2011. Washington then performed MOVES2014 modeling to look specifically at past and future trends in on-road and non-road mobile sources, the two largest source categories in Washington, for the years 2000 through 2020. The MOVES2014 modeling showed sustained, continuous reductions in NO_X emissions from approximately 800 tons per day in 2000 to approximately 250 tons per day projected in 2020. Based on this evidence, and the EPA's draft photochemical air quality modeling data available at the time of Washington's submission, the State concluded that emissions of ozone precursors from Washington sources will not significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone NAAQS in any other state.[10]

The Washington submittal provided further information to support this conclusion by citing the stationary source permitting regulations approved into the Washington SIP that require new sources and modifications to protect the ambient air quality standards, including the 2008 ozone NAAQS. With respect to new or modified major stationary sources, the Prevention of Significant Deterioration (PSD) permitting program in the Washington SIP requires an owner or operator to demonstrate that the source will not contribute significantly to nonattainment or interfere with maintenance in another state.

III. EPA Evaluation

On August 4, 2015, the EPA issued a Notice of Data Availability (NODA) containing air quality modeling data that applies the CSAPR approach to contribution projections for the year 2017 for the 2008 8-hour ozone NAAQS.[11] The moderate area attainment date for the 2008 ozone standard is July 11, 2018. In order to demonstrate attainment by this attainment deadline, states will use 2015 through 2017 ambient ozone data. Therefore, 2017 is an appropriate future year to model for the purpose of examining interstate transport for the 2008 ozone NAAQS. The EPA used photochemical air quality modeling to project ozone concentrations at air quality monitoring sites to 2017 and estimated state-by-state ozone contributions to those 2017 concentrations. This modeling used the Comprehensive Air Quality Model with Extensions (CAMx version 6.11) to model the 2011 base year, and the 2017 future base case emissions scenarios to identify projected nonattainment and maintenance sites with respect to the 2008 ozone NAAQS in 2017. The EPA used nationwide state-level ozone source apportionment modeling (CAMx Ozone Source Apportionment Technology/Anthropogenic Precursor Culpability Analysis technique) to quantify the contribution of 2017 base case NO_X and VOC emissions from all sources in each state to the 2017 projected receptors. The air quality model runs were performed for a modeling domain that covers the 48 contiguous United States and adjacent portions of Canada and Mexico. The NODA and the supporting technical documents have been included in the docket for this action.

The modeling data released in the NODA on July 23, 2015, is the most up-to-date information the EPA has developed to inform our analysis of upwind state linkages to downwind air quality problems. For purposes of evaluating Washington's interstate transport SIP submittal with respect to the 2008 8-hour ozone standard, the EPA is proposing that states whose contributions are less than one percent to downwind nonattainment and maintenance receptors are considered non-significant. The modeling indicates that Washington's largest contribution to any projected downwind nonattainment site is 0.22 ppb and Washington's largest contribution to any projected downwind maintenance-only site is 0.09 ppb.[12] These values are below the one percent screening threshold of 0.75 ppb, and therefore there are no identified linkages between Washington and 2017 downwind projected nonattainment and maintenance sites. Note that the EPA has not done an assessment to determine the applicability for the use of the one percent screening threshold for western states that contribute above the one percent threshold. There may be additional considerations that may impact regulatory decisions regarding ''potential'' linkages in the west identified by the modeling.

IV. Proposed Action

As discussed in Section II, Washington concluded that emissions from the State do not significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone standard in any other state. The EPA's modeling, discussed in Section III, confirms this finding. Based on the modeling data and the information provided in Washington's May 11, 2015 submittal, we are proposing to approve the submittal for purposes of meeting the CAA section 110(a)(2)(D)(i)(I) requirements for the 2008 ozone standard. The EPA's modeling confirms the results of the State's analysis: Washington does not significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone standard in any other state.

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, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

[10] *See* Memorandum from Stephen D. Page entitled ''Information of the Interstate Transport 'Good Neighbor' Provision for the 2008 Ozone National Ambient Air Quality Standards (NAAQS) under Clean Air Act (CAA) Section 110(a)(2)(D)(i)(I),'' January 22, 2015, available at: *http://www3.epa.gov/airtransport/GoodNeighborProvision2008NAAQS.pdf*.

[11] *See* 80 FR 46271 (August 4, 2015) (Notice of Availability of the Environmental Protection Agency's Updated Ozone Transport Modeling Data for the 2008 Ozone National Ambient Air Quality Standard (NAAQS)).

[12] 80 FR 46271 at page 46277, Table 3.

• 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) 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 it does not involve technical standards; and

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

In addition, 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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

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

Dated: October 15, 2015.

Dennis J. McLerran,

Regional Administrator, Region 10.

[FR Doc. 2015–27153 Filed 10–26–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2015–0592; FRL–9936–14–Region 5]

Air Plan Approval; Minnesota; Revision to Visibility Federal Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to revise the Minnesota Federal implementation plan (FIP) for visibility, to establish emission limits for Northern States Power Company's (NSP's) Sherburne County Generating Station (Sherco), pursuant to a settlement agreement. The settlement agreement, signed by representatives of EPA, NSP, and three environmental groups, was for resolution of a lawsuit filed by the environmental groups for EPA to address any contribution from Sherco to reasonably attributable visibility impairment (RAVI) that the Department of Interior (DOI) certified was occurring at Voyageurs and Isle Royale National Parks.

DATES: Comments must be received on or before November 27, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2015–0592, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: Aburano.douglas@epa.gov.*
3. *Fax:* (312) 692–2551.
4. *Mail:* Douglas Aburano, Chief, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Douglas Aburano, Chief, Attainment Planning and Maintenance 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–2015–0592. 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 in *www.regulations.gov* or 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 John Summerhays, Environmental Scientist, at (312) 886–6067 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: John Summerhays, Environmental Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6067, *summerhays.john@epa.gov.*

SUPPLEMENTARY INFORMATION: This supplementary information section is arranged as follows:

I. What regulations apply to RAVI?

Section 169A of the Clean Air Act provides for a visibility protection program and sets forth as a national goal ''the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas which impairment results from manmade air pollution.'' [1] Pursuant to these statutory requirements, EPA promulgated regulations entitled ''Visibility Protection'' in subpart P of Title 40 of the Code of Federal Regulations (40 CFR), specifically in 40 CFR 51.300 *et seq.,* which include separate requirements addressing RAVI and regional haze. 45 FR 80084 (December 2, 1980). The term ''reasonably attributable visibility impairment'' is defined in 40 CFR 51.301 to mean ''visibility impairment that is caused by the emission of air pollutants from one, or a small number of sources.'' These regulations at 40 CFR 51.302(c)(1) provide that ''[t]he affected Federal Land Manager may certify to the State, at any time, that there exists reasonably attributable impairment of visibility in any mandatory Class I Federal area.''

The visibility regulations also provide for periodic review, and revision as appropriate, of the long-term strategy for making reasonable progress toward the visibility goals, including review and revision as appropriate within three years of receipt of certification of RAVI from a Federal land manager (FLM). 40 CFR 51.306(c). The 36 affected states were required to submit revisions to their SIPs to comply with these requirements by September 2, 1981. 40 CFR 51.302(a)(1) (1981). See 45 FR 80084, 80091.

Most states did not meet the September 2, 1981 deadline for submitting a SIP revision to address visibility protection. A number of environmental groups sued EPA, alleging that the Agency had failed to perform a nondiscretionary duty under section 110(c) of the Clean Air Act to promulgate visibility FIPs. To settle the lawsuit, EPA agreed to promulgate visibility FIPs according to a specified schedule. On July 12, 1985, EPA promulgated a FIP for the visibility monitoring strategy and new source review (NSR) requirements at 40 CFR 51.304 and 51.307. 50 FR 28544. See also 51 FR 5504 (February 13, 1986) and 51 FR 22937 (June 24, 1986). These provisions have been codified at 40 CFR 52.26, 52.27 and 52.28. On November 24, 1987, EPA continued its visibility FIP rulemaking by promulgating its plan for meeting the general visibility plan requirements and long-term strategies of 40 CFR 51.302 and 51.306. 52 FR 45132. The long-term strategy provisions have been codified at 40 CFR 52.29; the provisions specifically pertaining to Minnesota are at 40 CFR 52.1236.

In the proposed rulemaking for the general visibility plan and long-term strategy requirements, EPA addressed certifications of existing visibility impairment submitted by the FLMs. 52 FR 7802 (March 12, 1987). EPA found that the information provided by the FLMs was not adequate to enable the Agency to determine whether the impairment was traceable to a single source or small number of sources and therefore addressable under the visibility regulations. For this reason, EPA determined that the implementation plans did not need to require best available retrofit technology (BART) or other control measures at that time. EPA also acknowledged, however, that the FLMs may certify the existence of visibility impairment at any time and that the FLMs therefore might provide additional information in the future on impairment that would allow EPA to attribute it to a specific source. EPA stated that in such cases, the information regarding impairment and the need for BART or other control measures would be reviewed and assessed as part of the periodic review of the long-term visibility strategy. 52 FR 7802, 7808. EPA affirmed these determinations in its final rulemaking. 52 FR 45136 (November 24, 1987).

Based on this history, unless and until Minnesota submits a plan that EPA approves as satisfying the RAVI-related visibility planning requirements, the current plan for addressing RAVI is a Federal plan, and EPA has the authority and obligation to review the RAVI plan for Minnesota periodically and to make any necessary revisions. The adoption of the emission limits being proposed here is an element of fulfilling that responsibility.

As will be discussed below, the settlement agreement regarding Sherco provides for the adoption of specified emission limits that address DOI's concerns that led to a RAVI certification at Voyageurs and Isle Royale National Parks. Because these emission limits will address the concerns DOI raised in its RAVI certification, there is no need for us to evaluate whether Sherco is the source of the impairment in Voyageurs or Isle Royale or to determine the emission levels that would be achieved by BART if BART were necessary.

II. What is the history and content of the Sherco settlement agreement?

On October 21, 2009, DOI certified to EPA that RAVI was occurring at the Voyageurs and Isle Royale National Parks, in Northern Minnesota and Northern Michigan, respectively. DOI cited numerous results from an analysis described in Minnesota's regional haze submittal, which in DOI's view demonstrated that Sherco was the source of this RAVI.

Separately, Minnesota submitted its regional haze plan on December 30, 2009, and submitted a proposed supplemental submission on January 5, 2012. In this plan as supplemented, Minnesota proposed no emission limits for Sherco (or for other electric generating units (EGUs) in Minnesota), relying instead on Federal trading program rules known as the Transport Rule to satisfy pertinent requirements for BART.[2] EPA proposed to approve this element of Minnesota's plan on January 25, 2012, at 77 FR 3681, but stated that this proposal did not address whether Minnesota had satisfied the requirements that applied as a result of DOI's certification of RAVI.

Minnesota submitted a final supplemental regional haze submittal on May 8, 2012. In this submittal, Minnesota submitted source-specific limits on sulfur dioxide (SO_2) and nitrogen oxides (NO_X) emissions from Sherco, which it found to represent BART. These limits applied to the stack serving Units 1 and 2, limiting SO_2 emissions to 0.12 pounds per million British Thermal Units (lbs/MMBtu) and limiting NO_X emissions to 0.15 lbs/MMBtu. EPA approved these limits as ''an enhancement that make the Minnesota's submission more stringent than it would be if it simply relied on [the Transport Rule] to address'' BART requirements for EGUs, thereby concluding that these limits in combination with the Transport Rule satisfied pertinent BART requirements for EGUs in the state. 77 FR 34801, 34803 (June 12, 2012). EPA took no action during that rulemaking as to

[1] In accordance with the mandate of section 169A(a)(2), 40 CFR part 81 subpart D (40 CFR 81.400 to 81.437) specifies the mandatory Class I Federal areas where visibility is an important value and the visibility is impaired by manmade air pollution.

[2] This proposal was consistent with a proposed finding by EPA that the Transport Rule provided better visibility protection than source-specific BART on electric generating units, and consistent with an associated proposed rule allowing states to rely on the Transport Rule in lieu of source-specific BART for these sources. This exemption applies only to NO_X and SO_2, but Minnesota found that no control was necessary to satisfy BART for other pollutants.

whether Minnesota's plan satisfied requirements triggered by DOI's certification of RAVI.

On December 5, 2012, with subsequent amendments on March 25, 2015, the National Parks Conservation Association, Sierra Club, and the Minnesota Center for Environmental Advocacy filed a lawsuit in the U.S. District Court for the District of Minnesota seeking to compel action by EPA to address DOI's RAVI certification. On July 24, 2014, pursuant to action by the U.S. Court of Appeals for the Eighth Circuit, NSP gained standing as an intervenor in this case. These parties engaged in settlement discussions with EPA, leading to a draft settlement agreement that the parties signed on May 15, 2015. EPA published a notice soliciting comments on this settlement agreement on June 1, 2015, at 80 FR 31031. EPA received two sets of generally supportive comments, and on July 24, 2015, the Department of Justice notified the Eighth Circuit that the settlement agreement was final.

The terms of this settlement agreement require EPA to propose new SO_2 emission limits for Units 1 and 2[3] and for Unit 3 at Sherco. Specifically, the settlement agreement requires EPA to propose an emission limit for Units 1 and 2 of 0.050 lbs/MMBtu, expressed as a rolling 30-day average. EPA anticipates that NSP will be able to meet this limit through the use of low sulfur coal and the facility's existing flue gas desulfurization equipment. The settlement agreement requires EPA to propose an emission limit for Unit 3 of 0.29 lbs/MMBtu, also expressed as a rolling 30-day average. EPA anticipates that Northern States Power will be able to meet this limit with the facility's existing flue gas desulfurization equipment and increased use of desulfurizing reagent.

The settlement agreement further states that compliance with these emission limits must be determined on the basis of data obtained by a continuous emission monitor operated in accordance with 40 CFR part 75. Compliance with the limits, expressed as limits on 30-day average emissions, must be determined by dividing the sum of the SO_2 emissions over each period of 30 successive boiler-operating days by the total heat input over that same period. The settlement agreement provides that the data used to determine compliance shall reflect any bias adjustments provided for in appendix A to 40 CFR part 75, but shall not use substituted data provided for in 40 CFR part 75 subpart D.[4]

Finally, Paragraph 5 of the settlement agreement states that ''Sherco Units 1 and 2 will achieve [its SO_2 emission limit] *starting October 1, 2015,* . . . and . . . Sherco Unit 3 will achieve [its SO_2 emission limit] *starting June 1, 2017.''* (Emphasis added). Paragraph 5 continues, ''EPA agrees to propose such emission limitations . . . with a compliance date for Units 1 and 2 of October 1, 2015, and a compliance date for Unit 3 of June 1, 2017.'' Attachment A to the settlement agreement states, for Units 1 and 2, ''[i]nitial compliance with [the] limit shall be demonstrated no later than October 1, 2015,'' and, for Unit 3, ''[i]nitial compliance with [the] limit shall be demonstrated no later than June 1, 2017.''

Accordingly, under the proposed rule, the first compliance demonstration for Units 1 and 2 would be computed on October 1, 2015, using data from the immediately preceding 30 boiler-operating days. Similarly, the first compliance demonstration for Unit 3 would use data from the 30 boiler-operating days immediately preceding June 1, 2017. For example, under this proposed rule, if the boilers operate every day, the first 30-day period for which compliance at Units 1 and 2 is required is the period from September 1 to September 30, 2015, and the first 30-day period for which compliance at Unit 3 is required is May 2 to May 31, 2017.

EPA recognizes that the compliance deadline for Units 1 and 2 predates the prospective final rulemaking. Because NSP is a party to the settlement agreement, however, the company has had adequate notice that an initial demonstration of compliance with the limits for Units 1 and 2 would be required on October 1, 2015, notwithstanding provisions in the settlement agreement that would allow EPA to sign a final rulemaking as late as February 2016.

On August 11, 2015, DOI wrote to EPA regarding the settlement agreement. DOI recounted that its prior letter, dated October 21, 2009, had ''identified visibility impairment at Voyageurs and Isle Royale National Parks likely attributable to [Sherco],'' but noted that ''a number of events have led or will lead to significant improvements in visibility at these Parks,'' including the continued ''trend of reducing sulfur dioxide emissions at Sherco'' resulting from the settlement agreement. DOI concluded that ''[a]lthough the settlement reaches a different result than the recommendation made in our [letter certifying RAVI], once implemented, the settlement achieves an outcome that addresses our visibility concerns at Voyageurs and Isle Royale National Parks.''

In light of this August 11, 2015 letter, EPA is proposing to find that the incorporation of these SO_2 emission limits into the Minnesota visibility FIP satisfies any outstanding obligation EPA has with respect to DOI's 2009 RAVI certification. Specifically, EPA believes that the emission limits obviate the need for an analysis of the magnitude or origins of visibility impairment at Voyageurs or Isle Royale or potential BART control options at Sherco. While DOI's 2009 certification expressed particular concern with Sherco's NO_X emissions, modeling in Minnesota's regional haze plan (particularly in the Sherco BART analysis) suggests that SO_2 emissions have comparable visibility impacts to NO_X at these parks. As a result, EPA anticipates that the visibility improvement that will result from the proposed SO_2 emission limits, when considered in conjunction with the SO_2 and NO_X reductions already achieved by the Minnesota regional haze SIP, will be comparable to any improvement that might have resulted from additional NO_X limits. To be clear, EPA is not proposing to find that the RAVI DOI certified in 2009 at Voyageurs or Isle Royale was attributable to emissions from Sherco, that Sherco is currently a source of RAVI, or that BART controls are necessary at Sherco. EPA is instead proposing to find that such determinations are no longer necessary in light of the significant emission reductions that will occur at Sherco as a result of the settlement agreement, which addresses the concerns DOI originally expressed in 2009.

III. What action is EPA taking?

In accordance with the settlement agreement signed on May 15, 2015, by representatives of EPA, three environmental groups, and NSP, EPA is

[3] Because Units 1 and 2 vent through a shared stack, the proposed emission limit applies to the combined emissions of these two units.

[4] The provisions of 40 CFR part 75 specify the requirements for operation and data reporting for continuous emission monitoring for facilities such as Sherco that are subject to the Acid Rain Program. Under 40 CFR part 75, such facilities must conduct periodic tests to determine whether the measurements underlying the reported emission values are biased; if the results fail to meet the criteria in 40 CFR part75 appendix A 7.6.4, reflecting sufficient underestimation to warrant adjustment, the measured results are multiplied times a bias adjustment factor computed in 40 CFR part 75 appendix A 7.6.5. For hours when the facility is operating but the emission monitor is not generating valid data, the settlement agreement specifies that data obtained by the ''Missing Data Substitution Procedures'' required for Acid Rain Program purposes in 40 CFR part 75 subpart D shall not be used.

proposing to incorporate the emission limits identified in the agreement into the Minnesota visibility FIP. Specifically, EPA is proposing the following limits:

—For stack SV001, serving Units 1 and 2, a limit on SO_2 emissions of 0.050 lbs/MMBtu, as a 30-day rolling average, determined as the ratio of pounds of emissions divided by the heat input in MMBtu, both summed over 30 successive boiler-operating days, beginning on the 30-boiler-operating-day period ending September 30, 2015. For purposes of this limit, a boiler operating day is defined as a day in which fuel is combusted in either Unit 1 or Unit 2 (or both).

—For Unit 3, a limit on SO_2 of 0.29 lbs/MMBtu, as a 30-day rolling average, also determined as the ratio of pounds of emissions divided by the heat input in MMBtu, both summed over 30 successive boiler-operating days, beginning on the 30-boiler-operating-day period ending May 31, 2017.

Additionally, in light of DOI's August 11, 2015 letter, EPA is proposing to find that the incorporation of these SO_2 emission limits into the Minnesota visibility FIP satisfies any outstanding obligation EPA has with respect to DOI's 2009 RAVI certification. EPA intends to conduct no analysis of the magnitude or origins of visibility impairment at Voyageurs or Isle Royale or review of potential BART control options at Sherco in response to this certification.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This proposed action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011). As discussed in detail in section IV.C below, the proposed FIP applies to only one source. It is therefore not a rule of general applicability.

B. Paperwork Reduction Act

This proposed action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Under the Paperwork Reduction Act, a ''collection of information'' is defined as a requirement for ''answers to . . . identical reporting or recordkeeping requirements imposed on ten or more persons. . . .'' 44 U.S.C. 3502(3)(A). Because the proposed FIP applies to just one facility, the Paperwork Reduction Act does not apply. *See* 5 CFR 1320(c).

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's proposed rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this proposed action on small entities, I certify that this proposed action will not have a significant economic impact on a substantial number of small entities. EPA's proposal adds additional controls to a certain source. The Regional Haze FIP revisions that EPA is proposing here would impose Federal control requirements to resolve concerns that one power plant in Minnesota is unduly affecting visibility at two national parks. The power plant and its owners are not small entities.

D. Unfunded Mandates Reform Act (UMRA)

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments and the private sector. Under section 202 of UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and Tribal governments, in the aggregate, or to the private sector, of $100 million or more (adjusted for inflation) in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 of UMRA do not apply when they are inconsistent with applicable law. Moreover, section 205 of UMRA allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including Tribal governments, it must have developed under section 203 of UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Under Title II of UMRA, EPA has determined that this proposed rule does not contain a Federal mandate that may result in expenditures that exceed the inflation-adjusted UMRA threshold of $100 million by State, local, or Tribal governments or the private sector in any one year. In addition, this proposed rule does not contain a significant Federal

intergovernmental mandate as described by section 203 of UMRA, nor does it contain any regulatory requirements that might significantly or uniquely affect small governments.

E. Executive Order 13132: Federalism

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications.'' ''Policies that have Federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has Federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has Federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely extends an existing FIP by promulgating emission limits for one source in accordance with a settlement agreement. Thus, Executive Order 13132 does not apply to this action. In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicits comment on this proposed rule from State and local officials.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This proposed rule does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments. Thus, Executive Order 13175 does not apply to this rule. However, EPA did discuss this action in a July 16, 2015, conference call with Michigan and Minnesota Tribes, and EPA invites further comment from tribes that may be interested in this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045: *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be economically significant as defined under Executive Order 12866; and (2) concerns an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children. EPA interprets E.O. 13045 as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the E.O. has the potential to influence the regulation. This action is not subject to E.O. 13045 because it is neither economically significant nor pertinent to an environmental health or safety risk that might have a disproportionate effect on children. However, to the extent this proposed rule will limit emissions of SO_2, the rule will have a beneficial effect on children's health by reducing air pollution.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 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.

We have determined that this proposed rule, if finalized, will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Sulfur dioxide, Reporting and recordkeeping requirements, visibility protection.

Dated: October 9, 2015.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR part 52 is proposed to be 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 52.1236 is amended by adding paragraph (e) to read as follows:

§ 52.1236 Visibility protection.

* * * * *

(e)(1) On and after the 30-boiler-operating-day period ending on September 30, 2015, the owners and operators of the facility at 13999

Industrial Boulevard in Becker, Sherburne County, Minnesota, shall not cause or permit the emission of SO_2 from stack SV001 (serving Units 1 and 2) to exceed 0.050 lbs/MMBTU as a 30-day rolling average.

(2) On and after the 30-boiler-operating-day period ending on May 31, 2017, the owners and operators of the facility at 13999 Industrial Boulevard in Becker, Sherburne County, Minnesota, shall not cause or permit the emission of SO_2 from Unit 3 to exceed 0.29 lbs/MMBTU as a 30-day rolling average.

(3) The owners and operators of the facility at 13999 Industrial Boulevard in Becker, Sherburne County, Minnesota, shall operate continuous SO_2 emission monitoring systems in compliance with 40 CFR part 75, and the data from this emission monitoring shall be used to determine compliance with the limits in this paragraph (e).

(4) For each boiler operating day, compliance with the 30-day average limitations in paragraphs (e)(1) and (e)(2) of this section shall be determined by summing total emissions in pounds for the period consisting of the day and the preceding 29 successive boiler operating days, summing total heat input in MMBTU for the same period, and computing the ratio of these sums in lbs/MMBTU. Boiler operating day is used to mean a 24-hour period between 12 midnight and the following midnight during which any fuel is combusted at any time in the steam-generating unit. It is not necessary for fuel to be combusted the entire 24-hour period. A boiler operating day with respect to the limitation in paragraph (e)(1) of this section shall be a day in which fuel is combusted in either Unit 1 or Unit 2. Bias adjustments provided for under 40 CFR part 75 appendix A shall be applied. Substitute data provided for under 40 CFR part 75 subpart D shall not be used.

[FR Doc. 2015–27168 Filed 10–26–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2015–0259; FRL–9936–16-Region 10]

Approval and Promulgation of Implementation Plans; Oregon: Interstate Transport of Ozone

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Clean Air Act (CAA) requires each State Implementation Plan (SIP) to contain adequate provisions prohibiting air emissions that will have certain adverse air quality effects in other states. On June 28, 2010, the State of Oregon made a submittal to the Environmental Protection Agency (EPA) to address these requirements. The EPA is proposing to approve the submittal as meeting the requirement that each SIP contain adequate provisions to prohibit emissions that will contribute significantly to nonattainment or interfere with maintenance of the 2008 ozone National Ambient Air Quality Standard (NAAQS) in any other state.

DATES: Written comments must be received on or before November 27, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2015–0259, by any of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: R10-Public_Comments@epa.gov.*
- *Mail:* Kristin Hall, EPA Region 10, Office of Air, Waste and Toxics (AWT—150), 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.
- *Hand Delivery/Courier:* EPA Region 10 9th Floor Mailroom, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101. Attention: Kristin Hall, Office of Air, Waste and Toxics, AWT–150. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R10–OAR–2015–0259. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *http://www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the 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 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: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy during normal business hours at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Kristin Hall at (206) 553–6357, *hall.kristin@epa.gov,* or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to the EPA.

Information is organized as follows:

Table of Contents

I. Background

On March 12, 2008, the EPA revised the levels of the primary and secondary 8-hour ozone standards from 0.08 parts per million (ppm) to 0.075 ppm (73 FR 16436). The CAA requires states to submit, within three years after promulgation of a new or revised standard, SIPs meeting the applicable ''infrastructure'' elements of sections 110(a)(1) and (2). One of these applicable infrastructure elements, CAA section 110(a)(2)(D)(i), requires SIPs to contain ''good neighbor'' provisions to prohibit certain adverse air quality effects on neighboring states due to interstate transport of pollution. There are four sub-elements within CAA section 110(a)(2)(D)(i). This action

addresses the first two sub-elements of the good neighbor provisions, at CAA section 110(a)(2)(D)(i)(I). These sub-elements require that each SIP for a new or revised standard contain adequate provisions to prohibit any source or other type of emissions activity within the state from emitting air pollutants that will ''contribute significantly to nonattainment'' or ''interfere with maintenance'' of the applicable air quality standard in any other state. We note that the EPA has addressed the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) for the eastern portion of the United States in several past regulatory actions.[1] We most recently promulgated the Cross-State Air Pollution Rule (CSAPR), which addressed CAA section 110(a)(2)(D)(i)(I) in the eastern portion of the United States.[2] CSAPR addressed multiple national ambient air quality standards, but did not address the 2008 8-hour ozone standard.[3]

In CSAPR, the EPA used detailed air quality analyses to determine whether an eastern state's contribution to downwind air quality problems was at or above specific thresholds. If a state's contribution did not exceed the specified air quality screening threshold, the state was not considered ''linked'' to identified downwind nonattainment and maintenance receptors and was therefore not considered to significantly contribute to or interfere with maintenance of the standard in those downwind areas. If a state exceeded that threshold, the state's emissions were further evaluated, taking into account both air quality and cost considerations, to determine what, if any, emissions reductions might be necessary. For the reasons stated below, we believe it is appropriate to use the same approach we used in CSAPR to establish an air quality screening threshold for the evaluation of interstate transport requirements for the 2008 ozone standard.

In CSAPR, the EPA proposed an air quality screening threshold of one percent of the applicable NAAQS and requested comment on whether one percent was appropriate.[4] The EPA evaluated the comments received and ultimately determined that one percent was an appropriately low threshold because there were important, even if relatively small, contributions to identified nonattainment and maintenance receptors from multiple upwind states. In response to commenters who advocated a higher or lower threshold than one percent, the EPA compiled the contribution modeling results for CSAPR to analyze the impact of different possible thresholds for the eastern United States. The EPA's analysis showed that the one-percent threshold captures a high percentage of the total pollution transport affecting downwind states, while the use of higher thresholds would exclude increasingly larger percentages of total transport. For example, at a five percent threshold, the majority of interstate pollution transport affecting downwind receptors would be excluded.[5] In addition, the EPA determined that it was important to use a relatively lower one-percent threshold because there are adverse health impacts associated with ambient ozone even at low levels.[6] The EPA also determined that a lower threshold such as 0.5 percent would result in modest increases in the overall percentages of fine particulate matter and ozone pollution transport captured relative to the amounts captured at the one-percent level. The EPA determined that a ''0.5 percent threshold could lead to emission reduction responsibilities in additional states that individually have a very small impact on those receptors—an indicator that emission controls in those states are likely to have a smaller air quality impact at the downwind receptor. We are not convinced that selecting a threshold below one percent is necessary or desirable.'' [7]

In the final CSAPR, the EPA determined that one percent was a reasonable choice considering the combined downwind impact of multiple upwind states in the eastern United States, the health effects of low levels of fine particulate matter and ozone pollution, and the EPA's previous use of a one-percent threshold in CAIR. The EPA used a single ''bright line'' air quality threshold equal to one percent of the 1997 8-hour ozone standard, or 0.08 ppm.[8] The projected contribution from each state was averaged over multiple days with projected high modeled ozone, and then compared to the one-percent threshold. We concluded that this approach for setting and applying the air quality threshold for ozone was appropriate because it provided a robust metric, was consistent with the approach for fine particulate matter used in CSAPR, and because it took into account, and would be applicable to, any future ozone standards below 0.08 ppm.[9]

II. State Submittal

CAA sections 110(a)(1) and (2) and section 110(l) require that revisions to a SIP be adopted by the state after reasonable notice and public hearing. The 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.

On June 28, 2010, Oregon made a submittal to address the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) for the ozone NAAQS. The Oregon submittal included public process documentation on the interstate transport submittal, including a duly noticed public hearing held on December 22, 2009. Oregon subsequently notified the EPA that a clerical error was made and that all interstate transport SIP documents had not been attached to the June 28, 2010 cover letter. The State transmitted the remaining documents to the EPA on December 23, 2010. We find that the process followed by Oregon in adopting the SIP submittal complies with the procedural requirements for SIP revisions under CAA section 110 and the EPA's implementing regulations.

With respect to the requirements in CAA section 110(a)(2)(D)(i)(I), the Oregon submittal stated that the area of highest Oregon emission densities (Portland metropolitan area) is separated from the nearest ozone nonattainment areas (in Nevada and California) by significant distances and major mountain ranges up to approximately 7,000 feet. The submittal noted that the Portland metropolitan area shares a common airshed with Vancouver, Washington metropolitan area. This bi-state airshed historically violated the one-hour ozone standard and emissions in the area have been managed under the Portland-Vancouver ozone maintenance plan. The Portland-Vancouver area is in attainment with the 2008 ozone NAAQS.

The Oregon submittal stated that meteorology and prevailing wind direction, the effect of significant topography on transport of pollutants, and characteristics of emissions sources

[1] NO_X SIP Call, 63 FR 57371 (October 27, 1998); Clean Air Interstate Rule (CAIR), 70 FR 25172 (May 12, 2005); Cross-State Air Pollution Rule (CSAPR), 76 FR 48208 (August 8, 2011).

[2] 76 FR 48208.

[3] CSAPR addressed the 1997 8-hour ozone, and the 1997 and 2006 fine particulate matter NAAQS.

[4] CSAPR proposal, 75 FR 45210, 45237 (August 2, 2010).

[5] *See also* Air Quality Modeling Final Rule Technical Support Document, Appendix F; Analysis of Contribution Thresholds.

[6] CSAPR, 76 FR 48208, 48236–37 (August 8, 2011).

[7] Id.

[8] Id.

[9] Id.

in states bordering Oregon that are experiencing ozone attainment problems (California and Nevada) support a finding that emissions from Oregon sources do not significantly contribute to nonattainment in, or interfere with maintenance of, the 2008 ozone NAAQS in these nearby states. The Oregon submittal also asserted that the Oregon SIP provides authority to participate in regional air planning, collaborate with other states as necessary to address regional ozone issues should they arise, and control emissions from Oregon sources if necessary.

The Oregon submittal also stated that Oregon Department of Environmental Quality consulted with air agencies in Washington, Idaho, Nevada, and California and other agencies to evaluate case-specific air quality problems that may involve regional transport of air pollution. These staff-level communications indicated no impacts on ozone concentrations in other states caused by transport from Oregon, and the submittal stated that this provided additional support for Oregon's assertion that emissions from Oregon sources do not significantly contribute to nonattainment in or interfere with maintenance of the 2008 ozone NAAQS in any other states.

III. EPA Evaluation

On August 4, 2015, the EPA issued a Notice of Data Availability (NODA) containing air quality modeling data that applies the CSAPR approach to contribution projections for the year 2017 for the 2008 8-hour ozone NAAQS.[10] The moderate area attainment date for the 2008 ozone standard is July 11, 2018. In order to demonstrate attainment by this attainment deadline, states will use 2015 through 2017 ambient ozone data. Therefore, 2017 is an appropriate future year to model for the purpose of examining interstate transport for the 2008 ozone NAAQS. The EPA used photochemical air quality modeling to project ozone concentrations at air quality monitoring sites to 2017 and estimated state-by-state ozone contributions to those 2017 concentrations. This modeling used the Comprehensive Air Quality Model with Extensions (CAMx version 6.11) to model the 2011 base year, and the 2017 future base case emissions scenarios to identify projected nonattainment and maintenance sites with respect to the 2008 ozone NAAQS in 2017. The EPA used nationwide state-level ozone source apportionment modeling (CAMx Ozone Source Apportionment Technology/Anthropogenic Precursor Culpability Analysis technique) to quantify the contribution of 2017 base case nitrogen dioxide (NO_X) and volatile organic compound (VOC) emissions from all sources in each state to the 2017 projected receptors. The air quality model runs were performed for a modeling domain that covers the 48 contiguous United States and adjacent portions of Canada and Mexico. The NODA and the supporting technical support documents have been included in the docket for this SIP action.

The modeling data released in the NODA on July 23, 2015, is the most up-to-date information the EPA has developed to inform our analysis of upwind state linkages to downwind air quality problems. For purposes of evaluating Oregon's interstate transport SIP with respect to the 2008 8-hour ozone standard, the EPA is proposing that states whose contributions are less than one percent to downwind nonattainment and maintenance receptors are considered non-significant. The modeling indicates that Oregon's largest contribution to any projected downwind nonattainment site is 0.65 ppb and Oregon's largest contribution to any projected downwind maintenance-only site is 0.65 ppb.[11] These values are below the one percent screening threshold of 0.75 ppb, and therefore there are no identified linkages between Oregon and 2017 downwind projected nonattainment and maintenance sites. Note that the EPA has not done an assessment to determine the applicability of the one percent screening threshold for western states that contribute above the one percent threshold. There may be additional considerations that may impact regulatory decisions regarding ''potential'' linkages in the west identified by the modeling.

IV. Proposed Action

As discussed in Section II, Oregon concluded based on its own technical analysis that emissions from the State do not significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone standard in any other state. The EPA's modeling, discussed in Section III, confirms this finding. Based on the modeling data and the information and analysis provided in Oregon's June 28, 2010 submittal, we are proposing to approve the submittal for purposes of meeting the CAA section 110(a)(2)(D)(i)(I) requirements for the 2008 ozone standard. The EPA's modeling confirms the results of the State's analysis: Oregon does not significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone standard in any other state.

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, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this 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) 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 se.*);
- 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 se.*);
- 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 it does not involve technical standards; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

[10] *See* 80 FR 46271 (August 4, 2015) (Notice of Availability of the Environmental Protection Agency's Updated Ozone Transport Modeling Data for the 2008 Ozone National Ambient Air Quality Standard (NAAQS)).

[11] 80 FR 46271 at page 46276, Table 3.

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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

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

Dated: October 15, 2015.

Dennis J. McLerran,

Regional Administrator, Region 10.

[FR Doc. 2015–27165 Filed 10–26–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[EPA–R03–OAR–2014–0568; FRL–9917–70–Region 3]

Outer Continental Shelf Air Regulations Consistency Update for Maryland

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to update a portion of the Outer Continental Shelf (OCS) Air Regulations. Requirements applying to OCS sources located within 25 miles of States' seaward boundaries must be updated periodically to remain consistent with the requirements of the corresponding onshore area (COA), as mandated by the Clean Air Act, as amended in 1990 (the Act). The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which Maryland is the designated COA. In the Final Rules section of this **Federal Register**, EPA is taking this action 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 action, 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.

DATES: Comments must be received in writing by November 27, 2015.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0568 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–2014–0568, Dave Campbell, Associate Director, Office of Permits and Air Toxics, 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–2014–0568. 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 Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

FOR FURTHER INFORMATION CONTACT: Cathleen Van Osten, (215) 814–2746, or by email at *vanosten.cathleen@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: March 10, 2015

William C. Early,

Acting, Regional Administrator, Region III.

Editorial Note: This document was received for publication by the Office of the Federal Register on October 21, 2015.

[FR Doc. 2015–27159 Filed 10–26–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 150902807–5949–01]

RIN 0648–BE99

International Fisheries; Pacific Tuna Fisheries; Vessel Register Required Information, International Maritime Organization Numbering Scheme

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement a resolution adopted by the Inter-American Tropical Tuna Commission (IATTC) by requiring U.S. vessels, fishing for tuna and tuna-like species with a capacity equal to or greater than 100 gross resister tons (GRT), to have an International Maritime Organization (IMO) number. The IMO numbers will be included with information the United States sends to the IATTC for vessels authorized to fish in the IATTC Convention Area for tuna and tuna-like species, and will enable more effective tracking of vessels that may be engaging in illegal, unreported, and unregulated (IUU) fishing.

DATES: Comments must be submitted in writing by November 27, 2015. A public hearing will be held from 1 p.m. to 4 p.m. PST, on November 12, 2015, in Long Beach, CA.

ADDRESSES: You may submit comments on this proposed rule and supporting documents, including the Regulatory Flexibility Act certification and Regulatory Impact Review, identified by NOAA–NMFS–2015–0129, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0129,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Attn: Chris Fanning, NMFS West Coast Region, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Include the identifier ''NOAA–NMFS-2015-0129'' in the comments.
- *Public hearing:* The public is welcome to attend a public hearing and offer comments on this proposed rule from 1 p.m. to 4 p.m. PST, on November 12, 2015, at 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802. The public may also participate in the public hearing via conference line: 1–888–790–6181, passcode 47596.

Instructions: NMFS may not consider comments sent by any other method, to any other address or individual, or received after the end of the comment period. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Chris Fanning, NMFS, West Coast Region, 562–980–4198.

SUPPLEMENTARY INFORMATION: NMFS is issuing a proposed rule under the authority of the Tuna Conventions Act of 1950, as amended (TCA), to implement the new regional vessel register (RVR) requirements in Resolution C–14–01 (*Resolution (Amended) on a Regional Vessel Register*) adopted by the IATTC at its June 2014 annual meeting. U.S. vessels that have been authorized to fish for tuna and tuna-like species in the IATTC Convention Area of the eastern Pacific Ocean must be included on the RVR. NMFS adds authorized vessels to the RVR by submitting vessel information to the Secretariat of the IATTC. The Convention Area includes the waters bounded by the coast of the Americas, the 50 °N. and 50 °S. parallels, and the 150 °W. meridian. The proposed rule would require that U.S. fishing vessels of 100 GRT (or 100 gross tonnage (GT)) or greater operating in the IATTC Convention Area obtain IMO numbers.

An IMO number is a unique vessel identifier that is permanently associated with the vessel hull, even if the vessel name changes or the vessel is reflagged to another nation. IMO numbers enable more effective tracking of vessels that may be engaging in IUU fishing. An estimated 120 U.S. vessels would be subject to this rule, of which approximately 90 percent already have an IMO number.

Resolution C–14–01 requires each member of the IATTC, including the United States, to maintain a record of its fishing vessels authorized to fish for tuna and tuna-like species in the IATTC Convention Area and to share the information in its record with the IATTC periodically for purposes of maintaining the RVR. In 2014, the IATTC decided to require an additional piece of information in members' records for fishing vessels of 100 GRT (or 100 gross tonnage (GT)) or greater: Either the IMO number or Lloyd's Register number. An IMO number, also known as an IMO ship identification number, is the number issued for a ship or vessel under the ship identification number scheme adopted by the IMO. As used in C–14–01, ''Lloyd's Register number,'' or ''LR number,'' has the same meaning as an IMO number except that an LR number refers to the number issued for a vessel not required to have an IMO number under IMO agreements. Accordingly, C–14–01 now requires IATTC members to ensure that IMO numbers or Lloyd's Register numbers are issued for such vessels. The administrator of the IMO ship identification number scheme issues both types of numbers using the same numbering scheme. Hereafter, ''IMO number'' is used to refer to both IMO numbers and Lloyd's Register numbers. IHS Maritime, located in Surrey, England, currently issues IMO numbers via their Web site at: *http://www.imonumbers.lrfairplay.com/default.aspx.*

For each of the subject fishing vessels, the proposed rule would require that the owner of the fishing vessel either ensure that an IMO number has been issued for the vessel or apply to NMFS for an exemption from the requirement. Resolution C–14–01 (at footnote 1) allows for an exemption from the IMO number requirement in extraordinary circumstances if the vessel owner has followed all appropriate procedures to obtain a number. In the event that a fishing vessel owner, after following the instructions given by the designated manager of the IMO ship identification number scheme, is unable to ensure that an IMO number is issued for the fishing vessel, the fishing vessel owner may request an exemption from the requirement from the West Coast Regional Administrator. Upon receipt of a request for an exemption, the West Coast Regional Administrator will assist the fishing vessel owner in requesting an IMO number. If the West Coast Regional Administrator determines that the fishing vessel owner has followed all appropriate procedures and yet is unable to obtain an IMO number for the fishing vessel, he or she will issue an exemption from the requirements for the vessel and its owner, and notify the owner of the exemption. NMFS notes that IHS Maritime is a private third party, and it is conceivable that an eligible vessel may not be able to complete the necessary steps and supply the required information, resulting in a denied vessel number request.

To minimize the burden on affected U.S. businesses, NMFS is not proposing to require that vessel owners report the IMO numbers associated with their vessel to NMFS. NMFS will collect that information via data available from the United States Coast Guard and IHS Maritime directly.

Classification

The NMFS Assistant Administrator has determined that this proposed rule is consistent with the TCA and other applicable laws, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this action would not have a significant economic impact on a substantial number of small entities.

The small entities to which the proposed action would apply are all U.S. commercial fishing vessels that may target tuna and tuna-like species in the IATTC Convention Area. As of August 2015, there are 1,798 Pacific Highly Migratory Species permits. Of these, 118 vessels are 100 GRT or greater and 104 of the vessels have already been issued an IMO number. Thus, the proposed action would initially require 14 vessels to obtain IMO numbers. For these 14 vessels, the average annual revenue per vessel from all finfish fishing activities since 2010 has been $1.3 million, and less than $20.5 million when considering both an individual vessel or per vessel average. Complying with the IMO number requirement in this proposed action requires no out-of-pocket expenses because applications are free. The 30 minutes estimated to apply for an IMO number would not result in a significant opportunity cost to the fisherman considering it is a one-time occurrence for the life of the vessel hull. The rule is not expected to change fishery operations. Accordingly, the impact of this rule on the affected vessel owners' and operators' income is expected to be de minimis.

This proposed rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA), which has been approved by the Office of Management and Budget (OMB) under control numbers 0648–0387. A request for revision to account for the additional information that would be required pursuant this rule is under OMB review. Public reporting burden for obtaining an IMO number, or for making an IMO exemption request are each estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and to Office of Information and Regulatory Affairs (*OIRA_Submission@omb.eop.gov* or fax to 202–395–7285).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number. All currently approved NOAA collections of information may be viewed at: *http://www.cio.noaa.gov/services_programs/prasubs.html.*

List of Subjects in 50 CFR Part 300

Administrative practice and procedure, Fish, Fisheries, Fishing, Marine resources, Vessels, Reporting and record keeping requirements, Treaties.

Dated: October 21, 2015.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 300, subpart C, is proposed to be amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart C—Eastern Pacific Tuna Fisheries

■ 1. The authority citation for 50 CFR part 300, subpart C, continues to read as follows:

Authority: 16 U.S.C. 951 *et seq.*

■ 2. In § 300.22, revise paragraph (b)(3) to read as follows:

§ 300.22 Eastern Pacific fisheries recordkeeping and written reports.

* * * * *

(b) * * *

(3) *Vessel information.* (i) Information on each commercial fishing vessel or CPFV authorized to use purse seine, longline, drift gillnet, harpoon, troll, rod and reel, or pole and line fishing gear to fish for tuna and tuna-like species in the Convention Area for sale shall be collected by the Regional Administrator to conform to IATTC resolutions governing the Vessel Register. This information initially includes, but is not limited to, the vessel name and registration number; the name and business address of the owner(s) and managing owner(s); a photograph of the vessel with the registration number legible; previous vessel name(s) and previous flag (if known and if any); port of registry; International Radio Call Sign; vessel length, beam, and moulded depth; gross tonnage, fish hold capacity in cubic meters, and carrying capacity in metric tons and cubic meters; engine horsepower; date and place where built; and type of fishing method or methods used. The required information shall be collected as part of existing information collections as described in this and other parts of the CFR.

(ii) *IMO numbers.* For the purpose of this section, an ''IMO number'' is the unique six or seven digit number issued for a vessel under the ship identification number scheme adopted by the International Maritime Organization (IMO) and managed by the entity identified by the IMO (currently IHS Maritime) and is also known as a Lloyd's Register number.

(iii) *Requirement for IMO number.* The owner of a fishing vessel of the United States used for commercial fishing for tuna and tuna-like species in the IATTC Convention Area shall ensure that an IMO number has been issued for the vessel if the vessel's Certificate of Documentation issued under 46 CFR part 67 indicates that the vessel's total internal volume is 100 gross register tons or greater. A vessel owner may request that an IMO number be issued for a vessel by following the instructions given by the administrator of the IMO ship identification number scheme; those instructions are currently available on the Web site of IHS Maritime.

(iv) *Request for exemption.* In the event that a fishing vessel owner, after following the instructions given by the designated manager of the IMO ship identification number scheme, is unable to ensure that an IMO number is issued for the fishing vessel, the fishing vessel owner may request an exemption from the requirement from the West Coast Regional Administrator. The request must be sent by mail to NMFS West Coast Region, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802, and must include the vessel's name, the vessel's official number, a description of the steps taken to request an IMO number, and a description of any responses from the administrator of the IMO ship identification number scheme.

(v) *Exemption process.* Upon receipt of a request for an exemption under paragraph (b)(3)(iv) of this section, the West Coast Regional Administrator will, to the extent he or she determines appropriate, assist the fishing vessel owner in requesting an IMO number. If the West Coast Regional Administrator determines that the fishing vessel owner has followed all appropriate procedures and yet is unable to obtain an IMO number for the fishing vessel, he or she will issue an exemption from the requirements of paragraph (b)(3)(iii) of this section for the vessel and its owner and notify the owner of the exemption. The West Coast Regional Administrator may limit the duration of the exemption. The West Coast Regional Administrator may rescind an exemption at any time. If an exemption is rescinded, the fishing vessel owner must comply with the requirements of paragraph (b)(3)(iii) of this section within 30 days of being notified of the rescission. If the ownership of a fishing vessel changes, an exemption issued to the former fishing vessel owner becomes void.

* * * * *

[FR Doc. 2015–27258 Filed 10–26–15; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 80, No. 207
Tuesday, October 27, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2015–0080]

Syngenta Seeds Inc.; Availability of Preliminary Finding of No Significant Impact and Preliminary Decision for an Extension of a Determination of Nonregulated Status of Corn Genetically Engineered for Glyphosate and Glufosinate-Ammonium Resistance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has reached a preliminary decision to extend our determination of nonregulated status of corn events Bayer/Genective S.A.VCO–01981–5 (hereinafter Genective VCO–01981–5 corn) and Pioneer's DP–004114–3 (hereinafter Pioneer 4114 corn) to Syngenta's corn event MZHG0JG in response to a request from Syngenta Seeds Inc. MZHG0JG corn has been genetically engineered for resistance to the herbicide glyphosate using the same mechanism of action as Genective VCO–01981–5 and also to be resistant to the herbicide glufosinate using the same mechanism of action as Pioneer 4114. We are making available for public comment our preliminary finding of no significant impact for the proposed determination of nonregulated status.

DATES: We will consider all comments that we receive on or before November 27, 2015.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0080.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2015–0080, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

The Syngenta Seeds Inc. extension request, our preliminary finding of no significant impact, our preliminary determination, and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0080* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

Supporting documents and any comments we received regarding our determination of nonregulated status of the antecedent organisms, Genective VCO–01981–5 corn and Pioneer 4114 corn, can be found at *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0046* and *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0026.* Supporting documents may also be found on the APHIS Web site for MZHG0JG corn (the organism under evaluation) under APHIS Petition Number 15–124–01p, and the antecedent organisms Genective VCO–01981–5 corn and Pioneer 4114 corn under APHIS Petition Numbers 11–342–01p and 11–244–01p.

FOR FURTHER INFORMATION CONTACT: Dr. John Turner, Director, Environmental Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147 Riverdale, MD 20737–1236; (301) 851–3954, email: *john.t.turner@aphis.usda.gov.* To obtain copies of the supporting documents, contact Ms. Cindy Eck at (301) 851–3885, email: *cynthia.a.eck@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of the plant pest provisions of the Plant Protection Act (PPA) (7 U.S.C. 7701 *et seq.*), the regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms (GE) and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Further, the regulations in § 340.6(e)(2) provide that a person may request that APHIS extend a determination of nonregulated status to other organisms. Such a request must include information to establish the similarity of the antecedent organism and the regulated article in question.

On September 25, 2013,[1] APHIS announced its determination of nonregulated status of corn (*Zea mays*) designated as event VCO–01981–5 (hereinafter Genective VCO–01981–5 corn), which was genetically engineered for resistance to the herbicide glyphosate. On June 20, 2013,[2] APHIS announced its determination of nonregulated status of corn designated as event DP–004114–3 (hereinafter Pioneer 4114 corn), which was genetically engineered for resistance to the herbicide glufosinate-ammonium. APHIS has received a request for an extension of a determination of nonregulated status of Genective VCO–01981–5 corn and Pioneer 4114 corn to corn designated as event MZHG0JG (APHIS Petition Number 15–124–01p) from Syngenta Seeds Inc. (Syngenta) of Research Triangle Park, NC. MZHG0JG corn expresses resistance to both glyphosate and glufosinate-ammonium. In its request, Syngenta stated that this corn is similar to the antecedent organisms, Genective VCO–01981–5 corn and Pioneer 4114 corn and, based on the similarity to these antecedent organisms, is unlikely to pose a plant pest risk and, therefore, should not be a regulated article under APHIS' regulations in 7 CFR part 340.

As described in the extension request, MZHG0JG corn was developed through agrobacterium-mediated transformation to stably incorporate the transgenes

[1] *https://www.aphis.usda.gov/brs/aphisdocs/11_34201p_det.pdf.*

[2] *https://www.aphis.usda.gov/brs/aphisdocs/11_24401p_det.pdf.*

mepsps-02 and pat-09 into the MZHG0JG corn genome. The gene mepsps-02 encodes the enzyme modified 5-enol pyruvylshikimate-3-phosphate synthase (mEPSPS), a variant of the native EPSPS enzyme from corn, which contains two amino acid substitutions that were introduced specifically to confer resistance to herbicides containing glyphosate. The gene pat-09 encodes the enzyme phosphinothricin acetyltransferase (PAT) derived from the soil bacterium *Streptomyces viridochromogenes.* PAT acetylates glufosinate-ammonium, thus inactivating it and conferring resistance to glufosinate-ammonium in herbicide products. The antecedent organisms, Genective VCO–01981–5 corn and Pioneer 4114 corn, were similarly genetically engineered to produce proteins which catalyze the same reactions as do the proteins produced in MZHG0JG corn. Based on the information in the request, we have concluded that MZHG0JG corn is similar to Genective VCO–01981–5 corn and Pioneer 4114 corn. MZHG0JG corn is currently regulated under 7 CFR part 340.

As part of our decisionmaking process regarding a GE organism's regulatory status, APHIS evaluates the plant pest risk of the article. In section 403 of the PPA, ''plant pest'' is defined as any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant product: A protozoan, a nonhuman animal, a parasitic plant, a bacterium, a fungus, a virus or viroid, an infectious agent or other pathogen, or any article similar to or allied with any of the foregoing.

APHIS completed plant pest risk assessments (PPRA) on the antecedent organisms in which we concluded that Genective VCO–01981–5 corn and Pioneer 4114 corn are unlikely to present plant pest risks. APHIS also prepared a plant pest risk similarity assessment (PPRSA) to compare MZHG0JG to the antecedents. As described in the PPRSA, the proteins expressed in MZHG0JG corn are similar to those expressed in Genective VCO–01981–5 corn and Pioneer 4114 corn, and APHIS has concluded that the proteins expressed in Genective VCO–01981–5 corn and Pioneer 4114 corn are unlikely to affect the plant pest risk of Genective VCO–01981–5 corn and Pioneer 4114 corn. Furthermore, the Environmental Protection Agency reviewed the safety of the proteins expressed in MZHG0JG corn and concluded that adverse effects will not occur to nontarget organisms. Therefore, based on our PPRAs for Genective VCO–01981–5 corn and Pioneer 4114 corn and the similarity between Genective VCO–01981–5 corn, Pioneer 4114 corn, and MZHG0JG corn as described in the PPRSA, APHIS has concluded that the proteins expressed in MZHG0JG corn are unlikely to pose a plant pest risk and that MZHG0JG corn is unlikely to pose a different plant pest risk than Genective VCO–01981–5 corn and Pioneer 4114 corn.

APHIS also prepared an environmental assessment (EA) for MZHG0JG corn based on our analysis of data submitted by Syngenta, a review of other scientific data, and field tests conducted under APHIS oversight. The EA was prepared to provide the APHIS decisionmaker with a review and analysis of any potential environmental impacts associated with the determination of nonregulated status for MZHG0JG corn. The EA was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*); (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508); (3) USDA regulations implementing NEPA (7 CFR part 1b); and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

In addition, APHIS has carefully examined the existing NEPA documentation completed for Genective VCO–01981–5 corn and Pioneer 4114 corn and has concluded that Syngenta's request to extend a determination of nonregulated status to MZHG0JG corn encompasses the same scope of environmental analysis as Genective VCO–01981–5 corn and Pioneer 4114 corn. Therefore, based on the similarity of MZHG0JG corn to Genective VCO–01981–5 corn and Pioneer 4114 corn, APHIS has prepared a preliminary finding of no significant impact (FONSI) on MZHG0JG corn. APHIS is considering the following alternatives: (1) Take no action, *i.e.,* APHIS would not change the regulatory status of MZHG0JG corn and it would continue to be a regulated article, or (2) make a determination of nonregulated status of MZHG0JG corn. APHIS' preferred alternative is to make a determination of nonregulated status of MZHG0JG corn.

APHIS has analyzed information submitted by Syngenta, references provided in the extension request, peer-reviewed publications, and information in the EAs of the antecedent organisms. APHIS has also analyzed information in the PPRAs for the antecedent organisms, and other information. Based on APHIS' analysis of this information, the similarity of MZHG0JG corn to the antecedent organisms, our conclusion that the proteins expressed in MZHG0JG corn are unlikely to pose a plant pest risk, and our conclusion that MZHG0JG corn is unlikely to pose a different plant pest risk than Genective VCO–01981–5 corn and Pioneer 4114 corn, APHIS has determined that MZHG0JG corn is unlikely to pose a plant pest risk. We have therefore reached a preliminary decision to approve the request to extend the determination of nonregulated status of Genective VCO–01981–5 corn and Pioneer 4114 corn to MZHG0JG corn, whereby MZHG0JG corn would no longer be subject to our regulations governing the introduction of certain genetically engineered organisms.

Paragraph (e) of § 340.6 provides that APHIS will publish a notice in the **Federal Register** announcing all preliminary decisions to extend determinations of nonregulated status for 30 days before the decisions become final and effective. In accordance with § 340.6(e) of the regulations, we are publishing this notice to inform the public of our preliminary decision to extend the determination of nonregulated status of Genective VCO–01981–5 corn and Pioneer 4114 corn to MZHG0JG corn.

APHIS will accept written comments on the preliminary FONSI regarding a determination of nonregulated status of MZHG0JG corn for a period of 30 days from the date this notice is published in the **Federal Register**. The preliminary FONSI, as well as the extension request, supporting documents, and our preliminary determination with appended PPRSA for MZHG0JG corn, are available for public review as indicated under **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** above. Copies of these documents may also be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

After the comment period closes, APHIS will review all written comments received during the comment period and any other relevant information. All comments will be available for public review. After reviewing and evaluating the comments, if APHIS determines that no substantive information has been received that would warrant APHIS altering its preliminary regulatory determination or FONSI, our preliminary regulatory determination will become final and effective upon notification of the public through an announcement on our Web site at *http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml.* APHIS will also furnish a response to the petitioner regarding

our final regulatory determination. No further **Federal Register** notice will be published announcing the final regulatory determination regarding MZHG0JG corn.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 22nd day of October.

Michael C. Gregoire,

Associate Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–27296 Filed 10–26–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0007]

Monsanto Co.; Determination of Nonregulated Status of Maize Genetically Engineered For Protection Against Corn Rootworm and Resistance to Glyphosate

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that maize designated as event MON 87411, which has been genetically engineered for protection against corn rootworm and resistance to the herbicide glyphosate, is no longer considered a regulated article under our regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by Monsanto Company in its petition for a determination of nonregulated status, our analysis of available scientific data, and comments received from the public in response to our previous notices announcing the availability of the petition for nonregulated status and its associated environmental assessment and plant pest risk assessment. This notice also announces the availability of our written determination and finding of no significant impact.

DATES: Effective October 27, 2015.

ADDRESSES: You may read the documents referenced in this notice and the comments we received at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0007* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

Supporting documents are also available on the APHIS Web site at *http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml* under APHIS Petition Number 13–290–01p.

FOR FURTHER INFORMATION CONTACT: Dr. John Turner, Director, Environmental Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road, Unit 147, Riverdale, MD 20737–1236; (301) 851–3954, email: *john.t.turner@aphis.usda.gov*. To obtain copies of the supporting documents for this petition, contact Ms. Cindy Eck at (301) 851–3892, email: *cynthia.a.eck@aphis.usda.gov*.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered (GE) organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. APHIS received a petition (APHIS Petition Number 13–290–01p) from Monsanto Company (Monsanto) of St. Louis, MO, seeking a determination of nonregulated status of maize (*Zea mays*) designated as event MON 87411, which has been genetically engineered for protection against corn rootworm and resistance to the herbicide glyphosate. The Monsanto petition states that information collected during field trials and laboratory analyses indicates that MON 87411 maize is not likely to be a plant pest and therefore should not be a regulated article under APHIS' regulations in 7 CFR part 340.

According to our process [1] for soliciting public comment when considering petitions for determinations of nonregulated status of GE organisms, APHIS accepts written comments regarding a petition once APHIS deems it complete. In a notice [2] published in the **Federal Register** on March 7, 2014 (79 FR 13035–13036, Docket No. APHIS–2014–0007), APHIS announced the availability of the Monsanto petition for public comment. APHIS solicited comments on the petition for 60 days ending on May 6, 2014, in order to help identify potential environmental and interrelated economic issues and impacts that APHIS may determine should be considered in our evaluation of the petition.

APHIS received 423 comments on the petition. Issues raised during the comment period include the contamination of conventional crop production, the potential for disruption of trade due to the presence of unwanted genetically engineered commodities in exports, the potential for negative impacts to plant fitness and the environment, and health concerns. APHIS decided, based on its review of the petition and its evaluation and analysis of the comments received during the 60-day public comment period on the petition, that the petition involves a GE organism that raises substantive new issues. According to our public review process for such petitions (see footnote 1), APHIS first solicits written comments from the public on a draft environmental assessment (EA) and a preliminary plant pest risk assessment (PPRA) for a 30-day comment period through the publication of a **Federal Register** notice. Then, after reviewing and evaluating the comments on the draft EA and the preliminary PPRA and other information, APHIS revises the preliminary PPRA as necessary and prepares a final EA and, based on the final EA, a National Environmental Policy Act (NEPA) decision document (either a finding of no significant impact (FONSI) or a notice of intent to prepare an environmental impact statement). If a FONSI is reached, APHIS furnishes a response to the petitioner, either approving or denying the petition. APHIS also publishes a notice in the **Federal Register** announcing the regulatory status of the GE organism and the availability of APHIS' final EA, PPRA, FONSI, and our regulatory determination.

[1] On March 6, 2012, APHIS published in the **Federal Register** (77 FR 13258–13260, Docket No. APHIS–2011–0129) a notice describing our public review process for soliciting public comments and information when considering petitions for determinations of nonregulated status for GE organisms. To view the notice, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0129*.

[2] To view the notice, the petition, other supporting documents, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0007*.

APHIS sought public comment on a draft EA and a preliminary PPRA from June 1, 2015, to July 1, 2015.[3] APHIS solicited comments on the draft EA, the preliminary PPRA, and whether the subject maize is likely to pose a plant pest risk. APHIS received 12 comments on the petition; one of these comments had 67 documents and published articles appended to it. The majority of comments expressed general opposition to APHIS making a determination of nonregulated status of GE organisms. Issues raised during the comment period included concerns regarding negative economic impacts to farmers, potential health and environmental impacts, inadequate or outdated data, and the possibility for insects to develop insecticide resistance. APHIS has addressed the issues raised during the comment period and has provided responses to comments as an attachment to the FONSI.

National Environmental Policy Act

After reviewing and evaluating the comments received during the comment period on the draft EA and preliminary PPRA and other information, APHIS has prepared a final EA. The EA has been prepared to provide the public with documentation of APHIS' review and analysis of any potential environmental impacts associated with the determination of nonregulated status of maize designated as event MON 87411. The EA was prepared in accordance with: (1) NEPA, as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). Based on our EA, the response to public comments, and other pertinent scientific data, APHIS has reached a FONSI with regard to the preferred alternative identified in the EA (to make a determination of nonregulated status of maize designated as event MON 87411).

Determination

Based on APHIS' analysis of field and laboratory data submitted by Monsanto, references provided in the petition, peer-reviewed publications, information analyzed in the EA, the PPRA, comments provided by the public, and information provided in APHIS' response to those public comments, APHIS has determined that maize designated as event MON 87411 are unlikely to pose a plant pest risk and therefore are no longer subject to our regulations governing the introduction of certain GE organisms.

Copies of the signed determination document, PPRA, final EA, FONSI, and response to comments, as well as the previously published petition and supporting documents, are available as indicated in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** sections of this notice.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Michael C. Gregoire,

Associate Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–27284 Filed 10–26–15; 8:45 am]

BILLING CODE 3410–34–P

[3] 80 FR 30997–30998.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Submission for OMB Review; Comment Request

October 21, 2015.

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

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

Food and Nutrition Service

Title: 7 CFR part 215—Special Milk Program for Children.

OMB Control Number: 0584–0005.

Summary of Collection: Section 3 of the Child Nutrition Act (CNA) of 1966 (Pub. L. 89–642, as amended; 42 U.S.C. 1772) authorizes the Special Milk Program (SMP) for Children. It provides for appropriation of such sums as may be necessary to enable the Secretary of Agriculture, under such rules and regulations as the Secretary may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (1) nonprofit schools of high school grades and under, and (2) nonprofit nursery schools, child care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children, which do not participate in a food service program authorized under the CNA or the National School Lunch Act.

Need and Use of the Information: The SMP is administered at the State, school food authority (SFA), and child care institution levels. The Food and Nutrition Service (FNS) collects information concerning the operation of the program including the submission of applications and agreements, submission and payment of claims, and the maintenance of records. Without this information FNS would not be able to reimburse schools and institutions in a timely manner to allow them to properly administer the program. In addition, data reporting would be delayed and the timely monitoring of program funding and program trends would be affected.

Description of Respondents: State, Local, and Tribal Government.

Number of Respondents: 3,933.

Frequency of Responses: Recordkeeping; Reporting: On Occasion, Monthly, and Annually.

Total Burden Hours: 14,914.

Food and Nutrition Service

Title: Supplemental Nutrition Assistance Program—Supplemental Nutrition Assistance for Victims of Disasters.

OMB Control Number: 0584–0336.

Summary of Collection: The authority to operate the Disaster Supplemental

Nutrition Assistance Program (D–SNAP) is found in section 5(h) of the Food and Nutrition Act of 2008, formerly the Food Stamp Act of 1977, as amended and the Disaster Relief Act of 1974, as amended by the Robert T. Stafford Disaster Relief and Assistance Act of 1988 authorizes the Secretary of Agriculture to establish temporary emergency standards of eligibility for victims of a disaster if the commercial channels of food distribution have been disrupted, and subsequently restored. D–SNAP is a program that is separate from the Supplemental Nutrition Assistance Program (SNAP) and is conducted for a specific period of time. In order for a State to request to operate a D–SNAP, an affected area in the State must have received a Presidential Declaration of ''Major Disaster'' with Individual Assistance.

Need and Use of the Information: This information collection concerns information obtained from State agencies seeking to operate D–SNAP. A State agency request to operate a D–SNAP must contain the following information: Description of incident; geographic area; application period; benefit period; eligibility criteria; ongoing household eligibility; affected population; electronic benefit card issuance process; logistical plans for Disaster SNAP rollout; staffing; public information outreach; duplicate participation check process; fraud prevention strategies; and employee application procedures. The Food and Nutrition Service reviews the request to ensure that all the necessary requirements to conduct a D–SNAP are met. If this collection is not conducted, D–SNAP would not be available to help meet the nutritional needs of disaster victims.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 9.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 90.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2015–27187 Filed 10–26–15; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Tongass National Forest Wrangell Ranger District; Alaska; Wrangell Island Project Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Corrected Notice of Intent to prepare an environmental impact statement.

SUMMARY: A Notice of Intent (NOI) for this project was first published in the **Federal Register** (75 FR 81210) on December 27, 2010. Subsequent NOIs were published in the **Federal Register** noting the passage of time and procedural changes. This NOI is being published (1) to update the project schedule, (2) to note that M. Earl Stewart is the new Forest Supervisor of the Tongass National Forest and is the Responsible Official for this Project, (3) to note that the Proposed Action contains fewer acres for timber harvest, and (4) that the Forest Service is no longer proposing project-specific Forest Plan amendments in the alternatives.

DATES: Comments submitted previously will be considered in the analysis. This corrected NOI triggers a public comment opportunity during which persons wishing to obtain standing under the pre-decisional administrative review, or ''objection'' process (36 CFR 218, Subpart B), may submit timely, written comments regarding the project. New or additional comments should be received by the Wrangell Ranger District by November 27, 2015, 30 days from date of publication of this Corrected NOI in the **Federal Register**. The draft environmental impact statement is expected in February 2016, and the final environmental impact statement is expected in May 2016.

ADDRESSES: Send written comments to: Tongass National Forest, c/o Andrea Slusser, P.O. Box 51, Wrangell, AK 99929, Attn: Wrangell Island Project EIS. Comments may be hand-delivered to the Wrangell Ranger District, 525 Bennett Drive, Wrangell, AK 99929, Attn: Wrangell Island Project EIS. Comments may also be sent via email to: *wrangell_island_project_eis@fs.fed.us,* or via facsimile to 907–874–7595, Attn: Wrangell Island Project EIS.

In all correspondence, please include your name, address, and organization name if you are commenting as a representative of an organization.

FOR FURTHER INFORMATION CONTACT: Andrea Slusser, Team Leader; Wrangell Ranger District, P.O. Box 51, Wrangell, AK 99929, 907–874–2323.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The purpose of the Wrangell Island Project is to respond to the goals and objectives identified by the Tongass Land and Resource Management Plan (Forest Plan) to guide timber management to support the local and regional economies of Southeast Alaska, while moving the Wrangell Island Project Area towards the desired future condition for all resources.

The underlying need for the Wrangell Island Project comes from the Forest Service's obligation, subject to applicable law, to seek to provide a supply of timber from the Tongass National Forest that meets market demand annually and for the planning cycle, and to restore and improve forest resources to a condition where they provide increased benefits to society.

This project would contribute to the orderly flow of timber to large and small timber purchasers, mill operators, and value-added wood product industries in Southeast Alaska and benefit the local and regional economies of Wrangell and Southeast Alaska while also improving forest resource conditions. This project would help provide a reliable, long-term supply of ''bridge'' timber that would support local jobs and facilitate the industry transition to a sustainable wood product industry based on young-growth management on the Tongass National Forest.

Proposed Action

The Forest Service is proposing a multi-year project involving timber harvest and associated road construction and forest restoration activities. The proposed action includes the harvest of timber from approximately 5,290 acres of forested land. The harvest would produce an estimated 73 million board feet (MMBF) of sawtimber and utility wood that could be made available to industry. Timber harvest would occur with both even-aged (clearcut) and uneven-aged (partial cut) harvest using cable, helicopter and ground-based methods.

The timber harvest would require approximately 18 miles of National Forest Road construction, six miles of reconstruction and approximately 13 miles of temporary road construction. Existing road systems and log transfer facilities would also be used as needed to transport the timber.

Integrated restoration activities associated with the road system used for harvest would include road maintenance and improvements, invasive species treatments, erosion control, and fish passage improvements. All activities would be conducted in a

manner conducive to moving resources towards the desired conditions described in the Forest Plan.

Possible Alternatives

In addition to the proposed action and the no action alternative, the Forest Service is considering a range of action alternatives with varying levels of harvest and road construction based on public input received to date. Because the Forest Plan is now undergoing an amendment process, the project will not propose any project-specific Forest Plan amendments.

Responsible Official

The responsible official for this project is M. Earl Stewart, Forest Supervisor, Tongass National Forest, Federal Building, 648 Mission Street, Ketchikan, Alaska 99901.

Nature of Decision To Be Made

The responsible official will decide: (1) The estimated timber volume to make available from the project, as well as the location, design, and scheduling of timber harvest, road construction and reconstruction, and silvicultural practices used; (2) road and access management; (3) mitigation measures and monitoring requirements; and (4) whether there may be a significant restriction on subsistence uses.

Preliminary Issues

The initial scoping identified preliminary issues and concerns which may be analyzed in the EIS to disclose potential effects of the project on the following: Timber supply, timber sale economics, supporting the timber industry through the transition from old-growth harvest to young-growth management, road and access management, economic and rural stability, wildlife habitat, aquatic habitat (fisheries/hydrology/watersheds), soil productivity and slope stability, invasive species, heritage resources, roadless area characteristics, scenery, recreation, subsistence use, and climate change and carbon cycling. Preliminary key issues identified include timber supply, timber demand, scenery, wildlife habitat and access management.

Preliminary List of Permits or Licenses Required

All necessary permits would be obtained prior to project implementation, and may include the following:

U.S. Environmental Protection Agency

- Review Spill Prevention Control and Countermeasure Plan State of Alaska, Department of Environmental Conservation;
- Solid Waste Disposal Permit State of Alaska, Department of Natural Resources;
- Authorization for occupancy and use of tidelands and submerged lands.

Scoping Process

The initial scoping period started when the NOI was published in 2010. This proposal has been listed on the Tongass National Forest Schedule of Proposed Actions since January, 2011. An updated scoping document has been posted on the Tongass National Forest public Web site at *http://www.fs.usda.gov/goto/R10/Tongass/WrangellEIS,* and a project update letter will be mailed out to those who previously commented.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record. Comments submitted anonymously will also be accepted and considered.

Dated: October 19, 2015.

M. Earl Stewart,

Forest Supervisor.

[FR Doc. 2015–27204 Filed 10–26–15; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

[Docket No. NRCS–2015–0012]

Notice of Request To Extend an Information Collection

AGENCY: Natural Resources Conservation Service (NRCS), United States Department of Agriculture (USDA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces NRCS' intent to request an extension for currently approved information collection, Volunteer Program—Earth Team. This information collection is set to expire December 31, 2015. NRCS is seeking to extend the expiration date for the volunteer Interest and Placement Summary form and the Timesheet form to December 31, 2018. The collected information helps NRCS to match the skills of individuals interested in volunteering for opportunities that will further the agency's mission. Information will be collected from potential volunteers who are 14 years of age or older.

DATES: Comments received by December 28, 2015 will be considered.

ADDRESSES: Comments should be submitted and identified by Docket Number NRCS–2015–0012, using either of the following methods:

- *Government-wide rulemaking Web site: http://regulations.gov*. Follow the instructions for sending comments electronically.
- *Mail:* Public Comments Processing, Attention: Docket No. NRCS–2015–0012, Regulatory and Agency Policy Team, Strategic Planning and Accountability, Department of Agriculture, Natural Resources Conservation Service, 5601 Sunnyside Avenue, Building 1–1112D, Beltsville, Maryland 20705.

NRCS will post comments on *http://www.regulations.gov*. Do not include personal identifying information (PII) with your comments. In general, personal information provided with comments will be posted. If your comment includes your address, telephone number, email address, or other PII, this information, including PII, may be available to the public. You may ask, in your comment, that your PII be withheld from public view, but this cannot be guaranteed.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument should be directed to Michele Brown, National Volunteer Coordinator, 4407 121st Street, Urbandale, Iowa 50323; telephone: (515) 270–4864, ext. 102, and email: *Michele.brown@ia.usda.gov*.

SUPPLEMENTARY INFORMATION:

Volunteer Interest and Placement Summary Form

Title: NRCS–PER–002, Volunteer Interest and Placement Summary Form.

OMB Number: 0578–0024.

Expiration Date of Approval: 3 years from approval date.

Type of Request: Revision of a currently approved collection.

Abstract: Collection of this information is necessary to match volunteer assignment to agency mission as required by Federal Personnel Manual, Supplement 296–33, Subchapter 3. Agencies are authorized

to recruit, train, and accept with regard to Civil Service classification laws, rules, or regulations, the services of individuals to serve without compensation. Subject to certain conditions, most volunteers may assist in agency programs/projects, and may perform activities that agency employees are allowed to perform. Volunteers must be at least 14 years of age. Persons interested in volunteering must write, call, email, visit an NRCS office, or the NRCS Web site at *http://www.nrcs.usda.gov*. The forms are available electronically and can be completed electronically.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 4 minutes per response.

Type of Respondents: Retirees, students, teachers, or senior citizens.

Estimated Number of Respondents: 200.

Estimated Number of Responses: 200.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 13 hours.

Timesheet Form

Title: NRCS–PER–004, Timesheet Form.

OMB Number: 0578–0024.

Expiration Date of Approval: 3 years from approval date.

Type of Request: Revision of a currently approved collection.

Abstract: The timesheet is an optional form and provides the volunteer or volunteer's supervisor a simplified method for tracking the volunteer's time. The form is placed in a volunteer ''case file'' and will be destroyed 3 years after the volunteer has completed service. In the event the volunteer is injured while engaged in volunteer activities and claims Workman's Compensation, the ''case file'' will be transferred to an Official Personnel Folder.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 4 minutes per response.

Type of Respondents: Retirees, students, teachers, or senior citizens.

Estimated Number of Respondents: 7,120.

Estimated Number of Responses: 3,760.

Estimated Number of Responses per Respondent: 2.

Estimated Total Annual Burden on Respondents: 474 hours.

Comments are invited on (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Signed this 16 day of October 2015, in Washington, DC.

Jason A. Weller,

Chief, Natural Resources Conservation Service.

[FR Doc. 2015–27286 Filed 10–26–15; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Rural Utility Service

Submission for OMB Review; Comment Request

October 22, 2015.

The Department of Agriculture has submitted the following information collection requirement(s) to Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, 725—17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

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

Rural Utilities Service

Title: Certification of Authority.

OMB Control Number: 0572–0074.

Summary of Collection: The Rural Utilities Service (RUS) is a credit agency of the U.S. Department of Agriculture (USDA). It makes mortgage loans and loan guarantees to finance electric, telecommunications, and water and waste facilities in rural areas. Rural Electrification Act of 1936, 7 U.S.C. 901 *et seq.,* as amended, (RE ACT) and as prescribed by Office of Management and Budget (OMB) Circular A–129, Policies for Federal Credit Programs and Non-Tax Receivables, which states that agencies must, based on a review of a loan application, determine that an applicant complies with statutory, regulatory, and administrative eligibility requirements for loan assistance. A major factor in managing loan programs is controlling the advancement of funds. RUS Form 675 allows this control to be achieved by providing a list of authorized signatures against which signatures requesting funds are compared.

Need and Use of the Information: RUS will collect information to ensure that only authorized representatives of the borrower signs the lending requisition form. Without the information RUS would not know if the request for a loan advance was legitimate or not and the potential for waste, loss, unauthorized use, and misappropriation would be increased.

Description of Respondents: Not-for-profit institutions; Business or other for-profit.

Number of Respondents: 250.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 25.

Rural Utilities Service

Title: Lien Accommodations and Subordinations 7 CFR part 1717, subparts R and S.

OMB Control Number: 0572–0100.

Summary of Collection: The Rural Electrification Act (RE Act) of 1936, 7 U.S.C. 901 *et seq.,* as amended, authorizes and empowers the Administrator of the Rural Utilities Service (RUS) to make loans in the several States and Territories of the United States for rural electrification and the furnishing electric energy to persons in rural areas who are not receiving central station service. The RE Act also authorizes and empowers the Administrator of RUS to provide financial assistance to borrowers for purposes provided in the RE Act by accommodating or subordinating loans made by the National Rural Utilities Cooperative Finance Corporation, the Federal Financing Bank, and other lending agencies.

Need and Use of the Information: RUS will use the information to determine an applicant's eligibility for a lien accommodation or lien subordination under the RE Act; facilitates an applicant's solicitation and acquisition of non-RUS loans as to converse available Government funds; monitor the compliance of borrowers with debt covenants and regulatory requirements in order to protect loan security; and subsequently to granting the lien accommodation or lien subordination, administer each so as to minimize its cost to the Government. If the information were not collected, RUS would not be able to accomplish its statutory goals.

Description of Respondents: Not-for-profit institutions; Business or other for-profit.

Number of Respondents: 15.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 290.

Rural Utilities Service

Title: 7 CFR 1717 Subpart D, Mergers and Consolidations of Electric Borrowers.

OMB Control Number: 0572–0114.

Summary of Collection: The Rural Utilities Service (RUS) is a credit agency of the U.S. Department of Agriculture. It makes mortgage loans and loan guarantees to finance electric, telecommunications, water and waste and water facilities in rural areas. Loan programs are managed in accordance with the Rural Electrification Act (RE Act) of 1936, 7 U.S.C. 901 *et seq.,* as amended and as prescribed by the Office of Management and Budget (OMB) Circular A–129, Policies for Federal Credit Programs and Non-tax Receivable, states that agencies must base on a review of a loan application determine that an applicant complies with statutory, regulatory, and administrative eligibility requirements for loan assistance.

Need and Use of the Information: RUS will collect information to streamline procedures and allow borrowers the flexibility to meet new business challenges and opportunities. The information is necessary for RUS to conduct business with successor entity while protecting the security of Government loans and avoiding defaults and to grant merger approval when required.

Description of Respondents: Business or other for-profit.

Number of Respondents: 10.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 140.

Rural Utilities Service

Title: Use of Consultants Funded by Borrowers, 7 CFR 1789.

OMB Control Number: 0572–0115.

Summary of Collection: The Rural Utilities Service (RUS) is a credit agency of the Department of Agriculture that makes mortgage loans and loan guarantees to finance electric, telecommunications, and water and waste facilities in rural areas. The loan programs are managed in accordance with the Rural Electrification Act (RE Act) of 1936, 7 U.S.C. 901 *et seq.,* as amended, and as prescribed by Office of Management and Budget Circular A–129, Policies for Federal Credit Programs and Non-Tax Receivable, which states that agencies must, based on a review of a loan application, determine that an applicant complies with statutory, regulatory, and administrative eligibility requirements for loan assistance. RUS has the authority to use consultants voluntarily funded by borrowers for financial, legal, engineering, and other technical services. However, all RUS borrowers are eligible to fund consultant services but are not required to fund consultants.

Need and Use of the Information: RUS will collect information to determine whether it is appropriate to use a consultant voluntarily funded by the borrower to expedite a particular borrower application. If the information were not submitted, RUS would be unable to determine if using a consultant would accelerate the specific application process.

Description of Respondents: Not-for-profit institutions; Business or other for-profit.

Number of Respondents: 1.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 2.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2015–27285 Filed 10–26–15; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 151008932–5932–01]

Streamlining Summary Level 070 Tables in the 5-Year American Community Survey

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of Final Program.

SUMMARY: The Census Bureau hereby announces that it will streamline the production and release of American Community Survey (ACS) Summary Level 070 tables (state/county/county subdivision/place remainder (or part)) to the 15 tables necessary for the delineation of metropolitan, micropolitan, and related statistical areas as defined by the Office of Management and Budget (OMB). The ACS collects detailed demographic, social, economic, and housing data from about 3.5 million addresses in the United States and 36,000 in Puerto Rico each year. Annual data products are released in the form of 1-Year and 5-Year estimates with 5-Year estimates being produced for over 578,000 geographies by 87 different summary levels. Most summary levels and their corresponding geographies are then produced for approximately 1,000 detailed tables. As a cost-saving measure and to improve the usability of the estimates, the Census Bureau has decided to streamline the production and release of Summary Level 070 tables to the 15 tables necessary for delineation. Based on data user analytics, customer feedback, and responses from an earlier **Federal Register** Notice (June 5, 2015; 80 FR 32084) soliciting comments on the streamlining of the summary level, we believe that the streamlining of this summary level will not have a significant impact to our data users. Therefore, beginning in December 2015, the Census Bureau will be tabulating and releasing only those 15 tables for Summary Level 070 that are necessary for the delineation of metropolitan, micropolitan, and related statistical

areas (particularly for identification of New England City and Town Area principal cities), commuting analysis, and basic demographic and housing analysis.

DATES: This Notice will be effective on December 10, 2015.

FOR FURTHER INFORMATION CONTACT: KaNin Reese, Room 7H176F, U.S. Census Bureau, Social, Economic, and Housing Statistics Division, Washington, DC 20233, by phone at 301–763–3493 or via email at *kanin.l.reese@census.gov*.

SUPPLEMENTARY INFORMATION: Beginning with the 2010–2014 ACS 5-Year tables, the Census Bureau will streamline the production and release of Summary Level 070 tables (state/county/county subdivision/place remainder (or part)) to the 15 tables necessary for the delineation of metropolitan, micropolitan, and related statistical areas (particularly for identification of New England City and Town Area principal cities) by OMB, for other commuting analysis, and for basic demographic and housing analysis. The Census Bureau conducts the ACS program under 13 U.S.C. Sections 141 and 193. Streamlining the tables in this summary level will save the Census Bureau over $100,000 over a 5-Year period.

The Census Bureau has been reviewing and documenting the utility of releasing Summary Level 070 for all 1,000 tables for several years. In our last release, this summary level was produced for 69,939 unique geographies for about 1,000 tables with approximately 70 percent of all estimates produced as zero since place parts in county subdivisions represent very small areas. Not only is the data quality insufficient for many of the individual geographies, but very few data users are accessing the tables on American FactFinder or the summary files on the Census File Transfer Protocol (FTP) site. Further, based on user feedback, we have increasing concern that data users may be using the summary level incorrectly, mistaking these place parts in county subdivisions for place-level geographies.

Since the ACS was created as the replacement for the Census long-form, the ACS began by producing the same summary levels that were produced in Census 2000. The purpose of Summary Level 070 (state/county/county subdivision/place remainder (or part)) is for the delineation of metropolitan, micropolitan, and related statistical areas under OMB standards. However, not all of the 1,000 detailed tables being produced for this summary level are needed for delineation. The Census Bureau has identified ten commuting tables necessary for the delineation process and for other commuting analysis, and five basic demographic and housing tables necessary for the tabulation of the summary level.

The 15 tables available for Summary Level 070 include:

1. B01001—Sex by Age
2. B01003—Total Population
3. B02001—Race
4. B08007—Sex of Workers by Place of Work—State and County Level
5. B08008—Sex of Workers by Place of Work—Place Level
6. B08009—Sex of Workers by Place of Work—Minor Civil Division Level for 12 Selected States (CT, ME, MA, MI, MN, NH, NJ, NY, PA, RI, VT, WI)
7. B08301—Means of Transportation to Work
8. B08302—Time Leaving Home to Go to Work
9. B08303—Travel Time to Work
10. B08601—Means of Transportation to Work for Workplace Geography
11. B08602—Time Arriving at Work from Home for Workplace Geography
12. B08603—Travel Time to Work for Workplace Geography
13. B08604—Worker Population for Workplace Geography
14. B25001—Housing Units
15. B25003—Tenure

Due to limited resources available to produce the full product package and limited user need, the Census Bureau has concluded that it will only produce the 15 tables above for Summary Level 070. If additional estimates are needed from this summary level, data users are encouraged to use block group or tract-level data, which will continue to be available on American FactFinder, the Census Application Programming Interface (API), and the summary files on the FTP site. Data are available at: *http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml*.

Summary of Comments Received and the Response of the Census Bureau

The Census Bureau published a Notice and Request for Comments on streamlining tables for Summary Level 070 in the **Federal Register** on June 5, 2015 (80 FR 32084). In response to the notice, the Census Bureau received only one comment. The comment was from a data user requesting that all tables currently produced for this summary level continue to be made available. The data user argued that this summary level provided useful estimates for those incorporated villages in the 12 minor civil divisions in New York state that are dependent within towns, but not necessarily contained completely within a single town and can cross town boundaries. For those incorporated villages, estimates would not be available. These estimates could be helpful to local governments that include place parts in county subdivisions. However, individual local governments have not expressed any interest in keeping these estimates available.

In response to the commenter, the Census Bureau explained that due to budgetary constraints to the ACS, we could not continue to produce all tables for a summary level with so many geographies that so few people were using when the majority of the estimates were zero. However, 15 tables will continue to be produced for that summary level, which will provide basic demographic, housing, and commuting analysis as well as those tables necessary for the delineation of metropolitan, micropolitan, and related statistical areas (particularly for identification of New England City and Town Area principal cities) by OMB. Based on the singular user response, the Census Bureau determined that the need for this summary level was not substantial enough to warrant expenditure of the resources needed to produce it. Therefore, the Census Bureau determined that the original 15 tables selected to continue to be produced in Summary Level 070 were sufficient, and no other tables were added.

The Census Bureau believes that these tables are sufficient for data user needs for this summary level. For data users who are accustomed to using Summary Level 070 tables, the Census Bureau suggests using block group or tract-level data, which will continue to be released annually through American FactFinder, Census API, and the summary files on the FTP site. By releasing only a few key demographic, social, and housing tables for this summary level, the Census Bureau believes that we are still meeting the true purpose, and maintaining the integrity, of Summary Level 070 tables while substantially reducing resources needed for the full production of the product.

Dated: October 20, 2015.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2015–27280 Filed 10–26–15; 8:45 am]

BILLING CODE 3510–07–P

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: National Institute of Standards and Technology (NIST).

Title: National Cybersecurity Center of Excellence (NCCoE) Participant Letter(s) of Interest (LoI).

OMB Control Number: 0693–XXXX.

Form Number(s): None.

Type of Request: New information collection.

Number of Respondents: 120.

Average Hours per Response: 2 hours per response.

Burden Hours: 240 Hours.

Needs and Uses: New collaborative projects to address specific cybersecurity challenges. Technology providers having an interest in participating in an announced project are invited to submit Letters of Interest (LoI) in participation. NIST provides a LoI template to technology providers that express a desire to participate in a project.

Affected Public: Business or other for profit.

Frequency: Once per announcement.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *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: October 22, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–27273 Filed 10–26–15; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–867]

Welded Stainless Pressure Pipe From India: Initiation of Antidumping Duty Investigation

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

DATES: *Effective:* October 27, 2015.

FOR FURTHER INFORMATION CONTACT: James Terpstra, at (202) 482–3965, or Alex Rosen, at (202) 482–7814, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petition

On September 30, 2015, the Department of Commerce (''the Department'') received an antidumping duty (''AD'') petition concerning imports of welded stainless pressure pipe (''welded stainless pipe'') from India filed in proper form on behalf of Bristol Metals, LLC, Felker Brothers Corporation, Outokumpu Stainless Pipe, Inc., and Marcegaglia USA Inc. (collectively, ''Petitioners'').[1] Petitioners are domestic producers of welded stainless pipe. On October 2, 2015, the Department requested additional information and clarification of certain areas of the Petition.[2] Petitioners filed responses to these requests on October 6, 2015.[3]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the ''Act''), Petitioners allege that imports of welded stainless pipe from India are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 732(b)(1) of the Act, the Petition is accompanied by information reasonably available to Petitioners supporting their allegations.

The Department finds that Petitioners filed this Petition on behalf of the domestic industry because Petitioners are interested parties as defined in section 771(9)(C) of the Act. The Department also finds that Petitioners have demonstrated sufficient industry support with respect to the initiation of the AD investigation that Petitioners are requesting. *See* the ''Determination of Industry Support for the Petition'' section below.

Period of Investigation

Because the Petition was filed on September 30, 2015, pursuant to 19 CFR 351.204(b)(1), the period of investigation (''POI'') is July 1, 2014, through June 30, 2015.

Scope of the Investigation

The product covered by this investigation is welded stainless pipe from India. For a full description of the scope of the investigation, *see* the ''Scope of the Investigation,'' in Appendix I of this notice.

Comments on Scope of Investigation

During our review of the Petition, the Department issued questions to, and received responses from, Petitioners pertaining to the proposed scope to ensure that the scope language in the Petition would be an accurate reflection of the products for which the domestic industry is seeking relief.[4] As discussed in the preamble to the Department's regulations,[5] we are setting aside a period for interested parties to raise issues regarding product coverage scope. The Department will consider all comments received from parties and, if necessary, will consult with parties prior to the issuance of the preliminary determination. If scope comments include factual information (*see* 19 CFR 351.102(b)(21)), all such factual information should be limited to public information. In order to facilitate preparation of its questionnaires, the Department requests all interested parties to submit such comments by 5 p.m. Eastern Time on Tuesday, November 10, 2015, which is the first business day after 20 calendar days from the signature date of this notice.[6] Any rebuttal comments, which may include factual information, must be filed by 5 p.m. Eastern Time on Friday, November 20, 2015, which is 10 calendar days after the initial comments.

The Department requests that any factual information the parties consider relevant to the scope of the investigation

[1] *See* ''Petition for the Imposition of Antidumping and Countervailing Duties on Imports of Welded Stainless Pressure Pipe from India Pursuant to Sections 701 and 703 of the Tariff Act of 1930, as Amended,'' at Volume II, dated September 30, 2015 (''Petition'').

[2] *See* the Department's letter to Petitioners, ''Petition for the Imposition of Antidumping Duties on Imports of Welded Stainless Pressure Pipe from India: Supplemental Questions,'' dated October 2, 2015 (''AD Deficiency Questionnaire'') and the Department's letter to Petitioners, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Welded Stainless Pressure Pipe from India: Supplemental Questions,'' dated October 2, 2015 (''General Issues Questionnaire'').

[3] *See* Petitioners' letter to the Department, ''Welded Stainless Pressure Pipe from India: Response to Supplemental Questions {Volume II},'' dated October 6, 2015 (''AD Petition Supplement'') and Petitioners' letter to the Department, ''Welded Stainless Pressure Pipe from India: Response to Supplemental Questions {Volume I},'' dated October 6, 2015 (''General Issues Supplement'').

[4] *See* General Issues Questionnaire and General Issues Supplement. *See also* Petitioners' submission, ''Welded Stainless Pressure Pipe from India: Revised Scope Definition,'' dated October 15, 2015.

[5] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 May 19, 1997.

[6] *See* 19 CFR 351.303(b)

be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must be filed on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS'').[7] An electronically filed document must be received successfully in its entirety by the time and date when it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics for Antidumping Questionnaires

The Department requests comments from interested parties regarding the appropriate physical characteristics of welded stainless pipe to be reported in response to the Department's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors and costs of production accurately as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics and (2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, while there may be some physical product characteristics utilized by manufacturers to describe welded stainless pipe, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, the Department attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all comments on product characteristics must be filed by 5 p.m. Eastern Time on November 10, 2015. Rebuttal comments must be received by 5 p.m. Eastern Time on November 20, 2015. All comments and submissions to the Department must be filed electronically using ACCESS, as referenced above.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (''ITC''), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[8] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[9]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petition).

With regard to the domestic like product, Petitioners do not offer a definition of the domestic like product distinct from the scope of the investigation. Based on our analysis of the information submitted on the record, we have determined that welded stainless pipe constitutes a single domestic like product and we have analyzed industry support in terms of that domestic like product.[10]

In determining whether Petitioners have standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the ''Scope of the Investigation,'' in Appendix I of this notice. To establish industry support, Petitioners provided their shipments of the domestic like product in 2014, and compared their shipments to the estimated total shipments of the domestic like product

[7] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011) for details of the Department's electronic filing requirements, which went into effect on August 5, 2011; *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014). Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[8] *See* section 771(10) of the Act.

[9] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[10] For a discussion of the domestic like product analysis in this case, *see* Antidumping Duty Investigation Initiation Checklist: Welded Stainless Pressure Pipe from India (''India AD Initiation Checklist''), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Welded Stainless Pressure Pipe from India (''Attachment II''). This checklist is dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

for the entire domestic industry.[11] Because total industry production data for the domestic like product for 2014 is not reasonably available and Petitioners have established that shipments are a reasonable proxy for production data,[12] we have relied upon the shipment data provided by Petitioners for purposes of measuring industry support.[13]

Our review of the data provided in the Petition, General Issues Supplement, and other information readily available to the Department indicates that Petitioners have established industry support.[14] First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total shipments [15] of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[16] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total shipments of the domestic like product.[17] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the shipments of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.[18] Accordingly, the Department determines that the Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

The Department finds that Petitioners filed the Petition on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act and they have demonstrated sufficient industry support with respect to the AD investigation that they are requesting the Department initiate.[19]

Allegations and Evidence of Material Injury and Causation

Petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value (''NV''). In addition, Petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[20]

Petitioners contend that the industry's injured condition is illustrated by reduced market share; decline in shipments, production, and capacity utilization; underselling and price suppression or depression; inventory overhang; decreased employment, hours worked, and wages; lost sales and revenues; and negative impact on profitability.[21] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[22]

Allegations of Sales at Less Than Fair Value

The following is a description of the allegations of sales at less-than-fair-value upon which the Department based its decision to initiate an investigation of imports of welded stainless pipe from India. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the India AD Initiation Checklist.

Export Price

Petitioners based U.S. price on Indian welded stainless pipe offered for sale in the United States.[23] Where applicable, Petitioners made deductions for the relevant movement charges based on publicly available information from several sources, consistent with delivery terms.[24] After analyzing the reported movement charge information, the Department made two minor revisions to Petitioners' submitted calculation of U.S. price.[25]

Normal Value

Petitioners based normal value on a price quote obtained by a market researcher for welded stainless pipe produced and sold in India having the same specifications as the welded stainless pipe in the U.S. price quote.[26] Because the price quote was received from a distributor, Petitioners deducted a potential mark-up from this price, based on their knowledge of the industry. Petitioners made no additional deductions because, given the terms of sale, no further deductions would be appropriate.[27]

Fair Value Comparisons

Based on the data provided by Petitioners, there is reason to believe that imports of welded stainless pipe from India are being, or are likely to be, sold in the United States at less than fair value. Based on comparisons of EP to NV in accordance with section 773(a)(1) of the Act, the estimated dumping margins as calculated from data provided by the Petitioners and recalculated by the Department for welded stainless pipe from India is 32.06 percent.[28]

Initiation of Less-than-Fair-Value Investigation

Based upon the examination of the Petition on welded stainless pipe India, we find that the Petition meets the requirements of section 732 of the Act. Therefore, we are initiating an AD investigation to determine whether imports of welded stainless pipe from India is being, or are likely to be, sold in the United States at less than fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no

[11] *See* Volume I of the Petition, at 2–3 and Exhibits I–1 and I–2; *see also* General Issues Supplement, at 3–8 and Exhibits I–9 and I–10.

[12] *See* Volume I of the Petition, at 3 and Exhibit I–1; *see also* General Issues Supplement, at 3–6 and Exhibits I–8 and I–9.

[13] For further discussion, *see* India AD Initiation Checklist, at Attachment II.

[14] *Id.*

[15] As mentioned above, Petitioners have established that shipments are a reasonable proxy for production data. Section 351.203(e)(1) of the Department's regulations states ''production levels may be established by reference to alternative data that the Secretary determines to be indicative of production levels.''

[16] *See* section 732(c)(4)(D) of the Act; *see also* India AD Initiation Checklist, at Attachment II.

[17] *See* India AD Initiation Checklist, at Attachment II.

[18] *Id.*

[19] *Id.*

[20] *See* General Issues Supplement, at 9 and Exhibit I–11.

[21] *See* Volume I of the Petition, at 11–25, and Exhibits I–1, I–5, and I–7; *see also* General Issues Supplement, at 9 and Exhibit I–11.

[22] *See* India AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Welded Stainless Pressure Pipe from India.

[23] *See* Volume II of the Petition, at Exhibit II–1 and AD Petition Supplement at Exhibit II–11.

[24] *See* Volume II of the Petition, at Exhibits II–3,4,5,6,7 and AD Petition Supplement at Exhibit II–12 and 13.

[25] We disallowed Petitioners' deduction for foreign inland freight expenses based on insufficient support and made a correction to the calculation of U.S. inland freight fees that was inadvertently omitted from Petitioners' AD Petition Suplement. *See* discussion of minor revisions in the narrative of the India AD Initation Checklist and the calculation at Attachment V.

[26] *See* Volume II of the Petition at Exhibit II–8. *See also,* the Department's memorandum ''Telephone Call to Foreign Market Researcher Regarding Antidumping Petition,'' dated October 7, 2015.

[27] *See* AD Petition Supplement, at Exhibit II–14.

[28] *See* India AD Initiation Checklist, at Attachment V.

later than 140 days after the date of this initiation.

On June 29, 2015, the President of the United States signed into law the Trade Preferences Extension Act of 2015, which made numerous amendments to the AD and CVD law.[29] The 2015 law does not specify dates of application for those amendments.[30] On August 6, 2015, the Department published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[31] The amendments to sections 771(15), 773, 776, and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to this AD investigation.[32]

Respondent Selection

Petitioners name 13 companies as producers/exporters of welded stainless pipe from India.[33] Following standard practice in AD investigations involving market economy countries, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports under the appropriate Harmonized Tariff Schedule of the United States (''HTSUS'') numbers listed in the ''Scope of the Investigation'' section above. We intend to release the CBP data under Administrative Protective Order (''APO'') to all parties with access to information protected by APO within five business days of publication of this **Federal Register** notice.

Interested parties wishing to comment regarding respondent selection must do so within seven business days of the publication of this notice. Comments must be filed electronically using ACCESS. An electronically-filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5 p.m. Eastern Time by the date noted above. We intend to make our decision regarding respondent selection within 20 days of publication of this notice.

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petition have been provided to the Government of India *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of welded stainless pipe from India is materially injuring or threatening material injury to a U.S. industry.[34] A negative ITC determination will result in the investigation being terminated; otherwise, the investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). Any party, when submitting factual information, must specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted[35] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[36] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Please review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351 expires. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10 a.m. Eastern Time on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this investigation.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[37] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[38] The Department intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

[29] *See* Trade Preferences Extension Act of 2015, Pub. L. 114–27, 129 Stat. 362 (2015).

[30] In accordance with section 505(a) of the Trade Preferences Extension Act of 2015, amending section 773(b)(2) of the Act, for the investigation, the Department will request information necessary to calculate the CV and COP to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product. The Department will no longer require a COP allegation to conduct this analysis

[31] *See Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015,* 80 FR 46793 (August 6, 2015) (*Applicability Notice*).

[32] *Id.* at 46794–95. The 2015 amendments may be found at *https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.*

[33] *See* Volume I of the Petition, at Exhibit I–4.

[34] *See* section 733(a) of the Act.

[35] *See* 19 CFR 351.301(b).

[36] *See* 19 CFR 351.301(b)(2).

[37] *See* section 782(b) of the Act.

[38] *See Certification of Factual Information to Import Administration during Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (Jan. 22, 2008). Parties wishing to participate in the investigation should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: October 20, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is circular welded austenitic stainless pressure pipe not greater than 14 inches in outside diameter. References to size are in nominal inches and include all products within tolerances allowed by pipe specifications. This merchandise includes, but is not limited to, the American Society for Testing and Materials (''ASTM'') A–312 or ASTM A–778 specifications, or comparable domestic or foreign specifications. ASTM A–358 products are only included when they are produced to meet ASTM A–312 or ASTM A–778 specifications, or comparable domestic or foreign specifications.

Excluded from the scope of the investigation are: (1) Welded stainless mechanical tubing, meeting ASTM A–554 or comparable domestic or foreign specifications; (2) boiler, heat exchanger, superheater, refining furnace, feedwater heater, and condenser tubing, meeting ASTM A–249, ASTM A–688 or comparable domestic or foreign specifications; and (3) specialized tubing, meeting ASTM A–269, ASTM A–270 or comparable domestic or foreign specifications.

The subject imports are normally classified in subheadings 7306.40.5005, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085 of the Harmonized Tariff Schedule of the United States (''HTSUS''). They may also enter under HTSUS subheadings 7306.40.1010, 7306.40.1015, 7306.40.5042, 7306.40.5044, 7306.40.5080, and 7306.40.5090. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of this investigation is dispositive.

[FR Doc. 2015–27364 Filed 10–26–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–868]

Welded Stainless Pressure Pipe From India: Initiation of Countervailing Duty Investigation

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

DATES: Effective date: October 20, 2015

FOR FURTHER INFORMATION CONTACT: Laurel LaCivita at (202) 482–4243, or Mandy Mallott at (202) 482–6430, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petition

On September 30, 2015, the Department of Commerce (''Department'') received a countervailing duty (''CVD'') petition concerning imports of welded stainless pressure pipe (''welded stainless pipe'') from India, filed in proper form on behalf of Bristol Metals, LLC, Felker Brothers Corp, Outokumpu Stainless Pipe, Inc., and Marcegaglia USA (collectively, ''Petitioners''). The CVD petition was accompanied by an antidumping duty (''AD'') petition concerning imports of welded stainless pipe from India.[1] Petitioners are domestic producers of welded stainless pipe.[2]

On October 2, 2015, the Department requested information and clarification for certain areas of the Petition.[3] Petitioners filed responses to these requests on October 6, 2015.[4]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (''the Act''), Petitioners allege that the Government of India (''GOI'') is providing countervailable subsidies (within the meaning of sections 701 and 771(5) of the Act) to imports of welded stainless pipe from India, and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 702(b)(1) of the Act, for those alleged programs in India on which we have initiated a CVD investigation, the Petition is accompanied by information reasonably available to Petitioners supporting their allegations.

The Department finds that Petitioners filed the Petition on behalf of the domestic industry because Petitioners are interested parties as defined in section 771(9)(C) of the Act. The Department also finds that Petitioners demonstrated sufficient industry support with respect to the initiation of the CVD investigation that Petitioners are requesting.[5]

Period of Investigation

The period of investigation is January 1, 2014, through December 31, 2014.[6]

Scope of the Investigation

The product covered by this investigation is welded stainless pipe from India. For a full description of the scope of this investigation, *see* the ''Scope of the Investigation'' in Appendix I of this notice.

Comments on Scope of the Investigation

During our review of the Petition, the Department issued questions to, and received responses from, Petitioners pertaining to the proposed scope to ensure that the scope language in the Petition would be an accurate reflection of the products for which the domestic industry is seeking relief.[7] As discussed in the preamble to the Department's regulations,[8] we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope). The Department will consider all comments received from interested parties and, if necessary, will consult with the interested parties prior to the issuance of the preliminary determination. If scope comments include factual information (*see* 19 CFR 351.102(b)(21)), all such factual information should be limited to public information. In order to facilitate preparation of its questionnaire, the

[1] *See* ''Petition for the Imposition of Antidumping and Countervailing Duties: Welded Stainless Pressure Pipe from India,'' dated September 30, 2015 (''Petition'').

[2] *See* Volume I of the Petition, at 2.

[3] *See* letter from the Department, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Welded Stainless Pressure Pipe from India: Supplemental Questions,'' dated October 2, 2015 (''General Issues Questionnaire''); letter from the Department, ''Petition for the Imposition of Countervailing Duties on Imports of Welded Stainless Pressure Pipe from India: Supplemental Questions,'' October 2, 2015 (''CVD Deficiency Questionnaire'').

[4] *See* letter from Petitioners, ''Welded Stainless Pressure Pipe from India: Response to Supplemental Questions,'' dated October 6, 2015, covering volume I (''General Issues Supplement'') and III (''CVD Supplement'') of the Petition.

[5] *See* the ''Determination of Industry Support for the Petition'' section below.

[6] 19 CFR 351.204(b)(2).

[7] *See* General Issues Questionnaire and General Issues Supplement. *See also* Petitioners' submission, ''Welded Stainless Pressure Pipe from India: Revised Scope Definition,'' dated October 15, 2015.

[8] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

Department requests all interested parties to submit such comments by 5:00 p.m. Eastern Time (''ET'') on Tuesday, November 10, 2015, which is the first business day after 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on Friday, November 20, 2015, which is 10 calendar days after the initial comments deadline.

The Department requests that any factual information the parties consider relevant to the scope of the investigation be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must be filed on the record of the concurrent AD investigation.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS'').[9] An electronically-filed document must be received successfully in its entirety by the time and date it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Consultations

Pursuant to section 702(b)(4)(A)(i) of the Act, the Department notified representatives of the GOI of the receipt of the Petition. Also, in accordance with section 702(b)(4)(A)(ii) of the Act, the Department provided representatives of the GOI the opportunity for consultations with respect to the CVD petition. As the GOI did not request consultations prior to the initiation of this investigation, the Department and the GOI did not hold consultations.

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (''ITC''), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[10] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[11]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petition).

With regard to the domestic like product, Petitioners do not offer a definition of the domestic like product distinct from the scope of the investigation. Based on our analysis of the information submitted on the record, we have determined that welded stainless pipe constitutes a single domestic like product and we have analyzed industry support in terms of that domestic like product.[12]

In determining whether Petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the ''Scope of the Investigation,'' in Appendix I of this notice. To establish industry support, Petitioners provided their shipments of the domestic like product in 2014, and compared their shipments to the estimated total shipments of the domestic like product for the entire domestic industry.[13] Because total industry production data for the domestic like product for 2014 are not reasonably available to Petitioners, and Petitioners have established that shipments are a reasonable proxy for production data,[14] we have relied upon the shipment data provided by Petitioners for purposes of measuring industry support.[15]

Our review of the data provided in the Petition, General Issues Supplement, and other information readily available to the Department indicates that Petitioners have established industry support.[16] First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total shipments[17] of the

[9] *See* 19 CFR 351.303 (for general filing requirements); *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011), for details of the Department's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[10] *See* section 771(10) of the Act.

[11] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[12] For a discussion of the domestic like product analysis in this case, *see* Countervailing Duty Investigation Initiation Checklist: Welded Stainless Pressure Pipe from India (''India CVD Initiation Checklist''), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Welded Stainless Pressure Pipe from India (''Attachment II''). This checklist is dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[13] *See* Volume I of the Petition, at 2–3 and Exhibits I–1 and I–2; *see also* General Issues Supplement, at 3–8 and Exhibits I–9 and I–10.

[14] *See* Volume I of the Petition, at 3 and Exhibit I–1; *see also* General Issues Supplement, at 3–6 and Exhibits I–8 and I–9.

[15] For further discussion, *see* India CVD Initiation Checklist, at Attachment II.

[16] *See* India CVD Initiation Checklist, at Attachment II.

[17] As mentioned above, Petitioners have established that shipments are a reasonable proxy

Continued

domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[18] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total shipments of the domestic like product.[19] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the shipments of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.[20] Accordingly, the Department determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.

The Department finds that Petitioners filed the Petition on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act and they have demonstrated sufficient industry support with respect to the CVD investigation that they are requesting the Department initiate.[21]

Injury Test

Because India is a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from India materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

Petitioners allege that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In CVD petitions, section 771(24)(A)-(B) of the Act provides that imports of subject merchandise from developing and least developed countries must exceed the negligibility threshold of four percent. Petitioners demonstrate that subject imports from India, which has been designated as a least developed country,[22] exceed the negligibility threshold provided for under section 771(24)(B) of the Act.[23]

Petitioners contend that the industry's injured condition is illustrated by reduced market share; decline in shipments, production, and capacity utilization; underselling and price suppression or depression; inventory overhang; decreased employment, hours worked, and wages; lost sales and revenues; and negative impact on profitability.[24] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[25]

Initiation of Countervailing Duty Investigation

Section 702(b)(1) of the Act requires the Department to initiate a CVD investigation whenever an interested party files a CVD petition on behalf of an industry that: (1) Alleges the elements necessary for an imposition of a duty under section 701(a) of the Act; and (2) is accompanied by information reasonably available to Petitioners supporting the allegations.

Petitioners allege that producers/exporters of welded stainless pipe in India benefit from countervailable subsidies bestowed by the GOI. The Department examined the Petition and finds that it complies with the requirements of section 702(b)(1) of the Act. Therefore, in accordance with section 702(b)(1) of the Act, we are initiating a CVD investigation to determine whether manufacturers, producers, or exporters of welded stainless pipe from India receive countervailable subsidies from the GOI.

On June 29, 2015, the President of the United States signed into law the Trade Preferences Extension Act of 2015, which made numerous amendments to the AD and CVD law.[26] The 2015 law does not specify dates of application for those amendments. On August 6, 2015, the Department published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[27] The amendments to sections 776 and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to this CVD investigation.[28]

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation on 25 of the 50 alleged programs in India. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* the India CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

Respondent Selection

Petitioners named thirteen companies as producers/exporters of welded stainless pipe in India.[29] Following standard practice in CVD investigations, the Department will, where appropriate, select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports of welded stainless pipe during the period of investigation. We intend to release CBP data under Administrative Protective Order (''APO'') to all parties with access to information protected by APO within five business days of publication of this **Federal Register** notice. The Department invites comments regarding respondent selection within seven business days of publication of this **Federal Register** notice.

Comments must be filed electronically using ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS, by 5 p.m. ET by the date noted above. We intend to make our decision regarding respondent selection within 20 days of publication of this notice. Interested parties must submit

for production data. Section 351.203(e)(1) of the Department's regulations states ''production levels may be established by reference to alternative data that the Secretary determines to be indicative of production levels.''

[18] *See* section 702(c)(4)(D) of the Act; *see also* India CVD Initiation Checklist, at Attachment II.

[19] *See* India CVD Initiation Checklist, at Attachment II.

[20] *Id.*

[21] *Id.*

[22] *See* section 771(36)(B) of the Act.

[23] *See* General Issues Supplement, at 9 and Exhibit I–11.

[24] *See* Volume I of the Petitions, at 10–25 and Exhibits I–1, I–5, and I–7; *see also* General Issues Supplement, at 9 and Exhibit I–11.

[25] *See* India CVD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Welded Stainless Pressure Pipe from India.

[26] *See* Trade Preferences Extension Act of 2015, Pub. L. 114–27, 129 Stat. 362 (2015).

[27] *See Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015,* 80 FR 46793 (August 6, 2015) (*Applicability Notice*). The 2015 amendments may be found at *https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.*

[28] *Id.* at 46794–95.

[29] *See* Volume I of the Petition, at Exhibit I–4.

applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo.*

Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the GOI *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each known exporter (as named in the Petition), consistent with 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of welded stainless pipe from India are materially injuring, or threatening material injury to, a U.S. industry.[30] A negative ITC determination will result in the investigation being terminated;[31] otherwise, this investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The regulation requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Parties should review the regulations prior to submitting factual information in this investigation.

Extension of Time Limits Regulation

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301 expires. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this investigation.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[32] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[33] The Department intends to reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 702 and 777(i) of the Act.

Dated: October 20, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is circular welded austenitic stainless pressure pipe not greater than 14 inches in outside diameter. References to size are in nominal inches and include all products within tolerances allowed by pipe specifications. This merchandise includes, but is not limited to, the American Society for Testing and Materials (''ASTM'') A–312 or ASTM A–778 specifications, or comparable domestic or foreign specifications. ASTM A–358 products are only included when they are produced to meet ASTM A–312 or ASTM A–778 specifications, or comparable domestic or foreign specifications.

Excluded from the scope of the investigation are: (1) Welded stainless mechanical tubing, meeting ASTM A–554 or comparable domestic or foreign specifications; (2) boiler, heat exchanger, superheater, refining furnace, feedwater heater, and condenser tubing, meeting ASTM A–249, ASTM A–688 or comparable domestic or foreign specifications; and (3) specialized tubing, meeting ASTM A–269, ASTM A–270 or comparable domestic or foreign specifications.

The subject imports are normally classified in subheadings 7306.40.5005, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085 of the Harmonized Tariff Schedule of the United States (''HTSUS''). They may also enter under HTSUS subheadings 7306.40.1010, 7306.40.1015, 7306.40.5042, 7306.40.5044, 7306.40.5080, and 7306.40.5090. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of this investigation is dispositive.

[FR Doc. 2015–27376 Filed 10–26–15; 8:45 am]

BILLING CODE 3510–DS–P

[30] *See* section 703(a)(2) of the Act.

[31] *See* section 703(a)(1) of the Act.

[32] *See* section 782(b) of the Act.

[33] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (''*Final Rule*''); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XX08

Marine Mammals; File No. 14628

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 National Museum of Natural History (NMNH), Smithsonian Institution (Charles W. Potter, Responsible Party), PO Box 37012, Washington, DC 20013 has been issued a minor amendment to Scientific Research Permit No. 14628.

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: Jennifer Skidmore or Amy Sloan, (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.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The original permit (No. 14628), issued on November 18, 2010 (75 FR 72794) authorizes the salvage, collection, importation, exportation, receipt, possession, archive, and analyses of marine mammal and endangered species parts under NMFS jurisdiction. No live animal takes and no incidental harassment of animals are authorized. Parts are archived by the NMNH and used to support research studies and incidental education. The minor amendment (No. 14628–01) extends the duration of the permit for one year, through November 30, 2016, but does not change any other terms or conditions of the permit.

Dated: October 21, 2015.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–27208 Filed 10–26–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

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

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: NOAA's Bay Watershed Education and Training (B–WET) Program National Evaluation System.

OMB Control Number: 0648–0658.

Form Number(s): None.

Type of Request: Regular (revision and extension of a currently approved information collection).

Number of Respondents: 8,086.

Average Hours per Response: Awardee-respondents will complete an online survey in 60 minutes and teacher-respondents will complete two online surveys in 30 minutes each.

Burden Hours: 1,773.

Needs and Uses: This request is for revision and extension of a currently approved information collection.

The NOAA Office of Education's Bay Watershed Education and Training (B–WET) program seeks to contribute to NOAA's mission by supporting education efforts to create an environmentally literate citizenry with the knowledge, attitudes, and skills needed to protect watersheds and related ocean, coastal, and Great Lakes ecosystems. B–WET currently funds projects in seven regions (California, Chesapeake Bay, Great Lakes, Gulf of Mexico, Hawaii, New England, and the Pacific Northwest). B–WET has created an across-region, internal evaluation system to provide ongoing feedback on program implementation and outcomes to ensure maximum quality and efficiency of the B–WET program. The evaluation system is sustained by B–WET staff with occasional assistance from an outside contractor.

B–WET awardees and the awardees' professional development teacher-participants are asked to voluntarily complete online survey forms to provide evaluation data. One individual from each awardee organization is asked to complete a form once per year of the award, and the teacher participants are asked to complete one form at the end of their professional development program and another form at the end of the following school year.

Affected Public: State, local and tribal governments; not-for-profit institutions, business or other for-profit organizations, individuals or households.

Frequency: Annually.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at 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: October 22, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015–27331 Filed 10–26–15; 8:45 am]

BILLING CODE 3510–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE097

Taking of Marine Mammals Incidental to Specified Activities; Front Street Transload Facility Construction

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

ACTION: Notice; issuance of an incidental take authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) regulations, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to the Bergerson Construction, Inc. (Bergerson) to take, by Level B harassment, small numbers of two species of marine mammals incidental to the Front Street Transload Facility construction project in Newport, Oregon, between November 1, 2015, and October 31, 2016.

DATES: Effective November 1, 2015, through October 31, 2016.

ADDRESSES: Requests for information on the incidental take authorization should be addressed to Jolie Harrison, Chief,

Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. A copy of the application containing a list of the references used in this document, NMFS' Environmental Assessment (EA), Finding of No Significant Impact (FONSI), and the IHA may be obtained by writing to the address specified above or visiting the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental/.* Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Shane Guan, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the U.S. can apply for a one-year authorization to incidentally take small numbers of marine mammals by harassment, provided that there is no potential for serious injury or mortality to result from the activity. Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny the authorization.

Summary of Request

On April 22, 2015, Bergerson submitted a request to NMFS requesting an IHA for the possible harassment of small numbers of Pacific harbor seal (*Phoca vitulina richardii*) and California sea lion (*Zalophus californianus*) incidental to construction associated with the Front Street Marine Transload Facility in the city of Newport, Oregon, for a period of one year starting November 2015. NMFS determined the IHA application was complete on July 29, 2015.

Description of the Specified Activity

A detailed description of the Front Street Transload Facility construction project is provided in the **Federal Register** notice for the proposed IHA (80 FR 48500; August 13, 2015). Since that time, no changes have been made to the proposed construction activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS' proposal to issue an IHA to Bergerson was published in the **Federal Register** on August 13, 2015. That notice described, in detail, Bergerson's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. During the 30-day public comment period, NMFS received comments from the Marine Mammal Commission (Commission). The Commission recommends NMFS issue the IHA, subject to inclusion of the proposed mitigation, monitoring, and reporting measures.

Description of Marine Mammals in the Area of the Specified Activity

The marine mammal species under NMFS jurisdiction most likely to occur in the proposed construction area are Pacific harbor seal (*Phoca vitulina richardsi*) and California sea lion (*Zalophus californianus*).

TABLE 1—MARINE MAMMAL SPECIES POTENTIALLY PRESENT IN REGION OF ACTIVITY

Species	ESA status	MMPA status	Occurrence
Harbor Seal	Not listed	Non-depleted	Frequent.
California Sea Lion	Not listed	Non-depleted	Frequent.

General information on the marine mammal species found in Oregon coastal waters can be found in Caretta *et al.* (2014), which is available at the following URL: *http://www.nmfs.noaa.gov/pr/sars/pdf/po2013.pdf.* Refer to that document for information on these species. A list of marine mammals in the vicinity of the action and their status are provided in Table 1. Specific information concerning these species in the vicinity of the proposed action area is provided in detail in the Bergerson's IHA application (Turner and Campbell, 2015).

Potential Effects of the Specified Activity on Marine Mammals

The effects of underwater noise from in-water pile removal and pile driving associated with the construction activities for the Front Street Transload Facility in Newport, Oregon, has the potential to result in behavioral harassment of marine mammal species and stocks in the vicinity of the action area. The Notice of Proposed IHA included a discussion of the effects of anthropogenic noise on marine mammals, which is not repeated here. No instances of hearing threshold shifts, injury, serious injury, or mortality are expected as a result of the construction activities given the strong likelihood that marine mammals would avoid the immediate vicinity of the pile driving area.

Potential Effects on Marine Mammal Habitat

The primary potential impacts to marine mammals and other marine species are associated with elevated sound levels, but the project may also result in additional effects to marine mammal prey species and short-term local water turbidity caused by in-water construction due to pile removal and pile driving. These potential effects are

discussed in detail in the **Federal Register** notice for the proposed IHA and are not repeated here.

Mitigation Measures

In order to issue an incidental take authorization under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable adverse impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses.

For the Front Street Transload Facility construction project, NMFS is requiring Bergerson to implement the following mitigation measures to minimize the potential impacts to marine mammals in the project vicinity as a result of the in-water construction activities.

Time Restriction

Work shall occur only during daylight hours, when visual monitoring of marine mammals can be conducted. In addition, all in-water construction will be limited to the period between November 1, 2015, and February 15, 2016.

Air Bubble Curtain

Bergerson is required to install an air bubble curtain system around the pile during pile installation using an impact hammer.

Establishment of Exclusion Zone and Level B Harassment Zones of Influence

Before the commencement of in-water pile driving activities, Bergerson shall establish Level A exclusion zones and Level B zones of influence (ZOIs). The received underwater sound pressure levels (SPLs) within the exclusion zone would be 190 dB (rms) re 1 µPa and above. The Level B ZOIs would encompass areas where received underwater SPLs are higher than 160 dB (rms) and 120 dB (rms) re 1 µPa for impulse noise sources (impact pile driving) and non-impulses noise sources (vibratory pile driving and mechanic dismantling), respectively.

Based on measurements conducted nearby in similar water depth and sediment type in the Yaquina Bay for the NOAA Marine Operation Center P Test Pile Program (Miner, 2010), average vibratory hammer sound pressure level for 24-inch steel pile at 10 meters from the pile is 157 dB re 1 µPa (Minor 2010; ICF Jones & Stokes and Illingworth and Rodkin 2009). Based on practical spreading model with a transmission loss constant of 15, the distance at which the sound pressure levels fall below the 120 dB (rms) re 1 µPa is approximately 1.8 miles from the pile (Miner, 2010).

Modeling of exclusion zone and ZOIs for impact pile driving source level are based on measurements conducted at the nearby Tongue Point Facility in Astoria, Oregon, for installation of 24-in steel pile with an impact hammer (Illingworth and Rodkin, 2009). The result shows that the SPL at 10 m from the pile is 182 dB (rms) re 1 µPa. Nevertheless, a conservative 190 dB (rms) re 1 µPa value at 10 m and a practical spreading with a transmission loss constant of 15 are used to establish the exclusion zone and ZOI. As a result, the distance at which the SPLs fall below the 160 dB (rms) re 1 µPa behavioral threshold for impact hammering is approximately 0.62 miles. With a bubble curtain and an estimated 10 dB reduction in sound levels, the distance at which the sound pressure levels fall below the 160 dB RMS behavioral threshold for impact hammering is approximately 707 feet. The exclusion zone with the air bubble curtain system would be 7 feet from the pile.

The exclusion zone for Level A harassment and ZOIs for Level B harassment are presented in Table 2 below.

TABLE 2—MODELED LEVEL A AND LEVEL B HARASSMENT ZONES FOR VIBRATORY AND IMPACT PILE DRIVING ACTIVITIES

Pile driving methods	Distance to 190 dB (m)	Distance to 160 dB (m)	Distance to 120 dB (m)
Vibratory pile driving/removal	NA	NA	2,900.
Impact pile driving	10/2.1 (with air bubble system).	1,000/215 (with air bubble system).	NA.

Soft Start

A ''soft-start'' technique is intended to allow marine mammals to vacate the area before the pile driver reaches full power. Whenever there has been downtime of 30 minutes or more without pile driving, the contractor will initiate the driving with ramp-up procedures described below.

For impact pile driving, the contractor would provide an initial set of strikes from the impact hammer at reduced energy, followed by a 30-second waiting period, then two subsequent sets. (The reduced energy of an individual hammer cannot be quantified because of variations between individual drivers. Also, the number of strikes will vary at reduced energy because raising the hammer at less than full power and then releasing it results in the hammer ''bouncing'' as it strikes the pile resulting in multiple ''strikes'').

For vibratory pile driving, the contractor will initiate noise from vibratory hammers for 15 seconds at reduced energy followed by a 30-second waiting period. The procedure shall be repeated two additional times.

Shutdown Measures

Bergerson shall implement shutdown measures if a marine mammal is sighted approaching the Level A exclusion zone. In-water construction activities shall be suspended until the marine mammal is sighted moving away from the exclusion zone, or if the animal is not sighted for 30 minutes after the shutdown.

In addition, Bergerson shall implement shutdown measures to prevent a take if a marine mammal species or stock that is not authorized under the IHA enters a zone of influence, or if the take of a specific marine mammal species or stock has reached the take limit issued under the IHA.

Mitigation Conclusions

NMFS has carefully evaluated the applicant's proposed mitigation measures and considered a range of other measures in the context of ensuring that NMFS prescribes the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals.

• The proven or likely efficacy of the specific measure to minimize adverse impacts as planned .

• The practicability of the measure for applicant implementation.

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed below:

(1) Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).

(2) A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to received levels of pile driving and pile removal or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

(3) A reduction in the number of times (total number or number at biologically important time or location) individuals would be exposed to received levels of pile driving and pile removal, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

(4) A reduction in the intensity of exposures (either total number or number at biologically important time or location) to received levels of pile driving, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing the severity of harassment takes only).

(5) Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.

(6) For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, NMFS has determined that the mitigation measures provide the means of effecting the least practicable impact on marine mammals species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an incidental take authorization (ITA) for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth, ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Bergerson submitted a marine mammal monitoring plan as part of the IHA application. It can be found at *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.*

Monitoring measures prescribed by NMFS should accomplish one or more of the following general goals:

(1) An increase in the probability of detecting marine mammals, both within the mitigation zone (thus allowing for more effective implementation of the mitigation) and in general to generate more data to contribute to the analyses mentioned below.

(2) An increase in our understanding of how many marine mammals are likely to be exposed to levels of pile driving that we associate with specific adverse effects, such as behavioral harassment, temporary hearing threshold shift (TTS), or permanent hearing threshold shift (PTS).

(3) An increase in our understanding of how marine mammals respond to stimuli expected to result in take and how anticipated adverse effects on individuals (in different ways and to varying degrees) may impact the population, species, or stock (specifically through effects on annual rates of recruitment or survival) through any of the following methods:

▪ Behavioral observations in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);

▪ Physiological measurements in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);

▪ Distribution and/or abundance comparisons in times or areas with concentrated stimuli versus times or areas without stimuli;

▪ An increased knowledge of the affected species; and

▪ An increase in our understanding of the effectiveness of certain mitigation and monitoring measures.

Monitoring Measures

During pile removal and installation, two land-based protected species observers (PSOs) would monitor the area from the best observation points available. If weather conditions prevent adequate land-based observations of the entire ensonified zones, boat-based monitoring would be implemented.

The PSOs shall observe and collect data on marine mammals in and around the project area for 30 minutes before, during, and for 30 minutes after all pile removal and pile installation work. If a PSO observes a marine mammal within or approaching the exclusion zone, the PSO shall notify the work crew to initiate shutdown measures. In addition, if a PSO observes a marine mammal species that is not authorized for take, or the take of such marine mammal species has reached the take limit, the PSO shall notify the work crew to initiate shutdown measures if the animal is approaching the zone of influence.

Monitoring of marine mammals around the construction site shall be conducted using high-quality binoculars (*e.g.,* Zeiss, 10 × 42 power).

Data collection during marine mammal monitoring would consist of a count of all marine mammals by species, a description of behavior (if possible), location, direction of movement, type of construction that is occurring, time that pile replacement work begins and ends, any acoustic or visual disturbance, and time of the observation. Environmental conditions such as weather, visibility, temperature, tide level, current, and sea state would also be recorded.

Reporting Measures

Bergerson shall submit a final monitoring report within 90 days after completion of the construction work or the expiration of the IHA, whichever comes earlier. This report would detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed. NMFS would have an opportunity to provide comments on the report, and if NMFS has comments, Bergerson shall address the comments and submit a final report to NMFS within 30 days.

In the unanticipated event that the construction activities clearly cause the take of a marine mammal in a manner prohibited by this Authorization, such as an injury, serious injury, or mortality, Bergerson shall immediately cease all

operations and immediately report the incident to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinators. The report must include the following information:

(i) Time, date, and location (latitude/longitude) of the incident;

(ii) Description of the incident;

(iii) Status of all sound source use in the 24 hours preceding the incident;

(iv) Environmental conditions (*e.g.,* wind speed and direction, sea state, cloud cover, visibility, and water depth);

(v) Description of marine mammal observations in the 24 hours preceding the incident;

(vi) Species identification or description of the animal(s) involved;

(vii) The fate of the animal(s); and

(viii) Photographs or video footage of the animal (if equipment is available).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with Bergerson to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Bergerson may not resume their activities until notified by NMFS via letter, email, or telephone.

In addition, NMFS requires Bergerson to notify NMFS' Office of Protected Resources and NMFS' Stranding Network within 48 hours of sighting an injured or dead marine mammal in the vicinity of the construction site. Bergerson shall provide NMFS with the species or description of the animal(s), the condition of the animal(s) (including carcass condition, if the animal is dead), location, time of first discovery, observed behaviors (if alive), and photo or video (if available).

In the event that Bergerson finds an injured or dead marine mammal that is not in the vicinity of the construction area, Bergerson would report the same information as listed above to NMFS as soon as operationally feasible.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

As discussed above, in-water pile removal and pile driving (vibratory and impact) generate loud noises that could potentially harass marine mammals in the vicinity of Bergerson's proposed Front Street Transload Facility construction project.

As mentioned earlier in this document, currently NMFS uses 120 dB re 1 μPa and 160 dB re 1 μPa at the received levels for the onset of Level B harassment from non-impulse (vibratory pile driving and removal) and impulse sources (impact pile driving) underwater, respectively. Table 3 summarizes the current NMFS marine mammal take criteria.

TABLE 3—CURRENT ACOUSTIC EXPOSURE CRITERIA FOR NON-EXPLOSIVE SOUND UNDERWATER

Criterion	Criterion definition	Threshold
Level A Harassment (Injury).	Permanent Threshold Shift (PTS) (Any level above that which is known to cause TTS).	180 dB re 1 μPa (cetaceans). 190 dB re 1 μPa (pinnipeds). root mean square (rms).
Level B Harassment	Behavioral Disruption (for impulse noises)	160 dB re 1 μPa (rms).
Level B Harassment	Behavioral Disruption (for non-impulse noise)	120 dB re 1 μPa (rms).

As explained above, exclusion and ZOIs will be established that encompass the areas where received underwater sound pressure levels (SPLs) exceed the applicable thresholds for Level A and Level B harassments. In the case of Bergerson's proposed Front Street Transload Facility construction project, the Level B harassment ZOIs for impact and vibratory pile driving are at 215 m and 2,900 m from the source, respectively. The Level A harassment exclusion from impact pile driving is 2.1 m from the source.

Incidental take is calculated for each species by estimating the likelihood of a marine mammal being present within a ZOI during active pile removal/driving. Expected marine mammal presence is determined by past observations and general abundance near the Front Street Transload Facility during the construction window. Ideally, potential take is estimated by multiplying the area of the ZOI by the local animal density. This provides an estimate of the number of animals that might occupy the ZOI at any given moment. However, there are no density estimates for any Puget Sound population of marine mammals. As a result, the take requests were estimated using local marine mammal data sets, and information from state and federal agencies.

The calculation for marine mammal exposures is estimated by:

Exposure estimate = N (number of animals in the area) * 30 days of pile removal/driving activity

Estimates include Level B acoustical harassment during pile removal and driving. All estimates are conservative, as pile removal/driving would not be continuous during the work day. Using this approach, a summary of estimated takes of marine mammals incidental to Bergerson's Front Street Transload Facility construction work are provided in Table 4. The take calculation of California sea lion is described in Bergerson's IHA application. The take calculation of Pacific harbor seal is updated from Bergerson's IHA application and is described below.

Surveys done at the time of the construction of the NOAA MOC–P facility show that the number of harbor seals using haulouts in Yaquina Bay fluctuates widely from day to day; therefore, the average daily count of seals at the haulout was used to estimate the number of seals that would likely be present within the project area during the entire anticipated work period. Because there is no data on the counts of harbor seals using the haulouts in Sally's Bend, the average daily count of harbor seals using the finger jetty haulout was used to estimate the total number of potential harbor seals subject to Level B harassment throughout the project period. Survey results for harbor seals using the Oyster Dock haulout were also used to yield more conservative take estimates. It is estimated that an average daily take of 34 seals, with a total of 1,020 harbor seal takes by Level B harassment for the proposed work period.

TABLE 4—ESTIMATED NUMBERS OF MARINE MAMMALS THAT MAY BE EXPOSED BY LEVEL B HARASSMENT FROM PILE AND PILE DRIVING ACTIVITIES

Species	Estimated marine mammal takes	Abundance	Percentage
Pacific harbor seal	1,020	16,165	6.31
California sea lion	1,100	296,750	3.71

Analysis and Determinations

Negligible Impact

Negligible impact is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of Level B harassment takes, alone, is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, and effects on habitat.

To avoid repetition, this introductory discussion of our analyses applies to all the species listed in Table 4, given that the anticipated effects of Bergerson's Front Street Transload Facility construction on marine mammals are expected to be relatively similar in nature. There is no information about the nature or severity of the impacts, or the size, status, or structure of any species or stock that would lead to a different analysis for this activity, else species-specific factors would be identified and analyzed.

Bergerson's proposed Front Street Transload Facility construction project would involve vibratory pile removal and vibratory and impact pile driving activities. Elevated underwater noises are expected to be generated as a result of these activities. The exclusion zone for Level A harassment is extremely small (2.1 m from the source) with the use of an air bubble curtain system. The small exclusion zone combined with the implementation of the proposed monitoring and mitigation measures described above results in no expected Level A take of marine mammals. For vibratory pile removal and pile driving, noise levels are not expected to reach the level that may cause TTS, injury (including PTS), or mortality to marine mammals.

Additionally, the sum of noise from Bergerson's proposed Front Street Transload Facility construction activities is confined to a limited area by surrounding landmasses (as shown in Figure 1 of the IHA application), which blocks underwater sound propagation; therefore, the noise generated is not expected to contribute to increased ocean ambient noise. In addition, due to shallow water depths in the project area, underwater sound propagation of low-frequency sound (which is the major noise source from pile driving) is expected to be poor.

In addition, Bergerson's proposed activities are localized and of short duration. The entire project area is limited to Bergerson's Front Street Transload Facility construction work. The entire project would involve the removal of 25 existing piles and installation of 126 piles. The duration for pile removal and pile driving would be 30 days. These low-intensity, localized, and short-term noise exposures may cause brief startle reactions or short-term behavioral modification by the animals. These reactions and behavioral changes are expected to subside quickly when the exposures cease (Southall *et al.* 2007). Moreover, the proposed mitigation and monitoring measures are expected to reduce potential exposures and behavioral modifications even further. Additionally, no important feeding and/or reproductive areas for marine mammals are known to be near the proposed action area. Therefore, the take resulting from the proposed Front Street Transload Facility construction work is not reasonably expected to, and is not reasonably likely to, adversely affect the marine mammal species or stocks through effects on annual rates of recruitment or survival.

The proposed project area is not a prime habitat for marine mammals, nor is it considered an area frequented by marine mammals. Therefore, behavioral disturbances that could result from anthropogenic noise associated with Bergerson's construction activities are expected to affect only a small number of marine mammals on an infrequent and limited basis.

The project also is not expected to have significant adverse effects on affected marine mammals' habitat, as analyzed in detail in the ''Anticipated Effects on Marine Mammal Habitat'' section. The project activities would not modify existing marine mammal habitat. The activities may cause some fish to leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS finds that the total marine mammal take from Bergerson's Front Street Transload Facility construction project will have a negligible impact on the affected marine mammal species or stocks.

Small Number

Based on analyses provided above, it is estimated that approximately 750 harbor seals and 1,100 California sea lions could be exposed to receive noise levels that could cause Level B behavioral harassment from the proposed construction work at the Front Street Transload Facility in Newport, Oregon. These numbers represent approximately 4.6% and 3.7% of the populations of Pacific harbor seal and California sea lion, respectively, that could be affected by Level B behavioral harassment, respectively (see Table 5 above), which are small percentages relative to the total populations of the affected species or stocks.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, which are expected to reduce the

number of marine mammals potentially affected by the proposed action, NMFS finds that small numbers of marine mammals will be taken relative to the populations of the affected species or stocks.

Impact on Availability of Affected Species for Taking for Subsistence Uses

There are no subsistence uses of marine mammals in the proposed project area; and, thus, no subsistence uses impacted by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

NMFS has determined that issuance of the IHA will have no effect on listed marine mammals, as none are known to occur in the action area.

National Environmental Policy Act (NEPA)

NMFS prepared an Environmental Assessment (EA) and analyzed the potential impacts to marine mammals that would result from the Front Street Transload Facility construction project. A Finding of No Significant Impact (FONSI) was signed in October 2015. A copy of the EA and FONSI is available upon request (see **ADDRESSES**).

Authorization

NMFS has issued an IHA to Bergerson for the potential harassment of small numbers of two marine mammal species incidental to the Front Street Transload Facility construction project in Newport, Oregon, provided the previously mentioned mitigation.

Dated: October 21, 2015.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–27262 Filed 10–26–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army

Performance Review Board Membership

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Notice is given of the names of members of a Performance Review Board for the Department of the Army.

DATES: *Effective Date:* November 20, 2015.

FOR FURTHER INFORMATION CONTACT: Barbara Smith, Civilian Senior Leader Management Office, 111 Army Pentagon, Washington, DC 20310–0111.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations, one or more Senior Executive Service performance review boards. The boards shall review and evaluate the initial appraisal of senior executives' performance by supervisors and make recommendations to the appointing authority or rating official relative to the performance of these executives.

The Department of the Army Performance Review Board will be composed of a subset of the following individuals:

1. Ms. Lisha Adams, Executive Deputy to the Commanding General, United States Army Materiel Command.
2. LTG Thomas P. Bostick, Commanding General, United States Army Corps of Engineers.
3. Mr. Gabriel Camarillo, Principal Deputy Assistant Secretary of the Army for Acquisition, Policy and Logistics, Office of the Assistant Secretary of the Army (Acquisition, Logistics, and Technology).
4. Ms. Gwendolyn R. DeFilippi, Director, Civilian Senior Leader Management Office, Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs).
5. Ms. Sue A. Engelhardt, Director of Human Resources, United States Army Corps of Engineers.
6. Mr. Randall Exley, The Auditor General, Auditor General Office.
7. Mr. Kevin M. Fahey, Executive Director for Agile Acquisition, Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology).
8. Mr. Patrick K. Hallinan, Executive Director of the Army National Cemeteries Program, Dept of the Army.
9. Ms. Ellen M. Helmerson, Deputy Chief of Staff, G–8, United States Army Training and Doctrine Command.
10. Mr. David Jimenez, Executive Technical Director/Deputy to the Commander, United States Army Test and Evaluation Command.
11. MG Daniel I. Karbler, Commanding General, United States Army Test and Evaluation Command.
12. LTG Mary A. Legere, Deputy Chief of Staff, G–2, Office of the Deputy Chief of Staff, G–2.
13. Mr. Mark R. Lewis, Deputy Chief Management Officer, Office of the Under Secretary of the Army.
14. LTG Kevin W. Mangum, Deputy Commanding General/Chief of Staff, U.S. Army Training and Doctrine Command.
15. Mr. David Markowitz, Assistant Deputy Chief of Staff for Operations, G–3/5/7, Office of the Deputy Chief of Staff, G–3/5/7.
16. Ms. Kathleen S. Miller, Assistant Deputy Chief of Staff, G–4, Office of the Deputy Chief of Staff, G–4.
17. Mr. William Moore, Deputy Chief of Staff, G–1/8 (Personnel and Logistics), United Stated Army Training and Doctrine Command.
18. Mr. Levator Norsworthy Jr., Deputy General Counsel(Acquisition)/ Senior Deputy General Counsel, Office of the General Counsel.
19. Mr. Gerald B. O'Keefe, Administrative Assistant to the Secretary of the Army, Office of the Administrative Assistant to the Secretary of the Army.
20. Mr Philip R. Park, Acting General Counsel, Office of the General Counsel.
21. Ms. Diane M. Randon, Deputy Assistant Chief of Staff for Installation Management, Office of the Assistant Chief of Staff for Installation Management.
22. Mr. Jeffrey N. Rapp, Assistant Deputy Chief of Staff, G–2 Office of the Deputy Chief of Staff, G–2.
23. Mr. J. Randall Robinson, Principal Deputy to the Assistant Secretary of the Army (Installations, Energy and Environment), Office of the Assistant Secretary of the Army (Installations and Environment).
24. Mr. Craig R. Schmauder, Deputy General Counsel (Installation, Environment and Civil Works), Office of the General Counsel.
25. Mr. Karl F. Schneider, Principal Deputy Assistant Secretary of the Army (Manpower and Reserve Affairs), Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs).
26. Honorable Heidi Shyu, Assistant Secretary of the Army (Acquisition, Logistics and Technology), Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology).
27. Ms. Caral Spangler, Principal Deputy Assistant Secretary of the Army (Financial Management and Comptroller).
28. MG Richard L. Stevens, Deputy Chief of Engineers/Deputy Commanding General, United States Army Corps of Engineers.
29. Mr. Lawrence Stubblefield, Deputy Assistant Secretary of the Army (Diversity and Leadership), Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs).
30. Mr. Donald C. Tison, Assistant Deputy Chief of Staff for Programs, G–8, Office of the Deputy Chief of Staff, G–8.
31. GEN Dennis L. Via, Commanding General, United States Army Materiel Command.

32. Honorable Debra S. Wada, Assistant Secretary of the Army (Manpower and Reserve Affairs), Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs).

33. LTG Michael E. Williamson, Deputy Assistant Secretary of the Army (Acquisition, Logistics and Technology), Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology).

34. LTG Larry Wyche, Deputy Commanding General, United States Army Material Command.

35. MG Mark W. Yenter, Deputy Commanding General for Military and International Operations, United States Army Corps of Engineers.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2015–27235 Filed 10–26–15; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy (USMA)

AGENCY: Department of the Army, DoD.

ACTION: Notice of open committee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the USMA Board of Visitors (BoV). This meeting is open to the public. For more information about the BoV, its membership and its activities, please visit the BoV Web site at *http://www.usma.edu/bov/SitePages/Home.aspx.*

DATES: The USMA BoV will meet from 1:00 p.m. until 4:30 p.m. on Monday, November 16, 2015. Members of the public wishing to attend the meeting will be required to show a government photo ID upon entering the Capitol Visitors Center in order to gain access to the meeting location. All members of the public are subject to security screening.

ADDRESSES: Capitol Visitors Center, Room HVC–200, the entrance is at the intersection of First Street SE. and East Capitol, Washington, DC 20515.

FOR FURTHER INFORMATION CONTACT: Mrs. Deadra K. Ghostlaw, the Designated Federal Officer for the committee, in writing at: Secretary of the General Staff, ATTN: Deadra K. Ghostlaw, 646 Swift Road, West Point, NY 10996; by email at: *deadra.ghostlaw@usma.edu* or *BoV@usma.edu;* or by telephone at (845) 938–4200.

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: This is the 2015 Fall Meeting of the USMA BoV. Members of the Board will be provided updates on Academy issues.

Proposed Agenda: The Board Chair will discuss the following topics: The next meeting date: Monday, March 28, or April 4, 2016, at West Point, NY and give a summary of discussion topics. The Superintendent will then give the following updates: Key Past/Upcoming Events Since last Board of Visitors Meeting, Achievements/Accomplishments; Strategic Offsite (Assessment and Actions); Cadet Summer Training Highlights; Class of 2020 Admissions Update; Class of 2016 Branching Update; Outreach to the Army (Faculty Operational Experience, Department of the Army/Department of Defense Research); New York City Outreach by Cadets; Barracks Update; Sexual Harassment/Assault Response Prevention and Cadets Against Sexual Harassment/Assault Program Update; Update on Plebe Pillow Fight, Boxing, and Grand Alliance Concussion Study; and Budget update

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165 and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Attendees are requested to submit their name, affiliation, and daytime phone number seven business days prior to the meeting to Mrs. Ghostlaw, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public attending the committee meeting will not be permitted to present questions from the floor or speak to any issue under consideration by the committee. Because the meeting of the committee will be held in a Federal Government facility on a military post, security screening is required. A government photo ID is required to enter post. Please note that security and gate guards have the right to inspect vehicles and persons seeking to enter and exit the installation. The House Visitors Center, Washington, DC is fully handicap accessible, with elevators and escalators available throughout the building. Wheelchairs are available for check out at the North and South coat checks; a driver's license is required, and will be held until the wheelchair is returned. For additional information about public access procedures, contact Mrs. Ghostlaw, the committee's Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the committee, in response to the stated agenda of the open meeting or in regard to the committee's mission in general. Written comments or statements should be submitted to Mrs. Ghostlaw, the committee Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Designated Federal Official at least seven business days prior to the meeting to be considered by the committee. The Designated Federal Official will review all timely submitted written comments or statements with the committee Chairperson, and ensure the comments are provided to all members of the committee before the meeting. Written comments or statements received after this date may not be provided to the committee until its next meeting.

The committee Designated Federal Official and Chairperson may choose to invite certain submitters to present their comments verbally during the open portion of this meeting or at a future meeting. The Designated Federal Officer, in consultation with the committee Chairperson, may allot a specific amount of time for submitters to present their comments verbally.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2015–27238 Filed 10–26–15; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Army Education Advisory Subcommittee Meeting Notice

AGENCY: Department of the Army, DoD.

ACTION: Notice of open Subcommittee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Department of the Army Historical Advisory Subcommittee (DAHASC), a subcommittee of the Army Education Advisory Committee. This meeting is open to the public.

DATES: The Department of the Army Historical Advisory Subcommittee will meet from 8:40 a.m. to 3:30 p.m. on November 19, 2015.

ADDRESSES: Department of the Army Historical Advisory Subcommittee, U.S. Army Center of Military History, 102 4th Ave., Bldg. 35, Washington, DC 20319–5060.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen W. Lehman, the Alternate Designated Federal Officer for the subcommittee, in writing at ATTN: AAMH–ZC U.S. Army Center of Military History, 102 4th Ave., Bldg. 35, Fort McNair, Washington, DC 20319–5060 by email at *stephen.w.lehman2.civ@mail.mil* or by telephone at (202) 685–2314.

SUPPLEMENTARY INFORMATION: The subcommittee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to review and approve the 2016 Army Historical Program Report.

Proposed Agenda: The committee is chartered to provide independent advice and recommendations to the Secretary of the Army on the educational, doctrinal, and research policies and activities of U.S. Army educational programs. At this meeting the subcommittee will review the 2016 Army Historical Program Report and the conformity of the Army's historical work and methods with professional standards. The subcommittee will also discuss ways to increase cooperation between the historical and military professions in advancing the purpose of the Army Historical Program, and the furtherance of the mission of the U.S. Army Center of Military History to promote the study and use of military history in both civilian and military schools.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Attendees are requested to submit their name, affiliation, and daytime phone number seven business days prior to the meeting to Mr. Lehman, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public attending the committee meetings will not be permitted to present questions from the floor or speak to any issue under consideration by the committee. Because the meeting of the committee will be held in a Federal Government facility on a military post, security screening is required. A photo ID is required to enter post. Please note that security and gate guards have the right to inspect vehicles and persons seeking to enter and exit the installation. The U.S. Army Center of Military History is fully handicapped accessible. Wheelchair access is available in front at the main entrance of the building. For additional information about public access procedures, contact Mr. Lehman, the committee's Alternate Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the committee, in response to the stated agenda of the open meeting or in regard to the committee's mission in general. Written comments or statements should be submitted to Mr. Stephen W. Lehman, the committee Alternate Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Alternate Designated Federal Official at least seven business days prior to the meeting to be considered by the committee. The Alternate Designated Federal Official will review all timely submitted written comments or statements with the committee Chairperson, and ensure the comments are provided to all members of the committee before the meeting. Written comments or statements received after this date may not be provided to the committee until its next meeting. Members of the public will be permitted to make verbal comments during the Committee meeting only at the time and in the manner described below. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least seven (7) days in advance to the Committee's Alternate Designated Federal Official, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. The Alternate Designated Federal Official will log each request, in the order received, and in consultation with the committee Chairperson determine whether the subject matter of each comment is relevant to the Committee's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during the period, and will be invited to speak in the order in which their requests were received by the Alternate Designated Federal Official.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2015–27237 Filed 10–26–15; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0105]

Privacy Act of 1974; System of Records

AGENCY: Defense Contract Audit Agency, DoD.

ACTION: Notice to add a new System of Records.

SUMMARY: The Defense Contract Audit Agency proposes to add a new system of records, RDCAA 900.1, entitled ''DCAA Inspector General Records'' to record information related to official DCAA Inspector General investigations and actions taken in investigative recommendations; to compile statistical information to disseminate to other components within the Department of Defense engaged in the Hotline Program; to provide prompt, responsive, and accurate information regarding the status of ongoing cases; and to provide a record of complaint disposition. Complaints appearing to involve criminal wrongdoing will be referred to

the Defense Criminal Investigative Service or other criminal investigative units of DoD components.

DATES: Comments will be accepted on or before November 27, 2015. This proposed action will be effective the day following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Keith Mastromichalis, DCAA FOIA/Privacy Act Management Analyst, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219, Telephone number: (703) 767–1022.

SUPPLEMENTARY INFORMATION: The Defense Contract Audit Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at *http://dpcld.defense.gov/*. The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on August 5, 2015, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: October 21, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

RDCAA 900.1

SYSTEM NAME:

DCAA Inspector General Records.

SYSTEM LOCATION:

Office of Inspector General, Headquarters Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons (civilian, military, contractors, and/or members of the public) who have registered a complaint or request for assistance with the Defense Contract Audit Agency Inspector General. Individuals who are or have been involved in Inspector General Activities as participants, witnesses, subject matter experts, subjects or suspects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, case number, address, phone number, reports of investigations, statements of individuals, correspondence, inspections or inquiries pertaining to complaints made to or investigated by the Defense Contract Audit Agency Inspector General.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; DoD Directive 5105.36, Defense Contract Audit Agency (DCAA); 5 U.S.C., Appendix 3, Inspector General Act of 1978, as amended; DoD Directive 5106.04, Defense Inspectors General; DoD Directive 5106.1, Inspector General of the Department of Defense (IG DoD); DoD Directive 7050.1, Defense Hotline Program; and E.O. 9397 (SSN), as amended.

PURPOSE(S):

To record information related to official DCAA Inspector General investigations and actions taken in investigative recommendations. To compile statistical information to disseminate to other components within the Department of Defense engaged in the Hotline Program. To provide prompt, responsive, and accurate information regarding the status of ongoing cases. To provide a record of complaint disposition. Complaints appearing to involve criminal wrongdoing will be referred to the Defense Criminal Investigative Service or other criminal investigative units of DoD components.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Federal, state, and local agencies having jurisdiction over or investigative interest in the substance of the allegations for investigative, corrective action, debarment, or reporting purposes.

To Government contractors employing individuals who are subjects of a hotline.

The DoD Blanket Routine Uses set forth at the beginning of DCAAs compilation of systems of records notices may apply to this system.

The complete list of DoD blanket routine uses can be found online at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx*

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and/or electronic storage media.

RETRIEVABILITY:

By individual's name, subject matter, and case number.

SAFEGUARDS:

Access is limited to DCAA Inspector General staff. Records are accessed by properly screened and cleared personnel with a need-to-know. Paper records are stored in a secured room. Electronic media access is authenticated and validated through use of Common Access Cards (CACs) with encryption and user name and password verification.

RETENTION AND DISPOSAL:

Closed case files not referred includes anonymous or vague allegations not warranting an investigation are destroyed or deleted after 2 years.

Referred case files. Includes matters referred to U.S. Office of Special Counsel (OSC) or the DoD Inspector General (DODIG) for handling, and support files providing general information that may prove useful in the investigation. Records are cutoff at closure, destroyed or deleted after 10 years.

Completed case files includes complaint files, inquires, replies, comments, and other documents

relating to the investigation of non-criminal allegations of misconduct and mismanagement.

Final Reports are destroyed or deleted when 10 years old.

Work papers and background material are destroyed or deleted when 10 years old.

Electronic copies created on electronic mail and word processing systems are deleted after a record keeping copy has been produced.

Automated and paper records are retained within the Office of the Inspector General for a period of 10 years after referral or closure.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Inspector General, Headquarters Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Office of Inspector General, Headquarters Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219.

The request must contain full name, complete return address, and daytime contact telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Office of Inspector General, Headquarters Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219.

The request must contain full name, complete return address, and daytime contact telephone number.

CONTESTING RECORD PROCEDURES:

DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Instruction 5410.10; 32 CFR part 317; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is provided by complainants, witnesses, subjects, suspects, investigators, inspectors general, members of Congress and members of other branches of Government, as required.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Investigatory material may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of the information, the individual will be provided access to the information, except to the extent that disclosure would reveal the identity of a confidential source.

Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and 3, (c) and (e) and published in 32 CFR part 317. For more information, contact the system manager.

[FR Doc. 2015–27231 Filed 10–26–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–HA–0107]

Privacy Act of 1974; System of Records

AGENCY: Defense Health Agency, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Defense Health Agency proposes to alter an existing system of records, EDTMA 02, entitled ''Medical/Dental Care and Claims Inquiry Files'' in its inventory of record systems subject to the Privacy Act of 1974, as amended.

This system provides information to maintain and control records pertaining to requests for information concerning an individual's TRICARE eligibility status, the medical or dental benefits provided under programs of TRICARE and the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) and the processing of individual TRICARE and CHAMPVA claims.

DATES: Comments will be accepted on or before November 27, 2015. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* Federal Rulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.

* Mail: Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Linda S. Thomas, Chief, Defense Health Agency Privacy and Civil Liberties Office, Defense Health Agency, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101, or by phone at (703) 681–7500.

SUPPLEMENTARY INFORMATION: The Defense Health Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy and Civil Liberties Division Web site at *http://dpcld.defense.gov/.*

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on May 6, 2015, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: October 21, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

EDTMA 02

SYSTEM NAME:

Medical/Dental Care and Claims Inquiry Files (November 18, 2013, 78 FR 69076)

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Records Management, Administration and Management Directorate, 16401 East Centretech Parkway, Aurora, CO 80011–9066, and contractors under contract to the Defense Health Agency.

A listing of Managed Care Support contractors maintaining these records is available from the system manager.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''All individuals who seek information concerning health care under TRICARE and The Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA).''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Inquiries received from private individuals for information on TRICARE and CHAMPVA, and replies thereto; Congressional inquiries on behalf of constituents and replies thereto; and files notifying personnel of eligibility or termination of benefits. Information may include the name, Social Security Number (SSN) and/or DoD Identification Number (DoD ID Number) of the sponsor and/or beneficiary; beneficiary's relationship to sponsor; date of birth, case number, dates of treatment, medical/dental diagnosis; Defense Enrollment Eligibility Reporting System (DEERS) data, address, telephone number, marital status, adoption information, and sponsor name.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. Chapter 55, Medical and Dental Care; 38 U.S.C. Chapter 17, Hospital, Nursing Home, Domiciliary, and Medical Care; 32 CFR part 199, Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); and E.O. 9397 (SSN), as amended.''

PURPOSE(S):

Delete entry and replace with ''To maintain and control records pertaining to requests for information concerning an individual's TRICARE eligibility status, the medical or dental benefits provided under programs of TRICARE and CHAMPVA and the processing of individual TRICARE and CHAMPVA claims.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the Departments of Health and Human Services and Veterans Affairs consistent with their statutory administrative responsibilities under TRICARE and CHAMPVA pursuant to 10 U.S.C. Chapter 55 and 38 U.S.C. Chapter 17.

Referral to Federal, state, local, or foreign governmental agencies, and to private business entities, including individual providers of care (participating and non-participating), on matters relating to eligibility, claims pricing and payment, fraud, program abuse, utilization review, quality assurance, peer review, program integrity, third-party liability, coordination of benefits, and civil or criminal litigation related to the operation of TRICARE.

Disclosure to the Department of Justice and the United States Attorneys in situations where the matter directly or indirectly involves the TRICARE program.

Disclosure to third-party contacts in situations where the party to be contacted has, or is expected to have, information necessary to establish the validity of evidence or to verify the accuracy of information presented by the individual concerning his or her entitlement, the amount of benefit payments, any review of suspected abuse or fraud, or any concern for program integrity or quality appraisal.

The DoD Blanket Routine Uses set forth at the beginning of the Defense Health Agency compilation of systems of records notices may apply to this system. The complete list of DoD Blanket Routine Uses can be found online at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx.*

Note 1: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18–R) or any successor DoD issuances implementing the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and 45 CFR parts 160 and 164, Health and Human Services, General Administrative Requirements and Security & Privacy, respectively, applies to most such health information. DoD 6025.18–R or a successor issuance may place additional procedural requirements on uses and disclosures of such information beyond those found in the Privacy Act of 1974, as amended, or mentioned in this system of records notice.

Note 2: Except as provided under 42 U.S.C. 290dd–2, records of identity, diagnosis, prognosis or treatment information of any patient maintained in connection with the performance of any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by a department or agency of the United States will be treated as confidential and disclosed only for the purposes and under the circumstances expressly authorized under 42 U.S.C. 290dd–2.''

POLICIES AND PROCEDURES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Storage:

Delete entry and replace with ''Paper records and/or electronic storage media.''

RETRIEVABILITY:

Delete entry and replace with ''Information is retrieved by the name, SSN and/or DoD ID Number of the sponsor or beneficiary.''

SAFEGUARDS:

Delete entry and replace with ''Electronic media, data and/or electronic records are maintained in a controlled area. Records are maintained in a secure, limited access, or monitored area. The computer system is accessible only to authorized personnel. Entry into these areas is restricted to those personnel with a valid requirement and authorization to enter. Physical entry is restricted by the use of locks, passwords which are changed periodically, and administrative procedures.

The system provides two-factor authentication through user IDs/passwords. Access to personal information is restricted to those who require the data in the performance of their official duties. All personnel whose official duties require access to the information are trained in the proper safeguarding and use of the information.

All of the records must be properly secured for the duration of their life cycle. The safeguards in place for the paper records include placing the documents in locked file cabinets and storage rooms with limited access and electronic security measures. In addition, some of the records are housed in secure facilities monitored by security guards and video surveillance.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Close out at end of the calendar year in which received. Destroy 10 year(s) after cut off. When subject to one or more Litigation Holds, preserve records in compliance with the time restraints of the hold(s).''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Manager, Records Management,

Administration and Management Directorate, 16401 East Centretech Parkway, Aurora, CO 80011–9066.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to Chief, Freedom of Information Act (FOIA) Service Center, Defense Health Agency Privacy and Civil Liberties Office, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101.

Requests should contain the full name and signature of the sponsor or beneficiary.

If requesting information about a minor or legally incompetent person, the request must be made by the custodial parent, legal guardian, or party acting in loco parentis of such individual. Written proof of that status may be required before the existence of any information will be confirmed.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Chief, FOIA Service Center, Defense Health Agency Privacy and Civil Liberties Office, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101.

Written requests for information should include the full name and signature of the sponsor or beneficiary.

If requesting records about a minor or legally incompetent person, the request must be made by the custodial parent, legal guardian, or party acting in loco parentis of such individual. Written proof of that status may be required before any records will be provided.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The Office of the Secretary of Defense (OSD) rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81, 32 CFR part 311, or may be obtained from the system manager.''

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''Contractors, Congressional offices, Beneficiary Counseling and Assistance Coordinators, all branches of the Uniformed Services, providers of care, consultants, sponsor and/or beneficiary.''

* * * * *

[FR Doc. 2015–27229 Filed 10–26–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

TRICARE, Formerly Known as the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Fiscal Year 2016 Mental Health Rate Updates

AGENCY: Department of Defense.

ACTION: Notice of Updated Mental Health Rates for Fiscal Year 2016.

SUMMARY: This notice provides the updated regional per-diem rates for low-volume mental health providers; the update factor for hospital-specific per-diems; the updated cap per-diem for high-volume providers; the beneficiary per-diem cost-share amount for low-volume providers; and, the updated per-diem rates for both full-day and half-day TRICARE Partial Hospitalization Programs for Fiscal Year 2016.

DATES: *Effective Date:* The Fiscal Year 2016 rates contained in this notice are effective for services on or after October 1, 2015.

ADDRESSES: Defense Health Agency (DHA), Medical Benefits and Reimbursement Section, 16401 East Centretech Parkway, Aurora, CO 80011–9066.

FOR FURTHER INFORMATION CONTACT: Elan Green, Medical Benefits and Reimbursement Section, DHA, telephone (303) 676–3907.

SUPPLEMENTARY INFORMATION: The final rule published in the **Federal Register** (FR) on September 6, 1988 (53 FR 34285) set forth reimbursement changes that were effective for all inpatient hospital admissions in psychiatric hospitals and exempt psychiatric units occurring on or after January 1, 1989. The final rule published in the **Federal Register** on July 1, 1993 (58 FR 35–400) set forth maximum per-diem rates for all partial hospitalization admissions on or after September 29, 1993. Included in these final rules were provisions for updating reimbursement rates for each federal Fiscal Year. As stated in the final rules, each per-diem shall be updated by the Medicare update factor for hospitals and units exempt from the Medicare Prospective Payment System (*i.e.,* this is the same update factor used for the inpatient prospective payment system). For Fiscal Year 2016, the market basket rate is 2.4 percent. This year, Medicare applied two reductions to its market basket amount: (1) A 0.5 percent reduction for economy-wide productivity required by section 3401(a) of the Patient Protection and Affordable Care Act (PPACA) which amended section 1886(b)(3)(B) of the Social Security Act, and (2) a 0.2 percent point adjustment as required by section 1886(b)(3)(B)(xii) of the Act as added and amended by sections 3401 and 10319(a) of the PPACA. These two reductions do not apply to TRICARE. Hospitals and units with hospital-specific rates (hospitals and units with high TRICARE volume) and regional-specific rates for psychiatric hospitals and units with low TRICARE volume will have their TRICARE rates for Fiscal Year 2016 updated by 2.4 percent.

Partial hospitalization rates for full-day programs also will be updated by 2.4 percent for Fiscal Year 2016. Partial hospitalization rates for programs of less than 6 hours (with a minimum of three hours) will be paid a per diem rate of 75 percent of the rate for a full-day program.

The cap amount for high-volume hospitals and units also will be updated by the 2.4 percent for Fiscal Year 2016.

The beneficiary cost share for low-volume hospitals and units also will be updated by the 2.4 percent for Fiscal Year 2016.

Per Title 32 Code of Federal Regulations (CFR), Part 199.14, the same area wage indexes used for the CHAMPUS Diagnosis-Related Group (DRG)-based payment system shall be applied to the wage portion of the applicable regional per-diem for each day of the admission. The wage portion shall be the same as that used for the CHAMPUS DRG-based payment system. For wage index values greater than 1.0, the wage portion of the regional rate subject to the area wage adjustment is 69.6 percent for Fiscal Year 2016. For wage index values less than or equal to 1.0, the wage portion of the regional rate subject to the area wage adjustment is 62.0 percent.

Additionally, 32 CFR part 199.14 requires that hospital specific and regional per-diems shall be updated by the Medicare update factor for hospitals and units exempt from the Medicare prospective payment system.

The following reflect an update of 2.4 percent for Fiscal Year 2016.

REGIONAL-SPECIFIC RATES FOR PSYCHIATRIC HOSPITALS AND UNITS WITH LOW TRICARE VOLUME FOR FISCAL YEAR 2016

United States census region	Regional rate
Northeast:	
New England	$871
Mid-Atlantic	840
Midwest:	
East North Central	726
West North Central	685

REGIONAL-SPECIFIC RATES FOR PSYCHIATRIC HOSPITALS AND UNITS WITH LOW TRICARE VOLUME FOR FISCAL YEAR 2016—Continued

United States census region	Regional rate
South:	
South Atlantic	864
East South Central	924
West South Central	787
West:	
Mountain	786
Pacific	930

REGIONAL-SPECIFIC RATES FOR PSYCHIATRIC HOSPITALS AND UNITS WITH LOW TRICARE VOLUME FOR FISCAL YEAR 2016—Continued

United States census region	Regional rate
Puerto Rico	593

Beneficiary cost-share: Beneficiary cost-share (other than dependents of Active Duty members) for care paid on the basis of a regional per-diem rate is the lower of $229 per day or 25 percent of the hospital billed charges effective for services rendered on or after October 1, 2015. Cap Amount: Updated cap amount for hospitals and units with high TRICARE volume is $1,096 per day for services on or after October 1, 2015.

The following reflects an update of 2.4 percent for Fiscal Year 2016 for the full day partial hospitalization rates. Partial hospitalization rates for programs of less than 6 hours (with a minimum of three hours) will be paid a per diem rate of 75 percent of the rate for a full-day program.

PARTIAL HOSPITALIZATION RATES FOR FULL-DAY AND HALF-DAY PROGRAMS

[Fiscal year 2016]

United States census region	Full-day rate (6 hours or more)	Half-day rate (3–5 hours)
Northeast:		
New England (Maine, N.H., Vt., Mass., R.I., Conn.)	$349	$262
Mid-Atlantic:		
(N.Y., N.J., Penn.)	380	285
Midwest:		
East North Central (Ohio, Ind., Ill., Mich., Wis.)	335	251
West North Central:		
(Minn., Iowa, Mo., N.D., S.D., Neb., Kan.)	335	251
South:		
South Atlantic (Del., Md., DC, Va., W.Va., N.C., S.C., Ga., Fla.)	357	268
East South Central:		
(Ky., Tenn., Ala., Miss.)	388	291
West South Central:		
(Ark., La., Texas, Okla.)	388	291
West:		
Mountain (Mon., Idaho, Wyo., Col., N.M., Ariz., Utah, Nev.)	391	293
Pacific (Wash., Ore., Calif., Alaska, Hawaii)	385	289
Puerto Rico	250	188

The above rates are effective for services rendered on or after October 1, 2015.

Dated: October 21, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–27234 Filed 10–26–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0104]

Privacy Act of 1974; System of Records

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice to add a new System of Records.

SUMMARY: The Defense Finance and Accounting Service proposes to add a new system of records, T4500c, entitled ''DFAS Transportation Incentive Program System (TIPS)'' to manage the mass transportation program for DFAS civilian and DFAS NAF employees applying for and in receipt of mass transit subsidies.

DATES: Comments will be accepted on or before November 27, 2015. This proposed action will be effective the day following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Outlaw, Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150 or at (317) 212–4591.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in the **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Division at *http://dpcld.defense.gov/.*

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was

submitted on July 22, 2015, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: October 21, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

T4500c

SYSTEM NAME:

DFAS Transportation Incentive Program System (TIPS).

SYSTEM LOCATION:

Defense Finance and Accounting Service, Indianapolis, 8899 East 56th Street, Indianapolis, IN 46249–0201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DFAS civilian and DFAS NAF employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, DoD ID Number, Employee ID Number, Point-to-point commuting expenses, commuting distance, type of mass transit used, home address, organizational affiliation of the individual, service, funding appropriation for benefit, office work number, work email address, duty/work address, transit authority card number, and usage from benefit provider.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 113, Secretary of Defense; 5 U.S.C. 301, Departmental regulations; 5 U.S.C. 7905, Programs to encourage commuting by means other than single-occupancy motor vehicles; DoD Instruction 1000.27, Mass Transportation Benefit Program (MTBP); E.O. 12191, Federal facility ridesharing program; and E.O. 13150, Federal Workforce Transportation.

PURPOSE(S):

This system will manage the mass transportation program for DFAS civilian and DFAS NAF employees applying for and in receipt of mass transit subsidies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the benefit provider for purposes of administering the Mass Transportation Benefit Program and/or verifying the eligibility of individuals to receive a fare subsidy pursuant to the transportation benefit program operated by DFAS.

The DoD Blanket Routine Uses published at the beginning of the DFAS compilation of systems of records notices may apply to this system. The complete list of DoD blanket routine uses can be found online at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx.*

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and electronic storage media.

RETRIEVABILITY:

Retrieved by name and/or Employee ID Number.

SAFEGUARDS:

Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) responsible for servicing the record in the performance of their official duties and who are properly screened and cleared for need-to-know. Access to computerized data is limited to Common Access Card enabled users and restricted by passwords, which are changed according to agency security policy.

RETENTION AND DISPOSAL:

Records are to be cut off at the end of the fiscal year. Records will be destroyed 3 years after the cutoff by degaussing, shredding, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

TIPS Program Manager, Defense Finance and Accounting Service-Indianapolis, 8899 East 56th Street, Indianapolis, IN 46249–0201.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Requests should contain individual's full name, Employee ID Number for verification, current address to reply, and provide a reasonable description of what they are seeking.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this record system should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Request should contain individual's full name, Employee ID Number verification, current address to reply, and telephone number.

CONTESTING RECORD PROCEDURES:

The Defense Finance and Accounting Service (DFAS) rules for accessing records, for contesting contents and appealing initial agency determinations are published in Defense Finance and Accounting Service Regulation 5400.11–R, 32 CFR 324; or may be obtained from the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

RECORD SOURCE CATEGORIES:

From the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2015–27232 Filed 10–26–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0098]

Proposed Collection; Comment Request; Withdrawal

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness/National Security Education Program, DoD.

ACTION: Notice; withdrawal.

SUMMARY: On Friday, October 16, 2015 (80 FR 62523), the Department of Defense published a notice titled ''Proposed Collection; Comment Request'' for National Language Service Corps; DD Forms 2932, 2933, and 2934; OMB Control Number 0704–0449. Subsequent to the publication of the notice, the Department of Defense discovered that the notice was unnecessary as public comment had

already been solicited in the preamble of the proposed rule that published in the **Federal Register** on Tuesday, February 24, 2015 (80 FR 9669–9673).

DATES: The withdrawal of the notice is effective on October 27, 2015.

Dated: October 22, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–27317 Filed 10–26–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0108]

Privacy Act of 1974; System of Records

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Defense Finance and Accounting Service proposes to alter a system of records, T5500a, entitled ''Congressional Inquiry File'' in its inventory of record systems subject to the Privacy Act of 1974, as amended. This system provides the ability to track and maintain a record of Congressional inquiries, and the Defense Finance and Accounting Service's responses.

DATES: Comments will be accepted on or before November 27, 2015. This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory L. Outlaw, Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–HKC/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150 or at (317) 212–4591.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Division Web site at *http://dpcld.defense.gov/.* The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on January 15, 2015, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: October 21, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

T5500a

SYSTEM NAME:

Congressional Inquiry File (February 23, 2009, 74 FR 8066).

CHANGES:

* * * * *

SYSTEM IDENTIFICATION:

Delete entry and replace with ''T5545''.

* * * * *

PURPOSE:

Delete entry and replace with ''This system provides the ability to track and maintain a record of Congressional inquiries, and the Defense Finance and Accounting Service's responses.''

* * * * *

STORAGE:

Delete entry and replace with ''Electronic storage media.''

RETRIEVABILITY:

Delete entry and replace with ''Name and SSN.''

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) responsible for servicing the record in the performance of their official duties and who are properly screened and cleared for need-to-know. Access to computerized data is limited to CAC enabled users and restricted by passwords, which are changed according to agency security policy.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Military Pay Input Transaction records may be temporary in nature and destroyed when actions are completed, they are superseded, obsolete, or no longer needed. Source data records may be cut off at the end of the payroll year and destroyed 6 years and 3 months after cutoff.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Defense Finance and Accounting Service—Columbus, Accounting Service, 4280 East Fifth Avenue, Columbus, OH 43219–1879.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Requests should contain individual's full name, SSN for verification, current address for reply, and provide a reasonable description of what they are seeking.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this record system should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.

Request should contain individual's full name, SSN for verification, current address for reply, and telephone number.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The Defense Finance and Accounting Service (DFAS) rules for accessing records, for contesting contents and appealing initial agency determinations are published in Defense Finance and Accounting Service Regulation 5400.11–R, 32 CFR 324; or may be obtained from the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications, DFAS–ZCF/IN, 8899 E. 56th Street, Indianapolis, IN 46249–0150.''

* * * * *

[FR Doc. 2015–27233 Filed 10–26–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–HA–0106]

Privacy Act of 1974; System of Records

AGENCY: Defense Health Agency, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Defense Health Agency proposes to alter an existing system of records, EDTMA 04, entitled ''Medical/Dental Claim History Files'' in its inventory of record systems subject to the Privacy Act of 1974, as amended.

The Defense Health Agency and its contractors and DoD staff (including Military Treatment Facilities, clinics and TRICARE Regional Offices Staff) use the information to control and process health care benefits available under TRICARE and the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA), including the processing of medical or dental claims, the control and approval of medical or dental treatments, issuance of deductible certificates, and necessary interface with providers of health care. The system also supports audits of contractor-processed claims to determine payment and occurrence accuracy of the contractor's adjudication process.

DATES: Comments will be accepted on or before November 27, 2015. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Linda S. Thomas, Chief, Defense Health Agency Privacy and Civil Liberties Office, Defense Health Agency, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101, or by phone at (703) 681–7500.

SUPPLEMENTARY INFORMATION: The Defense Health Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy and Civil Liberties Division Web site at *http://dpcld.defense.gov/.*

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on May 6, 2015 to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: October 21, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

EDTMA 04

SYSTEM NAME:

Medical/Dental Claim History Files (November 18, 2013, 78 FR 69076)

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Records Management, Administration and Management Directorate, 16401 East Centretech Parkway, Aurora, CO 80011–9066, and contractors under contract to the Defense Health Agency.

A listing of Managed Care Support contractors maintaining these records is available from the system manager.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Eligible beneficiaries and all individuals who seek health care under TRICARE and the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA).''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''File contains claims, billings for services, applications or approval forms, enrollment and disenrollment files, recoupment files, third-party liability files, fraud and abuse files, the name, Social Security Number (SSN) and/or DoD Identification Number (DoD ID Number) of the sponsor and/or beneficiary; beneficiary's relationship to sponsor, case management files, resource sharing files, utilization management/quality assurance files, payment files, medical/dental records, family history files, records of grievances with a medical/dental provider, appeals, hearings, or any other correspondence, memoranda, or reports which are acquired or utilized in the development and processing of TRICARE or CHAMPVA claims.

Records are also maintained on health care demonstration projects, including enrollment and authorization agreements, correspondence, memoranda, forms and reports, which are acquired or utilized during the projects.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. Chapter 55, Medical and Dental Care; 38 U.S.C. Chapter 17, Hospital, Nursing Home, Domiciliary, and Medical Care; 32 CFR part 199, Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); and E.O. 9397 (SSN), as amended.''

PURPOSE(S):

Delete entry and replace with ''Defense Health Agency and its contractors and DoD staff (including Military Treatment Facilities, clinics and TRICARE Regional Offices Staff) use the information to control and process health care benefits available under TRICARE and CHAMPVA, including the processing of medical or dental claims, the control and approval of medical or dental treatments, issuance of deductible certificates, and

necessary interface with providers of health care. The system also supports audits of contractor-processed claims to determine payment and occurrence accuracy of the contractor's adjudication process.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the Departments of Health and Human Services and Veterans Affairs consistent with their statutory administrative responsibilities under TRICARE and CHAMPVA pursuant to 10 U.S.C. Chapter 55; and 38 U.S.C. Chapter 17.

Referral to Federal, state, local, or foreign governmental agencies, and to private business entities, including individual providers of care (participating and non-participating), on matters relating to eligibility, claims pricing and payment, fraud, program abuse, utilization review, quality assurance, peer review, program integrity, third-party liability, coordination of benefits, and civil or criminal litigation related to the operation of TRICARE.

Disclosure to the Department of Justice and the United States Attorneys in situations where the matter directly or indirectly involves the TRICARE program.

Disclosure to third-party contacts in situations where the party to be contacted has, or is expected to have, information necessary to establish the validity of evidence or to verify the accuracy of information presented by the individual concerning his or her entitlement, the amount of benefit payments, any review of suspected abuse or fraud, or any concern for program integrity or quality appraisal.

The DoD Blanket Routine Uses set forth at the beginning of the Defense Health Agency compilation of systems of records notices may apply to this system. The complete list of DoD Blanket Routine Uses can be found online at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx*.

NOTE 1: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18–R) or any successor DoD issuances implementing the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and 45 CFR parts 160 and 164, Health and Human Services, General Administrative Requirements and Security & Privacy, respectively, applies to most such health information. DoD 6025.18–R or a successor issuance may place additional procedural requirements on uses and disclosures of such information beyond those found in the Privacy Act of 1974, as amended, or mentioned in this system of records notice.

NOTE 2: Except as provided under 42 U.S.C. 290dd–2, records of identity, diagnosis, prognosis or treatment information of any patient maintained in connection with the performance of any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by a department or agency of the United States will be treated as confidential and disclosed only for the purposes and under the circumstances expressly authorized under 42 U.S.C. 290dd–2.''

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Delete entry and replace with ''Paper records and/or electronic storage media.''

RETRIEVABILITY:

Delete entry and replace with ''Information is retrieved by the name, SSN and/or DoD ID Number of the sponsor or beneficiary; name and SSN and/or Tax Identification Number of the provider; internal control number; classification of medical diagnosis; procedure code; geographical location of care provided; and selected utilization limits.''

SAFEGUARDS:

Delete entry and replace with ''Electronic media, data and/or electronic records are maintained in a controlled area. Records are maintained in a secure, limited access, or monitored area. The computer system is accessible only to authorized personnel. Entry into these areas is restricted to those personnel with a valid requirement and authorization to enter. Physical entry is restricted by the use of locks, passwords which are changed periodically, and administrative procedures.

The system provides two-factor authentication through user IDs/passwords. Access to personal information is restricted to those who require the data in the performance of their official duties. All personnel whose official duties require access to the information are trained in the proper safeguarding and use of the information.

All of the records must be properly secured for the duration of their life cycle. The safeguards in place for the paper records include placing the documents in locked file cabinets and storage rooms with limited access and electronic security measures. In addition, some of the records are housed in secure facilities monitored by security guards and video surveillance.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Close out at end of the calendar year in which received. Destroy 10 years after cutoff. When subject to one or more Litigation Holds, preserve records in compliance with the time constraints of the hold(s).''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Manager, Records Management, Administration and Management Directorate, 16401 East Centretech Parkway, Aurora, CO 80011–9066.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to Chief, Freedom of Information Act (FOIA) Service Center, Defense Health Agency Privacy and Civil Liberties Office, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101.

Requests should contain the full name and signature of the sponsor or beneficiary.

If requesting information about a minor or legally incompetent person, the request must be made by the custodial parent, legal guardian, or party acting in loco parentis of such individual. Written proof of that status may be required before the existence of any information will be confirmed.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Chief, FOIA Service Center, Defense Health Agency Privacy and Civil Liberties Office, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101.

Written requests for information should include the full name and signature of the sponsor or beneficiary.

If requesting records about a minor or legally incompetent person, the request

must be made by the custodial parent, legal guardian, or party acting in loco parentis of such individual. Written proof of that status may be required before any records will be provided.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The Office of the Secretary of Defense (OSD) rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81, 32 CFR part 311, or may be obtained from the system manager.''

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''Contractors, Beneficiary Counseling and Assistance Coordinators, other Components of the Department of Defense, all branches of the Uniformed Services, Congressional offices, providers of care, consultants, and sponsor and/or beneficiary.''

* * * * *

[FR Doc. 2015–27230 Filed 10–26–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0102]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Notice to add a New System of Records.

SUMMARY: The Office of the Secretary of Defense proposes to add a new system of records, DPA 02, entitled ''AFNConnect (AFNC)'' which will document the eligibility and continued validation of authorized individuals Outside the Continental United States (OCONUS) who register an American Forces Network satellite decoder. AFNConnect provides U.S. military commanders worldwide a means to communicate internal information to OCONUS users. Records may also be used as a management tool for statistical analysis, tracking, reporting, evaluating program effectiveness, and conducting research.

DATES: Comments will be accepted on or before November 27, 2015. This proposed action will be effective the day following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Allard, Chief, OSD/JS Privacy Office, Freedom of Information Directorate, Washington Headquarters Service, 1155 Defense Pentagon, Washington, DC 20301–1155, or by phone at (571) 372–0461.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at *http://dpcld.defense.gov/.*

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on September 25, 2015, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: October 21, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DPA 02

SYSTEM NAME:

AFNConnect (AFNC)

SYSTEM LOCATION:

American Forces Network—Broadcast Center (AFN–BC), 23755 Z Street, Riverside, CA 92518–2077.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Eligible military personnel (including retirees and reservists), DoD civilian employees, full time direct hire Department of State (DoS) employees, DoD contractors, and their Outside the Continental United States (OCONUS) family members, to include widows, maintaining an Armed Forces Network (AFN) satellite decoder.

CATEGORIES OF RECORDS IN THE SYSTEM:

First and last name, location (duty station address/residence country and locality), Unit Identification Code (UIC), DoD ID Number, sponsor/dependent status, home telephone number, address, personal cell phone number, email address, office telephone number, grade/rank, date of birth, organization assigned to (*i.e.,* Department, directorate, branch, office), status (*i.e.,* active duty, retired, or permanently disabled) and decoder serial number.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

10 U.S.C. 113, Secretary of Defense; DoD Directive (DoDD) 5122.05, Assistant Secretary of Defense for Public Affairs (ASD (PA)); DoDD 5105.74, Defense Media Activity (DMA); and DoD Instruction 5120.20, American Forces Radio and Television Service (AFRTS).

PURPOSE(S):

To document the eligibility and continued validation of authorized OCONUS individuals who register an AFN satellite decoder. AFNConnect provides U.S. military commanders worldwide a means to communicate internal information to OCONUS users. Records may also be used as a management tool for statistical analysis, tracking, reporting, evaluating program effectiveness, and conducting research.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the Department of State to verify authorized personnel's use of an AFN satellite.

Law Enforcement Routine Use: If a system of records maintained by a DoD Component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or by

regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the agency concerned, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

Disclosures Required by International Agreements Routine Use: A record from a system of records maintained by a DoD Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of DoD military and civilian personnel.

Congressional Inquiries Disclosure Routine Use: Disclosure from a system of records maintained by a DoD Component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure to the Department of Justice for Litigation Routine Use: A record from a system of records maintained by a DoD Component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

Disclosure of Information to the National Archives and Records Administration Routine Use: A record from a system of records maintained by a DoD Component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

Data Breach Remediation Purposes Routine Use: A record from a system of records maintained by a Component may be disclosed to appropriate agencies, entities, and persons when (1) The Component suspects or has confirmed that the security or confidentiality of the information in the system of records has been compromised; (2) the Component has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Component or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Components efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

The DoD Blanket Routine Uses set forth at the beginning of the Office of the Secretary of Defense (OSD) compilation of systems of records notices may apply to this system. The complete list of DoD Blanket Routine Uses can be found online at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx.*

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Records are retrieved by various combinations of first and last name, email address, location (duty station address/residence country and locality), date of birth, and/or decoder serial number.

SAFEGUARDS:

Records are accessible only to personnel on a need-to-know basis to perform their duties. All records are maintained on a protected network. Access to the network where records are maintained requires a valid Common Access Card (CAC). Electronic files and databases are password protected with access restricted to authorized users and networks. Access to physical hardware (*i.e.* webservers, database servers) is controlled via electronic key lock and is monitored by closed circuit TV. All data transferred via web technologies is encrypted in transit and at rest.

RETENTION AND DISPOSAL:

Destroy/delete six (6) years after user account or access is terminated.

SYSTEM MANAGER(S) AND ADDRESS:

Director, American Forces Radio and Television Service, Defense Media Activity, 6700 Taylor Avenue, Fort Meade, Maryland 20755–7061.

Director, AFN–BC, Defense Media Activity, 23755 Z Street, Riverside, California 92518–2077.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Privacy Act Officer, Defense Media Activity, 6700 Taylor Avenue, Fort Meade, Maryland 20755–7061.

Signed, written requests should contain first and last name, duty station address, and home or office phone number for positive identification of requester.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Office of the Secretary of Defense/Joint Staff Freedom of Information Act Requester Service Center, 1155 Defense Pentagon, Washington, DC 20301–1155.

Signed, written requests should contain first and last name, home address and phone number for positive identification of requester and the name and number of this system of records notice.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting content, and appealing initial agency determinations are contained in OSD Administrative Instruction 81, 32 CFR part 311, or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual and Defense Enrollment Eligibility Reporting System (DEERS).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2015–27228 Filed 10–26–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0037]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by November 27, 2015.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: Defense User Registration System (DURS) Records; DD Form 2345 Militarily Critical Technical Data Agreement; OMB Control Number 0704–XXXX.

Type of Request: Existing collection in use without an OMB control number.

Number of Respondents: 605.

Responses per Respondent: 1.

Annual Responses: 605.

Average Burden per Response: 10 minutes.

Annual Burden Hours: 101 Hours.

Needs and Uses: The information collection requirement is necessary to collect registration requests, validate eligibility, and maintain an official registry that identifies individuals who apply for, and are granted access privileges to DTIC owned or controlled computers, databases, products, services, and electronic information systems. Authority for maintenance of the system: E.O. 13526, Classified National Security Information; DoD Directive (DODD) 5105.73 Defense Technical Information Center (DTIC); DoDD 5230.25 Withholding of Unclassified Technical Data from Public Disclosure; DoD Instruction (DODI) 3200.12 DoD Scientific and Technical Information (STI) Program (STIP); DoDI 3200.14 Principles and Operational Parameters of the DoD Scientific and Technical Information Program; DoDI 5230.24 Distribution Statements on Technical Documents; DoD Manual 5200.01—Volume 3, DoD Information Security Program: Protection of Classified Information; and DoD Regulation 5200.2–R, Personnel Security Program.

Affected Public: Federal Government; Business or other for-profit.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DoD Clearance Officer: Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: October 22, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–27318 Filed 10–26–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0103]

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Office of the Secretary of Defense proposes to alter a system of records notice DWHS D01, entitled ''DoD National Capital Region Mass Transportation Benefit Program'' to manage the DoD National Capital Region Mass Transportation Benefit Program for DoD military and civilian personnel applying for and in receipt of fare subsidies. Used as a management tool for statistical analysis, tracking, reporting, evaluating program effectiveness, and conducting research.

DATES: Comments will be accepted on or before November 27, 2015. This proposed action will be effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

• *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Allard, Chief, OSD/JS Privacy Office, Freedom of Information Directorate, Washington Headquarters Service, 1155 Defense Pentagon, Washington, DC 20301–1155, or by phone at (571)372–0461.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in the **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Division Web site at *http://dpcld.defense.gov/.*

The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act, as amended, were submitted on October 15, 2015, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: October 21, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DWHS D01

SYSTEM NAME:

DoD National Capital Region Mass Transportation Benefit Program (December 9, 2011, 76 FR 76959).

CHANGES:

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Name, DoD Identification Number (DoD ID Number), point-to-point commuting expenses, type of mass transit used, city, state, and ZIP+4 of residence, organizational affiliation of the individual, office work number, DoD email address, duty/work address, Smartrip card number, and monthly amount spent from Washington Metropolitan Area Transit Authority (WMATA). Note: Last four of the Social Security Number (SSN) is no longer being collected but will be maintained

in this system until the records retention period has been met.''

* * * * *

PURPOSE(S):

Delete entry and replace with ''To manage the DoD National Capital Region Mass Transportation Benefit Program for DoD military and civilian personnel applying for and in receipt of fare subsidies. Used as a management tool for statistical analysis, tracking, reporting, evaluating program effectiveness, and conducting research.''

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the Washington Metro Area Transit Authority for the purpose of crediting fare subsidies directly to the Smartrip Card of DoD military or civilian employees participating in the SmartBenefit program.

Law Enforcement Routine Use: If a system of records maintained by a DoD Component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the agency concerned, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

Congressional Inquiries Disclosure Routine Use: Disclosure from a system of records maintained by a DoD Component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Disclosure to the Department of Justice for Litigation Routine Use: A record from a system of records maintained by a DoD Component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

Disclosure of Information to the National Archives and Records Administration Routine Use: A record from a system of records maintained by a DoD Component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

Data Breach Remediation Purposes Routine Use: A record from a system of records maintained by a Component may be disclosed to appropriate agencies, entities, and persons when (1) The Component suspects or has confirmed that the security or confidentiality of the information in the system of records has been compromised; (2) the Component has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Component or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Components efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

The DoD Blanket Routine Uses set forth at the beginning of the Office of the Secretary of Defense (OSD) compilation of systems of records notices may apply to this system. The complete list of DoD Blanket Routine Uses can be found online at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx.*

* * * * *

RETRIEVABILITY:

Delete entry and replace with ''Individual's name and DoD ID Number.''

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) responsible for servicing the record in performance of their official duties and who are properly screened and cleared for need-to-know. Access to computerized data is restricted by Common Access Card (CAC).''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Destroy applications of employees no longer in the program, superseded applications, vouchers, spreadsheets and other forms used to document the disbursement of subsidies when three (3) years old.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Director, Facilities Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Facilities Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

Written requests for information should contain the full name of the individual and DoD ID Number.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of the Secretary of Defense/Joint Staff Freedom of Information Act Requester Service Center, 1155 Defense Pentagon, Washington, DC 20301–1155.

Signed, written requests for information should contain the full name of the individual, DoD ID Number, and include the name and number of this system of record notice.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.''

* * * * *

[FR Doc. 2015–27227 Filed 10–26–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Government-Owned Inventions; Available for Licensing

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The inventions listed below are assigned to the United States Government, as represented by the

Secretary of the Navy and are available for domestic and foreign licensing by the Department of the Navy.

The following patent applications are available for licensing: Patent Application No. 62/156,092: PHOTONIC HYBRID RECEIVE ANTENNA for determining true time delay from each receiving element of an active electronically scanned array or a phased array antenna//Patent Application No. 62/141,977: RETRACTABLE SUPPRESSOR for gas generating systems such as a firearm// Patent Application No. 14/561,502: INTEGRAL MULTI-CHAMBERED VALVED SUPPRESSOR including a method of routing gas through baffled chambers and expansion chambers for reducing sound and flash//Patent Application No. 14/668,081: COMBINATION METAL OXIDE SEMI-CONDUCTOR FIELD EFFECT TRANSISTOR (MOSFET) AND JUNCTION FIELD EFFECT TRANSISTOR (JFET) OPERABLE FOR MODULATING CURRENT VOLTAGE RESPONSE OR MITIGATING ELECTROMAGNETIC OR RADIATION INTERFERENCE EFFECTS BY ALTERING CURRENT FLOW THROUGH THE MOSFETS SEMI-CONDUCTIVE CHANNEL REGION (SCR)//Patent Application No. 14/664,186: CONTROLLING CURRENT OR MITIGATING ELECTROMAGNETIC OR RADIATION INTERFERENCE EFFECTS USING MULTIPLE AND DIFFERENT SEMI-CONDUCTIVE CHANNEL REGIONS GENERATING STRUCTURES//Patent Application No. 14/724,267: APPARATUS AND METHODS FOR MODULATING CURRENT/VOLTAGE RESPONSE USING MULTIPLE SEMI-CONDUCTIVE CHANNEL REGIONS (SCR) PRODUCED FROM DIFFERENT INTEGRATED SEMICONDUCTOR STRUCTURES// Patent Application No. 14/230,486: PROCESS AND SYSTEM FOR GRAPHICAL RESOURCING DESIGN, ALLOCATION, AND/OR EXECUTION MODELING AND VALIDATION//Patent Application No. 14/873,739: APPARATUS AND METHODS FOR MODULATING CURRENT/VOLTAGE RESPONSE USING MULTIPLE SEMI-CONDUCTIVE CHANNEL REGIONS (SCR) PRODUCED FROM DIFFERENT INTEGRATED SEMICONDUCTOR STRUCTURES//Patent Application No. 14/873,680: CONTROLLING CURRENT OR MITIGATING ELECTROMAGNETIC OR RADIATION INTERFERENCE EFFECTS USING MULTIPLE AND DIFFERENT SEMI-CONDUCTIVE CHANNEL REGIONS GENERATING STRUCTURES.

ADDRESSES: Requests for copies of the patent applications cited should be directed to Naval Surface Warfare Center, Crane Div, Code OOL, Bldg 2, 300 Highway 361, Crane, IN 47522–5001.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Monsey, Naval Surface Warfare Center, Crane Div, Code OOL, Bldg 2, 300 Highway 361, Crane, IN 47522–5001, telephone 812–854–4100.

Authority: 35 U.S.C. 207, 37 CFR part 404

Dated: October 21, 2015.

N.A. Hagerty-Ford,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2015–27276 Filed 10–26–15; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, November 12, 2015; 1:00 p.m.–4:30 p.m.

ADDRESSES: Cities of Gold Conference Center; 10–A Cities of Gold Road; Pojoaque, New Mexico 87506.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board (NNMCAB), 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *Menice.Santistevan@em.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Call to Order
- Welcome and Introductions
- Approval of Agenda
- New Mexico Environment Department Remarks and Presentation
- DOE Remarks and Presentation
- Public Comment Period
- Adjourn

Public Participation: The EM SSAB, Northern New Mexico, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *http://www.nnmcab.energy.gov/.*

Issued at Washington, DC, on October 21, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–27297 Filed 10–26–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Coal Council

AGENCY: Department of Energy.

ACTION: Notice of open virtual meeting.

SUMMARY: This notice announces a virtual meeting via WebEx of the National Coal Council (NCC). The Federal Advisory Committee Act (92, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, November 12, 2015; 11:00 a.m. to 12:30 p.m.

ADDRESSES: If you wish to join the meeting you must register on-line by close of business on November 6, 2015 at the following URL: *https://www.eiseverywhere.com/ereg/newreg.php?eventid=146687&.*

You are required to submit your name, organization, email address, telephone number and a request to join the meeting. The email address you

provide in the on-line registration form will be used to forward instructions on how to join the meeting using WebEx. WebEx requires a computer, web browser and an installed application (free). Instructions for joining the webcast will be sent to you two days in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: Dr. Robert J. Wright, U.S. Department of Energy, 4G–036/Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585–0001; Telephone: 202–586–0429.

SUPPLEMENTARY INFORMATION:

Purpose of the Council: The National Coal Council provides advice and recommendations to the Secretary of Energy, on general policy matters relating to coal and the coal industry.

Purpose of Meeting: The National Coal Council (the Council) will hold a virtual meeting via WebEx beginning at 11:00 a.m. (EST) on Thursday, November 12, 2015, for acceptance and discussion of the white paper, ''Leveling the Playing Field for Low Carbon Coal'', from the National Coal Council Coal Policy Committee. After deliberation, the white paper will be forwarded to the Secretary of Energy.

A draft of the white paper will be available five days before the WebEx (November 5, 2015) on the National Coal Council Web site at the following URL: *http://www.nationalcoalcouncil.org/studies/2015/Leveling-the-Playing-Field-for-Low-Carbon-Coal-Fall-2015.pdf.*

Tentative Agenda

1. Call to Order
2. Report of the Coal Policy Committee on the White Paper
3. Motion on the Fate of the White Paper
4. Adjourn

Public Participation: The virtual meeting is open to the public. If you would like to file a written statement with the Council, you may do so either before or within 5 days after the meeting.

Minutes: A link to the audio/video recording of the meeting will be posted within 10-days on the NCC Web site at: *http://www.nationalcoalcouncil.org/.*

Issued at Washington, DC, on October 21, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–27299 Filed 10–26–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, November 18, 2015; 1:00 p.m.–5:15 p.m.

ADDRESSES: New Mexico Highlands University Campus; 800 National Avenue; Las Vegas, New Mexico 87701.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board (NNMCAB), 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *Menice.Santistevan@em.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Call to Order
- Welcome and Introductions
- Approval of Agenda and Meeting Minutes of September 30, 2015
- Old Business
- New Business
- DOE Updates and Presentations
- Update from NNMCAB Liaisons
- Public Comment Period
- Wrap-Up Comments from NNMCAB Members
- Adjourn

Public Participation: The EM SSAB, Northern New Mexico, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *http://www.nnmcab.energy.gov/.*

Issued at Washington, DC, on October 21, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–27298 Filed 10–26–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration

Excess Uranium Management: Secretarial Determination of No Adverse Impact on the Domestic Uranium Mining, Conversion, and Enrichment Industries

AGENCY: National Nuclear Security Administration, Department of Energy

ACTION: Notice.

SUMMARY: On August 2, 2015, the Secretary of Energy issued a determination (''Secretarial Determination'') covering the sale or transfer of high-assay low enriched uranium for medical isotope development projects. The Secretarial Determination covers transfers of up to 25 kilograms uranium (kgU) per year of low enriched uranium (LEU) at up to 19.75 percent uranium-235 for transfers in the two years following approval of the determination to support molybdenum-99 producers in commercial research and isotope production applications. For the reasons set forth in the Department's ''Analysis of Potential Impacts of Uranium Transfers on the Domestic Uranium Mining, Conversion, and Enrichment Industries,'' which is incorporated into the determination, the Secretary determined that these transfers will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry.

FOR FURTHER INFORMATION CONTACT: Mr. Randy Howell, NNSA Mo-99 Domestic Project Support, U.S. Department of

Energy, 1000 Independence Avenue SW., Washington, DC 20585, telephone 202–586–8834, or email *randy.howell@nnsa.doe.gov*.

SUPPLEMENTARY INFORMATION: The Department of Energy (DOE) holds inventories of uranium in various forms and quantities—including low-enriched uranium (LEU) and natural uranium—that have been declared as excess and are not dedicated to U.S. national security missions. Within DOE, the Office of Nuclear Energy (NE), the Office of Environmental Management (EM), and the National Nuclear Security Administration (NNSA) coordinate the management of these excess uranium inventories. NNSA down-blends excess highly-enriched uranium to high-assay low-enriched uranium—above the commercial level of 5 wt-% and up to about 19.75 wt-% of the isotope U-235—in support of its nonproliferation objectives and missions. Common applications of such high-assay materials are as fuels for domestic and foreign research reactors and as target materials for the production of medical isotopes.

This notice involves high-assay LEU transfers of this type to support molybdenum-99 producers in either and/or both of the above applications. These transfers fulfill a directive in the American Medical Isotope Production Act of 2012 (Pub. L. 112–239, Division C, Title XXXI, Subtitle F, 42 U.S.C. 2065) for the Department to carry out a program of assistance for the development of fuels, targets, and processes for domestic molybdenum-99 production that do not use highly enriched uranium. These transfers also support U.S. nuclear nonproliferation initiatives, by providing a path for down-blended highly enriched uranium (HEU) and encouraging the use of LEU in civil applications in lieu of HEU.

These transfers are conducted in accordance with the Atomic Energy Act of 1954 (42 U.S.C. 2011 *et seq.,* ''AEA'') and other applicable law. Specifically, Title I, Chapters 6, 14, of the AEA authorize DOE to transfer special nuclear material; LEU is a type of special nuclear material. The USEC Privatization Act (Pub. L. 104–134, 42 U.S.C. 2297h *et seq.*) places certain limitations on DOE's authority to transfer uranium from its excess uranium inventory. Specifically, under section 3112(d)(2)(B) of the USEC Privatization Act (42 U.S.C. 2297h–10(d)(2)(B)), the Secretary must determine that the transfers ''will not have an adverse material impact on the domestic uranium mining, conversion or enrichment industry, taking into account the sales of uranium under the Russian Highly Enriched Uranium Agreement and the Suspension Agreement'' before DOE makes certain transfers of natural or low-enriched uranium under the AEA.

On August 2, 2015, the Secretary of Energy issued a determination (''Secretarial Determination'') covering the sale or transfer of high-assay low enriched uranium for medical isotope development projects. The Secretarial Determination covers transfers of up to 25 kilograms per year of LEU at up to 19.75 percent uranium-235 for transfers in the two years following approval of the determination to support molybdenum-99 producers in commercial research and isotope production applications. The Secretary based his conclusion on the Department's ''Analysis of Potential Impacts of Uranium Transfers on the Domestic Uranium Mining, Conversion, and Enrichment Industries,'' which is incorporated into the determination. The Secretary considered, *inter alia,* the requirements of the USEC Privatization Act of 1996 (42 U.S.C. 2297h *et seq.*), the nature of uranium markets, and the current status of the domestic uranium industries, as well as sales of uranium under the Russian HEU Agreement and the Suspension Agreement.

Issued in Washington, DC.

Anne M. Harrington,

Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

Set forth below is the full text of the Secretarial Determination.

SECRETARIAL DETERMINATION FOR THE SALE OR TRANSFER OF URANIUM

I determine that the transfer of up to the equivalent of 25 kgU of 19.75%-assay low enriched uranium per calendar year to support the development and demonstration of molybdenum-99 production capabilities will not have an adverse material impact on the domestic mining, conversion, or enrichment industry. I base my conclusions on the Department's ''Analysis of Potential Impacts of Uranium Transfers on the Domestic Uranium Mining, Conversion, and Enrichment Industries,'' which is incorporated herein. As explained in that document, I have considered, *inter alia,* the requirements of the USEC Privatization Act of 1996 (42 U.S.C. 2297h *et seq.*), the nature of uranium markets, and the current status of the domestic uranium industries. I have also taken into account the sales of uranium under the Russian HEU Agreement and the Suspension Agreement.

Date: August 2, 2015.

Ernest J. Moniz,

Secretary of Energy

Analysis of Potential Impacts of Uranium Transfers on the Domestic Uranium Mining, Conversion, and Enrichment Industries

I. Introduction

A. Legal Authority

DOE manages its excess uranium inventory in accordance with the Atomic Energy Act of 1954 (42 U.S.C. 2011 *et seq.,* ''AEA'') and related statutes. Specifically, Title I, Chapters 6–7, 14, of the AEA authorize DOE to transfer special nuclear material and source material. LEU and natural uranium are types of special nuclear material and source material, respectively.

The USEC Privatization Act (Pub. L. 104–134, 42 U.S.C. 2297h *et seq.*) places certain limitations on DOE's authority to transfer uranium from its excess uranium inventory. Specifically, under section 3112(d) of the USEC Privatization Act (42 U.S.C. 2297h–10(d)), DOE may make certain transfers of natural or low-enriched uranium if the Secretary determines that the transfers ''will not have an adverse material impact on the domestic uranium mining, conversion or enrichment industry, taking into account the sales of uranium under the Russian Highly Enriched Uranium Agreement and the Suspension Agreement.'' (42 U.S.C. 2297h–10(d)(2)(B)). The validity of any determination under this section is limited to no more than two calendar years subsequent to the determination (see Section 306(a) of Division D, Title III of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113–235)).

B. Transfers Considered in This Determination

The American Medical Isotopes Production Act of 2012 (Pub. L. 112–239, Division C, Title XXXI, Subtitle F, 42 U.S.C. 2065) directs the Department to carry out a program to provide assistance for the development of fuels, targets, and processes for domestic molybdenum-99 production that do not use highly enriched uranium (HEU). The transfer of small quantities of high-assay low enriched uranium (LEU) (LEU enriched above 5 wt-%, but below 20 wt-% U-235) is appropriate and necessary to assist parties engaged in research and development (R&D) and

commercial demonstrations of the aforementioned fuels, targets, and processes. Material transfers under this determination will occur primarily during calendar years 2015 and 2016 and consist of no more than 25 kgU of material enriched at up to 19.75 wt-% of the isotope U-235 in any calendar year.[1] Assuming a tails assay of 0.20 wt-% U-235, it would require approximately 1 MTU of natural uranium hexafluoride and approximately 1,100 separative work units (''SWU'') to produce that quantity of 19.75 wt-% LEU.

II. Analytical Approach

Consistent with the analytical approach outlined in the Department's prior Analysis of Potential Impacts of Uranium Transfers, 80 FR 26,366, 26,379–84 (May 7, 2015), this analysis evaluates two forecasts: one reflecting the state of the domestic uranium industries if DOE goes forward with the transfer and one reflecting the state of the domestic uranium industries if DOE does not go forward with the transfer. DOE compares these two forecasts to determine the relevant impacts on the domestic uranium industries. In conducting this comparison, DOE has developed a set of factors that this analysis considers in assessing whether DOE's uranium transfers will have an ''adverse material impact'' on the domestic uranium mining, conversion, or enrichment industries:

1. Prices
2. Production at existing facilities
3. Employment levels in the industry
4. Changes in capital improvement plans and development of future facilities
5. Long-term viability and health of the industry
6. Russian HEU Agreement and Suspension Agreement

While no single factor is dispositive of the issue, DOE believes that these factors are representative of the types of impacts that the proposed transfers may have on the domestic uranium industries. Not every factor will necessarily be relevant on a given occasion or to a particular industry; DOE intends this list of factors only as a guide to its analysis.

III. Assessment of Potential Impacts

There is currently no domestic commercial supplier of high-assay LEU. In particular, with the closing of the Paducah Gaseous Diffusion Plant in 2013, the only remaining operational uranium enrichment facility in the U.S. is that operated by Louisiana Energy Services, LLC, which is licensed by the Nuclear Regulatory Commission to possess LEU only up to 5 wt-% U-235,[2] meaning no domestic commercial uranium enrichment facility is currently licensed to possess the high-assay LEU contemplated for transfer.

Modern enrichment facilities are technologically able to produce such materials; however, due to the economics of enrichment, owners and operators of such enrichment facilities have thus far chosen not to pursue enrichment of high-assay LEU. To produce such LEU, a commercial supplier would need to secure an appropriate license or license amendment, a task that would require an investment of money and time. Projections of demand in the nuclear medicine industry lead to the forecast that the need for high-assay LEU in future years will range from tens to hundreds of kilograms. Compared to the thousands of metric tons of enriched uranium required by the commercial power industry, and given the costs required for licensing, the production of such small quantities of high-assay materials is not likely to be economically viable for private industry.

There also does not exist currently a foreign commercial producer or supplier of high-assay low enriched uranium for use in domestic research reactors or medical isotope production applications; what high-assay LEU is produced internationally, for example to convert Russian-supplied reactors from highly enriched uranium (HEU) cores, is produced by a state-owned enterprise for official purposes via down-blending excess HEU.

Given the specialized uses, designs, and regulatory requirements of the fuels and targets used for these isotope production purposes, it is not feasible to replace the DOE-sourced high-assay LEU used in research reactor fuel or targets with commercial-assay LEU because fuel or targets fabricated from commercial-assay LEU would generally not serve the intended purposes.

Given the lack of commercial production or supply of such materials, an analysis of the impact of transfers based on an assessment of the six factors listed in Section II is straightforward: since the transfer of DOE material would not displace primary production of uranium concentrates, conversion services, or enrichment services, there is no impact on the domestic uranium industries with respect to any of the factors.

Even if the DOE transfers would displace production among the domestic uranium mining, conversion, or enrichment industries, the amount is so small that the effects would be *de minimis*. With respect to the three uranium industries, in order to produce the amount of LEU in DOE transfers from primary production, it would require about 2500 pounds of uranium concentrates, 950 kgU of conversion services, and approximately 1,100 SWU of enrichment services. By comparison, the entire global fleet of nuclear reactors is expected to need in 2015 approximately 160 million pounds U_3O_8, 56 million kgU of conversion services, and about 45 million SWU.[3] For further comparison, the U.S. uranium mining industry produced approximately 4.9 million pounds of U_3O_8 in 2014.[4] The domestic conversion industry consists of only one facility. In recent years, that facility has produced between 11 and 12 million kgU. As mentioned above, there is only one currently operating enrichment facility in the U.S. The total capacity of that facility is currently about 3.7 million SWU.

Given how small DOE transfers are compared to either global reactor requirements or domestic production, DOE concludes that transfers at this level would have almost no impact on the domestic uranium mining, conversion, or enrichment industries with respect to any of the six factors listed in Section II.

DOE recently issued a determination that certain transfers of natural uranium in exchange for cleanup services at the Portsmouth Gaseous Diffusion Plant and of LEU in exchange for downblending services will not have an adverse material impact on the domestic uranium industries. The analysis supporting that determination also considered various other past transfers,

[1] If any transfers include material at an assay other than 19.75 wt-%, the amount will be converted so that the total amount in any calendar year is equivalent to no more than 25 kgU at 19.75 wt-%.

[2] U.S. Nuclear Regulatory Commission, *Materials License*. License Number SNM–2010, Amendment 57, Docket Number 70–3103.

[3] These estimates of global requirements come from an analysis prepared by Energy Resources International, Inc. (ERI), dated February 20, 2015. This report is available at *http://www.energy.gov/ne/downloads/excess-uranium-management*. DOE tasked ERI to prepare this analysis to assess the potential effects on the domestic uranium mining, conversion, and enrichment industries of the introduction into the market of uranium transfers that are not the subject of this assessment. ERI develops its requirements forecasts for various customers. Because of ERI's general expertise in the uranium markets and contacts with market participants, DOE believes ERI's general market information is reliable.

[4] EIA, Domestic Uranium Production Report Q4 2014, 2 (January 2015).

the uranium from which may still be affecting markets. 80 FR at 26,385. In reaching the conclusion that transfers of up to 25 kg per year of high-assay LEU will have at most *de minimis* impacts on the domestic uranium industries, DOE takes account of the various transfers assessed for its recent determination.

IV. Conclusion

For the reasons discussed above, these transfers will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry taking into account sales under the Russian HEU Agreement and Suspension Agreement.

[FR Doc. 2015–27303 Filed 10–26–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–90–000]

Golden Hills Interconnection, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Golden Hills Interconnection, LLC.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is November 9, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–27174 Filed 10–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–91–000]

Blythe Solar 110, LLC; Supplemental Notice that Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding Blythe Solar 110 LLC.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is November 9, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–27175 Filed 10–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP16–2–000]

Florida Gas Transmission Company, LLC; Notice of Request Under Blanket Authorization

October 19, 2015.

Take notice that on October 7, 2015, Florida Gas Transmission Company, LLC (FGT), 1300 Main St., Houston, TX 77002 filed a prior notice request pursuant to sections 157.205, 157.208 (b) and 157.216(b) of the Commission's regulations under the Natural Gas Act for authorization to replace approximately 3.39 miles of 8-inch lateral pipe and approximately 3.08 miles of 10-inch lateral pipe, and appurtenant facilities, with approximately 3.78 miles of new 12-

inch replacement pipe and utilization of a 0.52 mile section of existing 10-inch pipe, south of Gandy Blvd. in Pinellas County Florida, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The project known as the 12-Inch St. Petersburg Lateral Relocation Project is being done due to a Florida Department of Transportation road project.

The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this Application should be directed to Stephen Veatch, Senior Director of Certificates & Tariffs, Florida Gas Transmission Company, LLC, 1300 Main St., Houston, TX 77002, at phone (713) 989–2024 or facsimile (713) 989–1205, or via email to *stephen.veatch@energytransfer.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with he Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: October 19, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–27180 Filed 10–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC16–17–000.

Applicants: Prairie Breeze Wind Energy II LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Waivers and Expedited Action of Prairie Breeze Wind Energy II LLC.

Filed Date: 10/19/15.

Accession Number: 20151019–5386.

Comments Due: 5 p.m. ET 11/9/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2331–042; ER14–630–019; ER10–2319–034; ER10–2317–034; ER13–1351–016; ER10–2330–041.

Applicants: J.P. Morgan Ventures Energy Corporation, AlphaGen Power LLC, BE Alabama LLC, BE CA LLC, Florida Power Development LLC, Utility Contract Funding, L.L.C.

Description: Updated Notice of Non-Material Change in Status of JPMorgan Sellers.

Filed Date: 10/20/15.

Accession Number: 20151020–5188.

Comments Due: 5 p.m. ET 11/10/15.

Docket Numbers: ER11–47–006; ER14–594–006; ER14–2477–003; ER14–2476–003; ER14–2475–003; ER13–1896–009; ER12–2343–004; ER12–1544–004; ER12–1542–004; ER12–1541–004; ER12–1540–004; ER11–46–009; ER11–41–006; ER10–2981–006; ER10–2975–009.

Applicants: Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Wheeling Power Company, AEP Texas Central Company, AEP Texas North Company, Public Service Company of Oklahoma, Southwestern Electric Power Company, Ohio Power Company, AEP Energy Partners, Inc. CSW Energy Services, Inc., AEP Retail Energy Partners LLC, AEP Energy, Inc., AEP Generation Resources Inc.

Description: Supplement to June 26, 2015 Updated Market Power Analysis in the Southwest Power Pool balancing area authority of the AEP MBR affiliates.

Filed Date: 10/19/15.

Accession Number: 20151019–5403.

Comments Due: 5 p.m. ET 11/9/15.

Docket Numbers: ER12–2065–002; ER14–2472–002; ER15–1721–001.

Applicants: Aequitas Energy, Inc., Agera Energy LLC, energy.me midwest llc.

Description: Notice of Non-Material Change in Status of Aequitas Energy, Inc., et al.

Filed Date: 10/19/15.

Accession Number: 20151019–5388.

Comments Due: 5 p.m. ET 11/9/15.

Docket Numbers: ER14–2274–001.

Applicants: Aesir Power, LLC.

Description: Notice of Change in Status of Aesir Power, LLC.

Filed Date: 10/19/15.

Accession Number: 20151019–5393.

Comments Due: 5 p.m. ET 11/9/15.

Docket Numbers: ER15–1061–001.

Applicants: New York Independent System Operator, Inc.

Description: Compliance filing: NYISO compliance notify effective date

and errata correction to shortage pricing to be effective 11/4/2015.

Filed Date: 10/20/15.

Accession Number: 20151020–5209.

Comments Due: 5 p.m. ET 11/10/15.

Docket Numbers: ER15–2631–003.

Applicants: Odell Wind Farm, LLC.

Description: Tariff Amendment: Revised Application to be effective 11/9/2015.

Filed Date: 10/19/15.

Accession Number: 20151019–5350.

Comments Due: 5 p.m. ET 11/9/15.

Docket Numbers: ER15–2742–000.

Applicants: Panda Patriot LLC.

Description: Supplement to September 29, 2015 Panda Patriot LLC tariff filing.

Filed Date: 10/19/15.

Accession Number: 20151019–5397.

Comments Due: 5 p.m. ET 11/9/15.

Docket Numbers: ER16–120–000.

Applicants: New York Independent System Operator, Inc.

Description: Compliance filing: Compliance filing—Reliability Must Run to be effective 10/20/2015.

Filed Date: 10/19/15.

Accession Number: 20151019–5349.

Comments Due: 5 p.m. ET 11/9/15.

Docket Numbers: ER16–121–000.

Applicants: PJM Interconnection, L.L.C.

Description: Section 205(d) Rate Filing: Revisions to OATT Att K-Appx—FTR/ARR Revisions to be effective 12/31/9998.

Filed Date: 10/19/15.

Accession Number: 20151019–5355.

Comments Due: 5 p.m. ET 11/9/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 20, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–27182 Filed 10–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2438–121]

Seneca Falls Power Corporation; C–S Canal Hydro, LLC; Notice of Application for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

On October 13, 2015, Seneca Falls Power Corporation (transferor) and C–S Canal Hydro, LLC (transferee) filed an application for transfer of license of the Seneca Falls Hydroelectric Project No. 2438. The project is located on the Seneca River in Seneca, Yates, Schuyler, and Ontario counties, New York.

The applicants seek Commission approval to transfer the license for the Seneca Falls Hydroelectric Project from the transferor to the transferee.

Applicant Contact: For transferor: Mr. Scott Goodwin, President, Seneca Falls Power Corporation, 3330 Clayton Road, Suite B, Concord, CA 94519, telephone 925–692–2798. For transferee: Mr. Mark Boumansour, COO, C–S Canal Hydro, LLC, c/o Gravity Renewables, Inc., 1401 Walnut Street, Suite 220, Boulder, CO 80302, telephone: 303–440–3378 and Mr. Karl F. Kumli, III, Dietze and Davis, P.C., 2060 Broadway, Suite 400, Boulder, CO 80302, telephone: 303–447–1375.

FERC Contact: Patricia W. Gillis, (202) 502–8735.

Deadline for filing comments, motions to intervene, and protests: 30 days from the date that the Commission issues this notice. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2438–121.

Dated: October 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–27176 Filed 10–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL16–6–000]

PJM Interconnection, L.L.C.; Notice of Filing

Take notice that on October 19, 2015, PJM Interconnection, L.L.C. filed Revisions to Operating Agreement, Schedule 1 RE FTR/ARR Revisions to be effective 1/1/2016.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on November 9, 2015.

Dated: October 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–27172 Filed 10–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF14–21–000]

Alaska Gasline Development Corporation, BP Alaska LNG, LLC, Conoco Phillips Alaska LNG Company, ExxonMobil Alaska LNG, LLC, TransCanada Alaska Midstream, LP; Supplemental Notice of Public Scoping Meetings for the Planned Alaska LNG Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will conduct additional public scoping meetings as part of their preparation of an environmental impact statement (EIS) for the Alaska LNG Project involving construction and operation of facilities by Alaska Gasline Development Corporation; BP Alaska LNG, LLC; Conoco Phillips Alaska LNG Company; ExxonMobil Alaska LNG, LLC; and TransCanada Alaska Midstream, LP (Applicants) in Alaska.

More information about the Commission's EIS and the Alaska LNG Project is available in *the Notice of Intent to Prepare an Environmental Impact Statement for the Planned Alaska LNG Project and Request for Comments on Environmental Issues* (NOI), issued March 4, 2015. The NOI describes the scoping process that is under way seeking public participation in the environmental review of this project. An initial notice announcing public scoping meetings was issued on October 8, 2015. This supplemental notice announces additional public scoping meetings, listed on page 2, to provide an opportunity to submit verbal comments in addition to, or in lieu of, written comments on issues of environmental concern related to the Alaska LNG Project. Both written and verbal comments receive equal consideration. Please note that the scoping period will close on December 4, 2015.

Additional information about the project is available from FERC's Office of External Affairs at (866) 208–FERC (3372) or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* PF14–21). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

Schedule and Locations for the Alaska LNG Project Public Scoping Meetings

The meetings will be recorded by a court reporter to ensure comments are accurately depicted on the public record. The Commission invites you to attend one of the following additional public scoping meetings in the project area.

Date and time	Location
November 17, 2015, 6:00 p.m	Coldfoot Camp Dining Hall, Mile 175 Dalton Hwy., Coldfoot, AK 99701.
November 17, 2015, 6:00 p.m	Healy Tri-Valley Community Center, 0.5 Mile Healy Spur Rd., Healy, AK 99743.
November 18, 2015, 6:00 p.m	Tyonek Tribal Operations—Tribal Center, 100 A Street, Tyonek, AK 99682.
November 18, 2015, 6:00 p.m	Nenana Native Council—Tribal Center, 806 G Street, Nenana, AK 99760.
November 19, 2015, 6:00 p.m	Dena'ina Civic and Convention Center, Khatnu 2 Room, 600 W. Seventh Avenue, Anchorage, AK 99501.
November 19, 2015, 6:00 p.m	Morris Thomson Cultural and Visitors Center, 101 Dunkel Street, Fairbanks, AK 99701.

AK LNG representatives will be present one hour before the scoping meetings with maps depicting the project and to answer questions. The meetings will end once all speakers have provided their comments or at 9 pm, whichever comes first.

Additional meetings in Nikiski, Houston, Trapper Creek, Kaktovik, Barrow, and Nuiqsut, Alaska, occurring during the week of October 26, 2015, were announced on October 8, 2015.

Dated: October 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–27177 Filed 10–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–1936–002.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Compliance filing per 9/21/15 Order—Revisions to OA Schedule 6–A to be effective 1/1/2015.

Filed Date: 10/21/15.

Accession Number: 20151021–5126.

Comments Due: 5 p.m. ET 11/12/15.

Docket Numbers: ER13–1940–007.

Applicants: Ohio Valley Electric Corporation.

Description: Compliance filing: Interregional Compliance filing M–3 to be effective 1/1/2015.

Filed Date: 10/21/15.

Accession Number: 20151021–5128.

Comments Due: 5 p.m. ET 11/12/15.

Docket Numbers: ER16–131–000.

Applicants: Heber Geothermal Company LLC.

Description: Baseline eTariff Filing: Petition for Approval of Initial Market-Based Rate Tariff to be effective 12/16/2015.

Filed Date: 10/21/15.

Accession Number: 20151021–5129.

Comments Due: 5 p.m. ET 11/12/15.

Docket Numbers: ER16–132–000.

Applicants: Michigan Electric Transmission Company.

Description: Section 205(d) Rate Filing: Filing of Agreement for Sharing of Physical Security Related Asset Costs to be effective 12/21/2015.

Filed Date: 10/21/15.

Accession Number: 20151021–5144.

Comments Due: 5 p.m. ET 11/12/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 21, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–27252 Filed 10–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e) (1) (v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Prohibited		
1. CP15–115–000	10–7–15	Anne M. Kudla.
2. EL15–18–000, EL15–18–001, EL15–67–000	10–14–15	Consolidated Edison Company of NY, Inc.
Exempt:		
1. P–1494–000	10–5–15	Mayor Dewey F. Bartlett, Jr., City of Tulsa, OK.
2. CP15–504–000	10–13–15	FERC Staff.[1]
3. CP15–115–000	10–14–15	FERC Staff.[2]
4. CP15–93–000, CP15–94–000, CP15–96–000	10–15–15	FERC Staff.[3]

Dated: October 21, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–27253 Filed 10–26–15; 8:45 am]

BILLING CODE 6717–01–P

[1] Record of 10–6–15 telephone conversation with Richard Jessee, Dominion Columbia Gas regarding 3rd party contractor assistance.

[2] Notes from 10–13–15 conference call with Natural Resource Group, LLC and National Fuel Gas Supply Corporation regarding Northern Access 2016 Project.

[3] Summary of 9–8–15 telephone call with Cardno ENTRIX (FERC's contractor), Rover Pipeline LLC (Rover), Fullbright & Jaworski LLP, TRC (Rover's contractor), and Apex (Rover's contractor).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–497–000]

Dominion Transmission, Inc.; Notice of Availability of the Environmental Assessment for the Proposed New Market Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the New Market Project, proposed by Dominion Transmission, Inc. (DTI) in the above-referenced docket. DTI requests authorization to construct and operate new compressors and associated improvements at new and existing facilities in several counties in New York.

The EA assesses the potential environmental effects of the construction and operation of the New Market Project in accordance with the requirements of the National Environmental Policy Act. The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The proposed New Market Project includes the following facilities:

- Construction of the new Horseheads Compressor Station in Chemung County;
- installation of gas coolers and filter/separator at the existing Borger Compressor Station in Tompkins County;
- construction of the new Sheds Compressor Station in Madison County;
- installation of gas coolers and filter/separator at the existing Utica Compressor Station in Herkimer County;
- installation of additional engine and turbine driven compressor units at the existing Brookman Corners Compressor Station in Montgomery County; and
- modifications to the existing West Schenectady Meter Station in Schenectady County.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the project area; and parties to this proceeding. In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before November 19, 2015.

For your convenience, there are three methods you can use to file your comments to the Commission. In all instances, please reference the project docket number (CP14–497) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (*i.e.,* CP14–497). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: October 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–27179 Filed 10–26–15; 8:45 am]

BILLING CODE 6717–01–P

[1] See the previous discussion on the methods for filing comments.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16–89–000]

Jether Energy Research, Ltd.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Jether Energy Research, Ltd.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR

part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is November 9, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–27173 Filed 10–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP16–60–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Section 4(d) Rate Filing: KeySpan Ramapo 2015–11–01 Release to BP Energy to be effective 11/1/2015

Filed Date: 10/19/15.

Accession Number: 20151019–5242.

Comments Due: 5 p.m. ET 11/2/15.

Docket Numbers: RP16–61–000.

Applicants: Texas Eastern Transmission, LP.

Description: Section 4(d) Rate Filing: Negotiated Rates—Chevron Nov2015 TEAM2014 Releases to be effective 11/1/2015.

Filed Date: 10/19/15.

Accession Number: 20151019–5264.

Comments Due: 5 p.m. ET 11/2/15.

Docket Numbers: RP16–62–000.

Applicants: Venice Gathering System, L.L.C.

Description: Compliance filing Motion for Extension of Time to Comply with Order Nos. 587–W and 809.

Filed Date: 10/19/15.

Accession Number: 20151019–5343.

Comments Due: 5 p.m. ET 11/2/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 20, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–27183 Filed 10–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Meeting, Notice of Vote, Explanation of Action Closing Meeting and List of Persons To Attend

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: October 21, 2015, 11:30 a.m.

PLACE: Restricted Area, 888 First Street NE., Washington, DC 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Non-Public Investigations and Inquiries, Enforcement Related Matters.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary, Telephone (202) 502–8400.

Chairman Bay and Commissioners Moeller, LaFleur, Clark, and Honorable voted to hold a closed meeting on less than the seven days' notice required by the Government in the Sunshine Act. The certification of the General Counsel explaining the action closing the meeting is available for public inspection in the Commission's Public Reference Room at 888 First Street NE., Washington, DC 20426.

The Chairman and the Commissioners, their assistants, the Commission's Secretary, the General Counsel and members of his staff, and members of the Nuclear Regulatory Commission are expected to attend the meeting. Other staff members from the Commission's program offices who will advise the Commissioners in the matters discussed will also be present.

Dated: October 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–27178 Filed 10–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2331–043; ER14–630–020; ER10–2319–035; ER10–2317–035; ER13–1351–017; ER10–2330–042.

Applicants: J.P. Morgan Ventures Energy Corporation, AlphaGen Power LLC, BE Alabama LLC, BE CA LLC, Florida Power Development LLC, Utility Contract Funding, L.L.C.

Description: Updated Notice of Non-Material Change in Status of JPMorgan Sellers.

Filed Date: 10/20/15.

Accession Number: 20151020–5200.

Comments Due: 5 p.m. ET 11/10/15.

Docket Numbers: ER10–2331–044; ER14–630–021; ER10–2319–036; ER10–2317–036; ER13–1351–018; ER10–2330–043.

Applicants: J.P. Morgan Ventures Energy Corporation, AlphaGen Power LLC, BE Alabama LLC, BE CA LLC, Florida Power Development LLC, Utility Contract Funding, L.L.C.

Description: Updated Notice of Non-Material Change in Status of JPMorgan Sellers.

Filed Date: 10/20/15.

Accession Number: 20151020–5205.

Comments Due: 5 p.m. ET 11/10/15.

Docket Numbers: ER13–1928–007.

Applicants: Duke Energy Progress, LLC, Duke Energy Carolinas, LLC.

Description: Compliance filing: Order No. 1000 Interregional SERTP PJM and MISO to be effective 1/1/2015.

Filed Date: 10/21/15.

Accession Number: 20151021–5065.

Comments Due: 5 p.m. ET 11/12/15.

Docket Numbers: ER13–1930–006.

Applicants: Louisville Gas and Electric Company.

Description: Compliance filing: Order No 1000 SERTP–PJM 3d Interregional Compliance Filing to be effective 1/1/2015.

Filed Date: 10/21/15.

Accession Number: 20151021–5046.

Comments Due: 5 p.m. ET 11/12/15.

Docket Numbers: ER13–1941–006.

Applicants: Alabama Power Company.

Description: Compliance filing: Order No. 1000 Third Interregional Compliance Filing—SERTP–PJM Seam to be effective 1/1/2015.

Filed Date: 10/21/15.

Accession Number: 20151021–5109.

Comments Due: 5 p.m. ET 11/12/15.

Docket Numbers: ER15–861–006.

Applicants: California Independent System Operator Corporation.

Description: Compliance filing: 2015–10–21 Response to Deficiency Letter Regarding August 19 Filing to be effective 1/5/2016.

Filed Date: 10/21/15.

Accession Number: 20151021–5004.

Comments Due: 5 p.m. ET 11/12/15.

Docket Numbers: ER15–2403–001.

Applicants: Pacific Gas and Electric Company.

Description: Compliance filing: eTariff Migration Compliance Filing to Update Pending Records in LID SA 258 to be effective 7/23/2015.

Filed Date: 10/21/15.

Accession Number: 20151021–5003.

Comments Due: 5 p.m. ET 11/12/15.

Docket Numbers: ER15–2477–000.

Applicants: Golden Hills Wind, LLC.

Description: Amendment to August 18, 2015 and September 29, 2015 Golden Hills Wind, LLC tariff filing.

Filed Date: 10/16/15.

Accession Number: 20151016–5508.

Comments Due: 5 p.m. ET 10/26/15.

Docket Numbers: ER15–2582–001.

Applicants: Carousel Wind Farm, LLC.

Description: Tariff Amendment: Amendment to Carousel Wind Farm, LLC Application for MBR Authority to be effective 10/31/2015.

Filed Date: 10/20/15.

Accession Number: 20151020–5244.

Comments Due: 5 p.m. ET 11/10/15.

Docket Numbers: ER16–122–000.

Applicants: The Finerty Group, Inc.

Description: Tariff Cancellation: Notice of Cancellation to be effective 10/21/2015.

Filed Date: 10/20/15.

Accession Number: 20151020–5225.

Comments Due: 5 p.m. ET 11/10/15.

Docket Numbers: ER16–123–000.

Applicants: Avista Corporation.

Description: Section 205(d) Rate Filing: Avista Corp SA T1134 Construction Agreement to be effective 10/14/2015.

Filed Date: 10/20/15.

Accession Number: 20151020–5226.

Comments Due: 5 p.m. ET 11/10/15.

Docket Numbers: ER16–124–000.

Applicants: AV Solar Ranch 1, LLC.

Description: Baseline eTariff Filing: Certificate of Concurrence for Shared Facilities Agreements to be effective 12/31/9998.

Filed Date: 10/20/15.

Accession Number: 20151020–5228.

Comments Due: 5 p.m. ET 11/10/15.

Docket Numbers: ER16–125–000.

Applicants: Southern California Edison Company.

Description: Section 205(d) Rate Filing: GIA & Distribution Service Agreement Windstream 6042 Project to be effective 10/24/2015.

Filed Date: 10/21/15.

Accession Number: 20151021–5000.

Comments Due: 5 p.m. ET 11/12/15.

Docket Numbers: ER16–127–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Section 205(d) Rate Filing: 2015–10–21 MVP ARR Filing to be effective 12/20/2015.

Filed Date: 10/21/15

Accession Number: 20151021–5049.

Comments Due: 5 p.m. ET 11/12/15.

Docket Numbers: ER16–128–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Section 205(d) Rate Filing: 2015–10–21_SA 2855 ATC-Manitowoc Transmission Line Relocation Agreement to be effective 12/20/2015.

Filed Date: 10/21/15.

Accession Number: 20151021–5052.

Comments Due: 5 p.m. ET 11/12/15.

Docket Numbers: ER16–129–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Section 205(d) Rate Filing: 2015–10–21_SA 6502 Terminate Edwards SSR Agreement to be effective 1/1/2016.

Filed Date: 10/21/15.

Accession Number: 20151021–5081.

Comments Due: 5 p.m. ET 11/12/15.

Docket Numbers: ER16–130–000.

Applicants: Southwest Power Pool, Inc.

Description: Section 205(d) Rate Filing: Integrated System Clean-Up Filing to be effective 10/1/2015.

Filed Date: 10/21/15.

Accession Number: 20151021–5084.

Comments Due: 5 p.m. ET 11/12/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 21, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–27251 Filed 10–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR15–13–001.
Applicants: Pacific Gas and Electric Company.
Description: Submits tariff filing per 284.123(b)(1),: Amendment to SOC to be effective 1/1/2015; Filing Type: 1000.
Filed Date: 10/15/15.
Accession Number: 20151015–5304.
Comments/Protests Due: 5 p.m. ET 10/29/15.

Docket Numbers: RP16–53–000.
Applicants: Perryville Gas Storage LLC.
Description: Section 4(d) Rate Filing: Perryville Gas Storage—August 2015 Tariff Modifications to be effective 11/16/2015.
Filed Date: 10/15/15.
Accession Number: 20151015–5147.
Comments Due: 5 p.m. ET 10/27/15.

Docket Numbers: RP16–54–000.
Applicants: Equitrans, L.P.
Description: Section 4(d) Rate Filing: AVC ADIT PLR to be effective 12/1/2015.
Filed Date: 10/15/15.
Accession Number: 20151015–5209.
Comments Due: 5 p.m. ET 10/27/15.

Docket Numbers: RP16–55–000.
Applicants: High Island Offshore System, L.L.C.
Description: Compliance filing Administrative Refile to be effective 10/15/2015.
Filed Date: 10/15/15.
Accession Number: 20151015–5217.
Comments Due: 5 p.m. ET 10/27/15.

Docket Numbers: RP16–56–000.
Applicants: High Island Offshore System, L.L.C.
Description: Tariff Cancellation: Cancellation to be effective 10/15/2015.
Filed Date: 10/15/15.
Accession Number: 20151015–5224.
Comments Due: 5 p.m. ET 10/27/15.

Docket Numbers: RP16–57–000.
Applicants: Monroe Gas Storage Company, LLC.
Description: Section 4(d) Rate Filing: Monroe Gas Storage—August 2015 Tariff Modifications to be effective 11/16/2015.
Filed Date: 10/15/15.
Accession Number: 20151015–5231.
Comments Due: 5 p.m. ET 10/27/15.

Docket Numbers: RP16–58–000.
Applicants: Texas Eastern Transmission, LP.
Description: Compliance filing TETLP OFO 2015 Penalty Disbursement Report.
Filed Date: 10/15/15.
Accession Number: 20151015–5254.
Comments Due: 5 p.m. ET 10/23/15.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP08–426–019.
Applicants: El Paso Natural Gas Company, L.L.C.
Description: El Paso Natural Gas Company, L.L.C. submits tariff filing per 154.501: Refund Report.
Filed Date: 9/30/15.
Accession Number: 20150930–5177.
Comments Due: 5 p.m. ET 10/22/15.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: October 19, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–27181 Filed 10–26–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9936–24–OSWER]

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 128(a); Notice of Grant Funding Guidance for State and Tribal Response Programs for FY2016

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) will accept requests, from December 1, 2015 through January 31, 2016, for grants to establish and enhance State and Tribal Response Programs. This notice provides guidance on eligibility for funding, use of funding, grant mechanisms and process for awarding funding, the allocation system for distribution of funding, and terms and reporting under these grants. EPA has consulted with state and tribal officials in developing this guidance.

The primary goal of this funding is to ensure that state and tribal response programs include, or are taking reasonable steps to include, certain elements of a response program and establishing a public record. Another goal is to provide funding for other activities that increase the number of response actions conducted or overseen by a state or tribal response program. This funding is not intended to supplant current state or tribal funding for their response programs. Instead, it is to supplement their funding to increase their response capacity.

For fiscal year 2016, EPA will consider funding requests up to a maximum of $1.0 million per state or tribe. Subject to the availability of funds, EPA regional personnel will be available to provide technical assistance to states and tribes as they apply for and carry out these grants.

DATES: This action is effective as of December 1, 2015. EPA expects to make non-competitive grant awards to states and tribes which apply during fiscal year 2016.

ADDRESSES: Mailing addresses for EPA Regional Offices and EPA Headquarters can be found at *www.epa.gov/brownfields* and at the end of this Notice. Funding requests may be submitted electronically to the EPA Regional Offices.

FOR FURTHER INFORMATION CONTACT: EPA's Office of Solid Waste and Emergency Response, Office of Brownfields and Land Revitalization, (202) 566–2745 or the applicable EPA Regional Office listed at the end this Notice.

SUPPLEMENTARY INFORMATION:

I. General Information

Section 128(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, authorizes a noncompetitive $50 million grant program to establish and enhance

and tribal [2] response programs. CERCLA section 128(a) response program grants are funded with categorical [3] State and Tribal Assistance Grant (STAG) appropriations. Section 128(a) cooperative agreements are awarded and administered by the EPA regional offices. Generally, these response programs address the assessment, cleanup, and redevelopment of brownfields sites and other sites with actual or perceived contamination. This document provides guidance that will enable states and tribes to apply for and use Fiscal Year 2016 section 128(a) funds.[4]

The Catalogue of Federal Domestic Assistance entry for the section 128(a) State and Tribal Response Program cooperative agreements is 66.817. This grant program is eligible to be included in state and tribal Performance Partnership Grants under 40 CFR Part 35 Subparts A and B, with the exception of funds used to capitalize a revolving loan fund for brownfield remediation under section 104(k)(3); or purchase environmental insurance or developing a risk sharing pool, an indemnity pool, or insurance mechanism to provide financing for response actions under a State or Tribal response program.

Requests for funding will be accepted from December 1, 2015 through January 31, 2016. Requests EPA receives after January 31, 2016 will not be considered for FY2016 funding. Information that must be submitted with the funding request is listed in Section IX of this guidance. States or tribes that do not submit the request in the appropriate manner may forfeit their ability to receive funds. First time requestors are strongly encouraged to contact their Regional EPA Brownfields contacts, listed at the end of this guidance, prior to submitting their funding request. EPA will consider funding requests up to a maximum of $1.0 million per state or tribe for FY2016.

Requests submitted by the January 31, 2016 request deadline are preliminary; final cooperative agreement work plans and budgets will be negotiated with the regional offices once final funding allocation determinations are made. As in previous years, EPA will place special emphasis on reviewing a cooperative agreement recipient's use of prior section 128(a) funding in making allocation decisions and unexpended balances are subject to 40 CFR 35.118 and 40 CFR 35.518 to the extent consistent with this guidance. Also, EPA will prioritize funding for recipients establishing their response programs.

States and tribes requesting funds are required to provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number with their cooperative agreement's final package. For more information, please go to *www.grants.gov*.

II. Background

State and tribal response programs oversee assessment and cleanup activities at brownfields sites across the country. The depth and breadth of state and tribal response programs vary. Some focus on CERCLA related activities, while others are multi-faceted, addressing sites regulated by both CERCLA and the Resource Conservation and Recovery Act (RCRA). Many state programs also offer accompanying financial incentive programs to spur cleanup and redevelopment. In enacting CERCLA section 128(a),[5] Congress recognized the accomplishments of state and tribal response programs in cleaning up and redeveloping brownfields sites. Section 128(a) provides EPA with an opportunity to strengthen its partnership with states and tribes, and recognizes the response programs' critical role in overseeing cleanups enrolled in their response programs.

This funding is intended for those states and tribes that have the management and administrative capacity within their government required to administer a federal grant. The primary goal of this funding is to ensure that state and tribal response programs include, or are taking reasonable steps to include, certain elements of an environmental response program and that the response program establishes and maintains a public record of sites addressed.

Subject to the availability of funds, EPA regional personnel will be available to provide technical assistance to states and tribes as they apply for and carry out section 128(a) cooperative agreements.

III. Eligibility For Funding

To be eligible for funding under CERCLA section 128(a), a state or tribe must:

1. Demonstrate that its response program includes, or is taking reasonable steps to include, the four elements of a response program described in Section V of this guidance; *or* be a party to a voluntary response program Memorandum of Agreement (VRP MOA) [6] with EPA; AND

2. maintain and make available to the public a record of sites at which response actions have been completed in the previous year and are planned to be addressed in the upcoming year, see CERCLA section 128(b)(1)(C).

IV. Matching Funds/Cost-Share

States and tribes are *not* required to provide matching funds for cooperative agreements awarded under section 128(a), with the exception of section 128(a) funds a state or tribe uses to capitalize a Brownfields Revolving Loan Fund (RLF). Section 128(a) funds uses to capitalize a RLF must be operated in accordance with CERCLA section 104(k)(3). There is a 20% cost share requirement for 128(a) funds used to capitalize a RLF.

V. The Four Elements—Section 128(a)

Section 128(a) recipients that do not have a VRP MOA with EPA must demonstrate that their response program includes, or is taking reasonable steps to include, the four elements. Achievement of the four elements should be viewed as a priority. Section 128(a) authorizes funding for activities necessary to establish and enhance the four elements, and to establish and maintain the public record requirement.

The four elements of a response program are described below:

1. *Timely survey and inventory of brownfields sites in state or tribal land.* EPA's goal in funding activities under this element is to enable the state or tribe to establish or enhance a system or process that will provide a reasonable estimate of the number, likely locations, and the general characteristics of brownfields sites in their state or tribal lands. EPA recognizes the varied scope of state and tribal response programs and will not require states and tribes to develop a ''list'' of brownfields sites. However, at a minimum, the state or tribe should develop and/or maintain a system or process that can provide a reasonable estimate of the number,

[2] The term ''Indian tribe'' is defined in this document as it is defined in CERCLA section 101(36). Intertribal consortia, as defined in the **Federal Register** Notice at 67 FR 67181, Nov. 4, 2002, are also eligible for funding under CERCLA section 128(a).

[3] Categorical grants are issued by the U.S. Congress to fund state and local governments for narrowly defined purposes.

[4] The Agency may waive any provision of this guidance that is not required by statute, regulation, Executive Order or overriding Agency policies.

[5] Section 128(a) was added to CERCLA in 2002 by the Small Business Liability Relief and Brownfields Revitalization Act (Brownfield Amendments).

[6] States or tribes that are parties to VRP MOAs and that maintain and make available a public record are automatically eligible for section 128(a) funding.

likely location, and general characteristics of brownfields sites within their state or tribal lands. Inventories should evolve to a prioritization of sites based on community needs, planning priorities, and protection of human health and the environment. Inventories should be developed in direct coordination with communities, and particular attention should focus on those communities with limited capacity to compete for, and manage a competitive brownfield assessment, revolving loan, or cleanup cooperative agreement.

Given funding limitations, EPA will negotiate work plans with states and tribes to achieve this goal efficiently and effectively, and within a realistic time frame. For example, many of EPA's Brownfields Assessment cooperative agreement recipients conduct inventories of brownfields sites in their communities or jurisdictions. EPA encourages states and tribes to work with these cooperative agreement recipients to obtain the information that they have gathered and include it in their survey and inventory.

2. *Oversight and enforcement authorities or other mechanisms and resources.* EPA's goal in funding activities under this element is to have state and tribal response programs that include oversight and enforcement authorities or other mechanisms, and resources that are adequate to ensure that:

a. A response action will protect human health and the environment, and be conducted in accordance with applicable laws; and

b. the state or tribe will complete the necessary response activities if the person conducting the response fails to complete the necessary response (this includes operation and maintenance and/or long-term monitoring activities).

3. *Mechanisms and resources to provide meaningful opportunities for public participation.*[7] EPA's goal in funding activities under this element is to have states and tribes include in their response program mechanisms and resources for meaningful public participation, at the local level, including, *at a minimum*:

a. Public access to documents and related materials that a state, tribe, or party conducting the cleanup is relying on or developing to make cleanup decisions or conduct site activities;

b. prior notice and opportunity for meaningful public comment on cleanup plans and site activities, including the input into the prioritization of sites; and

c. a mechanism by which a person who is, or may be, affected by a release or threatened release of a hazardous substance, pollutant, or contaminant at a brownfields site—located in the community in which the person works or resides—may request that a site assessment be conducted. The appropriate state or tribal official must consider this request and appropriately respond.

4. *Mechanisms for approval of a cleanup plan, and verification and certification that cleanup is complete.* EPA's goal in funding activities under this element is to have states and tribes include in their response program mechanisms to approve cleanup plans and to verify that response actions are complete, including a requirement for certification or similar documentation from the state, the tribe, or a licensed site professional that the response action is complete. Written approval by a state or tribal response program official of a proposed cleanup plan is an example of an approval mechanism.

VI. Public Record Requirement

In order to be eligible for section 128(a) funding, states and tribes (including those with MOAs) must establish and maintain a public record system, as described below. The public record should be made available to provide a mechanism for meaningful public participation (refer to Section V.3 above). Specifically, under section 128(b)(1)(C), states and tribes must:

1. Maintain and update, at least annually or more often as appropriate, a record that includes the name and location of sites at which response actions have been completed during the previous year;

2. maintain and update, at least annually or more often as appropriate, a record that includes the name and location of sites at which response actions are planned in the next year; and

3. identify in the public record whether or not the site, upon completion of the response action, will be suitable for unrestricted use. If not, the public record must identify the institutional controls relied on in the remedy and include relevant information concerning the entity that will be responsible for oversight, monitoring, and/or maintenance of the institutional and engineering controls; and how the responsible entity is implementing those activities (see Section VI.C).

Section 128(a) funds may be used to maintain and make available a public record system that meets the requirements discussed above.

A. Distinguishing the ''Survey and Inventory'' Element From the ''Public Record''

It is important to note that the public record requirement differs from the ''timely survey and inventory'' element described in the ''Four Elements'' section above. The public record addresses sites at which response actions have been completed in the previous year or are planned in the upcoming year. In contrast, the ''timely survey and inventory'' element, described above, refers to identifying brownfields sites regardless of planned or completed actions at the site.

B. Making the Public Record Easily Accessible

EPA's goal is to enable states and tribes to make the public record and other information, such as information from the ''survey and inventory'' element, easily accessible. For this reason, EPA will allow states and tribes to use section 128(a) funding to make the public record, as well as other information, such as information from the ''survey and inventory'' element, available to the public via the internet or other means. For example, the Agency would support funding state and tribal efforts to include detailed location information in the public record such as the street address, and latitude and longitude information for each site.[8] States and tribes should ensure that all affected communities have appropriate access to the public record by making it available on-line, in print at libraries, or at other community gathering places.

In an effort to reduce cooperative agreement reporting requirements and increase public access to the public record, EPA encourages states and tribes to place their public record on the internet. If a state or tribe places the public record on the internet, maintains the substantive requirements of the public record, and provides EPA with the link to that site, EPA will, for purposes of cooperative agreement funding only, deem the public record reporting requirement met.

C. Long-Term Maintenance of the Public Record

EPA encourages states and tribes to maintain public record information,

[7] States and tribes establishing this element may find useful information on public participation on EPA's community involvement Web site at *http://www.epa.gov/superfund/community/policies.htm.*

[8] For further information on data quality requirements for latitude and longitude information, please see EPA's data standards Web site available at *http://iaspub.epa.gov/sor__internet/registry/datastds/findadatastandard/epaapproved/latitudelongitude.*

including data on institutional controls, on a long term basis (more than one year) for sites at which a response action has been completed. Subject to EPA regional office approval, states or tribes may include development and operation of systems that ensure long term maintenance of the public record, including information on institutional controls (such as ensuring the entity responsible for oversight, monitoring, and/or maintenance of the institutional and engineering controls is implementing those activities) in their work plans.[9]

VII. Use of Funding

A. Overview

Section 128(a)(1)(B) describes the eligible uses of cooperative agreement funds by states and tribes. In general, a state or tribe may use funding to ''establish or enhance'' its response program. Specifically, a state or tribe may use cooperative agreement funds to build response programs that includes the four elements outline in section 128(a)(2). Eligible activities include, but are not limited to, the following:

- Developing legislation, regulations, procedures, ordinances, guidance, etc. that establish or enhance the administrative and legal structure of a response program;
- establishing and maintaining the required public record described in Section VI of this guidance;
- operation, maintenance and long-term monitoring of institutional controls and engineering controls;
- conducting site-specific activities, such as assessment or cleanup, provided such activities establish and/or enhance the response program and are tied to the four elements. In addition to the requirement under CERCLA section 128(a)(2)(C)(ii) to provide for public comment on cleanup plans and site activities, EPA strongly encourages states and tribes to seek public input regarding the priority of sites to be addressed and solicit input from local communities, especially potential environmental justice communities, communities with a health risk related to exposure to hazardous waste or other public health concerns, economically disadvantaged or remote areas, and communities with limited experience working with government agencies. EPA will not provide section 128(a) funds solely for assessment or cleanup of specific brownfields sites; site-specific activities must be part of an overall section 128(a) work plan that includes funding for other activities that establish or enhance the four elements;
- capitalizing a revolving loan fund (RLF) for brownfields cleanup under CERCLA section 104(k)(3). These RLFs are subject to the same statutory requirements and cooperative agreement terms and conditions applicable to RLFs awarded under section 104(k)(3). Requirements include a 20 percent match (can be in the form of a contribution of money, labor, material, or services from a non-federal source) on the amount of section 128(a) funds used for the RLF, a prohibition on using EPA cooperative agreement funds for administrative costs relating to the RLF, and a prohibition on using RLF loans or subgrants for response costs at a site for which the recipient may be potentially liable under section 107 of CERCLA. Other prohibitions contained in CERCLA section 104(k)(4) also apply; and
- purchasing environmental insurance or developing a risk-sharing pool, indemnity pool, or insurance mechanism to provide financing for response actions under a state or tribal response program.

B. Uses Related to ''Establishing'' a State or Tribal Response Program

Under CERCLA section 128(a), ''establish'' includes activities necessary to build the foundation for the four elements of a state or tribal response program and the public record requirement. For example, a state or tribal response program may use section 128(a) funds to develop regulations, ordinances, procedures, guidance, and a public record.

C. Uses Related to ''Enhancing'' a State or Tribal Response Program

Under CERCLA section 128(a), ''enhance'' is related to activities that add to or improve a state or tribal response program or increase the number of sites at which response actions are conducted under a state or tribal response program.

The exact ''enhancement'' uses that may be allowable depend upon the work plan negotiated between the EPA regional office and the state or tribe. For example, regional offices and states or tribes may agree that section 128(a) funds may be used for outreach and training directly related to increasing awareness of its response program, and improving the skills of program staff. It may also include developing better coordination and understanding of other state response programs, *e.g.*, RCRA or Underground Storage Tanks (USTs). As another example, states and tribal response programs enhancement activities can include outreach to local communities (*e.g.*, distressed, environmental justice, rural, tribal, etc.) to increase their awareness about brownfields, building a sustainable brownfields program, federal brownfields technical assistance opportunities[10] (*e.g.*, holding workshops to assist communities to apply for federal Brownfields grant funding), and knowledge regarding the importance of monitoring engineering and institutional controls. Additionally, state and tribal response programs enhancement activities can include facilitating the participation of the state and local agencies (*e.g.*, transportation, water, other infrastructure) in implementation of brownfields projects. Another example of program enhancement activities can be for states and tribes to assist local communities to collaborate with local workforce development entities or Brownfields job training recipients on the assessment and cleanup of brownfield sites.[11] Other ''enhancement'' uses may be allowable as well.

Note: EPA anticipates states and tribes will work with their EPA Brownfields Area-Wide Planning, Cleanup, and Revolving Loan Fund recipients to incorporate changing climate conditions in their reuse plans and clean up remedies, as appropriate.[12]

D. Uses Related to Site-Specific Activities

1. Eligible Uses of Funds for Site-Specific Activities

Site-specific assessment and cleanup activities should establish and/or enhance the response program and be tied to the four elements. Site-specific assessments and cleanups can be both eligible and allowable if the activities is included in the work plan negotiated between the EPA regional office and the state or tribe, but activities must comply with all applicable laws and are subject to the following restrictions:

a. Section 128(a) funds can only be used for assessments or cleanups at sites that meet the definition of a brownfields site at CERCLA section 101(39). EPA

[9] States and tribes may find useful information on institutional controls on the EPA's institutional controls Web site at *http://www.epa.gov/superfund/policy/ic/index.htm.*

[10] EPA expects states and tribes will familiarize themselves with US EPA's brownfields technical assistance opportunities for brownfields communities. For more information on technical assistance opportunities, please visit: *http://www.epa.gov/brownfields/tools/index.htm.*

[11] For more information about EPA's Brownfields Environmental Workforce Development and Job Training Program, please visit: *http://www.epa.gov/brownfields/job.htm.*

[12] For more information about EPA's Climate Adaptation Plan, please visit: *http://www.epa.gov/climatechange/impacts-adaptation/fed-programs.html.*

encourages states and tribes to use site-specific funding to perform assessment (*e.g.*, phase I, phase II, supplemental assessments and cleanup planning) and cleanup activities that will lead more quickly to the reuse and redevelopment of sites, particularly sites located in distressed, environmental justice, rural or tribal communities. Furthermore, states and tribes that perform site-specific activities should plan to directly engage with and involve the targeted community in the project. For example, a Community Relations Plan (CRP) could be developed to provide reasonable notice to the public about a planned cleanup, as well as opportunities for the public to comment on the cleanup. States and tribes should work towards securing additional funding for site-specific activities by leveraging resources from other sources such as businesses, non-profit organizations, education and training providers, and/or federal, state, tribal, and local governments;

b. absent EPA approval, no more than $200,000 per site assessment can be funded with section 128(a) funds, and no more than $200,000 per site cleanup can be funded with section 128(a) funds;

c. absent EPA approval, the state/tribe may not use funds awarded under this agreement to assess and/or clean up sites owned or operated by the recipient or held in trust by the United States Government for the recipient; and

d. assessments and cleanups cannot be conducted at sites where the state/tribe is a potentially responsible party pursuant to CERCLA section 107, except:

- At brownfields sites contaminated by a controlled substance as defined in CERCLA section 101(39)(D)(ii)(I); or
- when the recipient would satisfy all of the elements set forth in CERCLA section 101(40) to qualify as a bona fide prospective purchaser except that the date of acquisition of the property was on or before January 11, 2002.

Subgrants cannot be provided to entities that may be potentially responsible parties (pursuant to CERCLA section 107) at the site for which the assessment or cleanup activities are proposed to be conducted, except:

1. At brownfields sites contaminated by a controlled substance as defined in CERCLA section 101(39)(D)(ii)(I); or

2. when the recipient would satisfy all of the elements set forth in CERCLA section 101(40) to qualify as a bona fide prospective purchaser except that the date of acquisition of the property was on or before January 11, 2002.

2. Limitations on the Amount of Funds Used for Site-Specific Activities and Waiver Process

States and tribes may use section 128(a) funds for site-specific activities that improve state or tribal capacity but the amount recipients may request for site-specific assessments and cleanups may not exceed 50% of the total amount of funding.[13] In order to exceed the 50% site-specific funding amount a state or tribe must submit a waiver request. In order for EPA to consider a waiver, the total amount of the site-specific request may not exceed the recipient's total funding level for the previous year. The funding request must include a brief justification describing the reason(s) for spending more than 50% of an annual allocation on site-specific activities. An applicant, when requesting a waiver, must include the following information in the written justification:

- Total amount requested for site-specific activities;
- percentage of the site-specific activities (assuming waiver is approved) in the total budget;
- site specific activities that will be covered by this funding. If known, provide site specific information and describe how work on each site contributes to the development or enhancement of your state/tribal site response program. EPA recognizes the role of response programs to develop and provide capacity in distressed, environmental justice, rural or tribal communities, and encourages prioritization for site-specific activities in those communities. Further explain how the community will be (or has been) involved in prioritization of site work and especially those sites where there is a potential or known significant environmental impact to the community;
- an explanation of how this shift in funding will not negatively impact the core programmatic capacity (*i.e.*, the ability to establish/enhance four elements of a response program) and how related activities will be maintained in spite of an increase in site-specific work. Recipients must demonstrate that they have adequate funding from other sources to effectively carry out work on the four elements for EPA to grant a waiver of the 50% limit on using 128(a) funds for site-specific activities;
- an explanation as to whether the sites to be addressed are those for which the affected community(ies) has requested work be conducted (refer to Section VII.A Overview of Funding for more information).

EPA Headquarters will approve waivers based on the information in the justification and other information available to the Agency. The EPA will inform recipients whether the waiver is approved.

3. Uses Related to Site-Specific Activities at Petroleum Brownfields Sites

States and tribes may use section 128(a) funds for activities that establish and enhance response programs addressing petroleum brownfield sites. Subject to the restrictions listed above (see Section VII.D.1) for all site-specific activities, the costs of site-specific assessments and cleanup activities at petroleum contaminated brownfields sites, defined at CERCLA section 101(39)(D)(ii)(II), are both eligible and allowable if the activity is included in the work plan negotiated between the EPA regional office and the state or tribe. Section 128(a) funds used to capitalize a Brownfields RLF may be used at brownfields sites contaminated by petroleum to the extent allowed under CERCLA section 104(k)(3).

4. Additional Examples of Eligible Site-Specific Activities

Other eligible uses of funds for site-specific related include, but are not limited to, the following activities:

- Technical assistance to federal brownfields cooperative agreement recipients;
- development and/or review of quality assurance project plans (QAPPs); and
- entering data into the Assessment Cleanup and Redevelopment Exchange System (ACRES) database

E. Uses Related to Activities at ''Non-Brownfields'' Sites

Costs incurred for activities at non-brownfields sites, *e.g.*, oversight, may be eligible and allowable if such activities are included in the state's or tribe's work plan. Other uses not specifically referenced in this guidance may also be eligible and allowable. Recipients should consult with their regional state or tribal contact for additional guidance. *Direct assessment and cleanup activities may only be conducted on eligible brownfields sites, as defined in CERCLA section 101(39).*

VIII. General Programmatic Guidelines for 128(a) Grant Funding Requests

Funding authorized under CERCLA section 128(a) is awarded through a

[13] Oversight of assessment and cleanup activities performed by responsible parties (other than the state or tribe) does not count toward the 50% limit.

cooperative agreement [14] between EPA and a state or a tribe. The program administers cooperative agreements under the Uniform Administrative Requirements, Cost Principles and Audit requirements for Federal Awards regulations for all entity types including states, tribes, and local governments found in the Code of Federal Regulations at 2 CFR Part 200 and any applicable EPA regulations in Title 2 CFR Subtitle B—Federal Agency Regulations for Grants and Agreements Chapter 15 [15] as well as applicable provisions of 40 CFR Part 35 Subparts A and B. Under these regulations, the cooperative agreement recipient for section 128(a) grant program is the government to which a cooperative agreement is awarded and which is accountable for the use of the funds provided. The cooperative agreement recipient is the entire legal entity even if only a particular component of the entity is designated in the cooperative agreement award document. Further, unexpended balances of cooperative agreement funds are subject to 40 CFR 35.118 and 40 CFR 35.518. EPA allocates funds to state and tribal response programs consistent with 40 CFR 35.420 and 40 CFR 35.737.

A. One Application per State or Tribe

Subject to the availability of funds, EPA regional offices will negotiate and enter into section 128(a) cooperative agreements with eligible and interested states or tribes. *EPA will accept only one application from each eligible state or tribe.*

B. Maximum Funding Request

For Fiscal Year 2016, EPA will consider funding requests up to a maximum of $1.0 million per state or tribe. Please note the CERCLA 128(a) program's annual budget has remained relatively the same since 2003 while demand has increased over time. Due to the increasing number of entities requesting funding, it is likely that the FY16 states and tribal individual funding amounts will be less than the FY15 individual funding amounts.

C. Define the State or Tribal Response Program

States and tribes must define in their work plan the ''section 128(a) response program(s)'' to which the funds will be applied, and may designate a component of the state or tribe that will be EPA's primary point of contact for negotiations on their proposed work plan. When EPA funds the section 128(a) cooperative agreement, states and tribes may distribute these funds among the appropriate state and tribal agencies that are part of the section 128(a) response program. This distribution must be clearly outlined in their annual work plan.

D. Separate Cooperative Agreements for the Capitalization of RLFs Using Section 128(a) Funds

If a portion of the section 128(a) grant funds requested will be used to capitalize a revolving loan fund for cleanup, pursuant to section 104(k)(3), two separate cooperative agreements must be awarded, *i.e.*, one for the RLF and one for non-RLF uses. States and tribes may, however, submit one initial request for funding, delineating the RLF as a proposed use. Section 128(a) funds used to capitalize an RLF are not eligible for inclusion into a Performance Partnership Grant (PPG).

E. Authority To Manage a Revolving Loan Fund Program

If a state or tribe chooses to use its section 128(a) funds to capitalize a revolving loan fund program, the state or tribe must have the lead authority to manage the program, *e.g.,* hold loans, make loans, enter into loan agreements, collect repayment, access and secure the site in event of an emergency or loan default. If the agency/department listed as the point of contact for the section 128(a) cooperative agreement does not have this authority, it must be able to demonstrate that another state or tribal agency does have the authority to manage the RLF and is willing to do so.

F. Section 128(a) Cooperative Agreements Can Be Part of a Performance Partnership Grant (PPG)

States and tribes may include section 128(a) cooperative agreements in their PPG 69 FR 51,756 (2004). Section 128(a) funds used to capitalize an RLF or purchase environmental insurance or develop a risk sharing pool, an indemnity pool, or insurance mechanism to provide financing for response actions under a state or tribal response program are not eligible for inclusion in the PPG.

G. Project Period

EPA regional offices will determine the project period for each cooperative agreement. These may be for multiple years depending on the regional office's cooperative agreement policies. Each cooperative agreement must have an annual budget period tied to an annual work plan. While not prohibited, pre-award costs are subject to 40 CFR 35.113 and 40 CFR 35.513.

H. Demonstrating the Four Elements

As part of the annual work plan negotiation process, states or tribes that do *not* have VRP MOAs must demonstrate that their program includes, or is taking reasonable steps to include, the four elements described in Section V. EPA will not fund, in future years, state or tribal response program annual work plans if EPA determines that these elements are not met or reasonable progress is not being made. EPA may base this determination on the information the state or tribe provides to support its work plan, on progress reports, or on EPA's review of the state or tribal response program.

I. Establishing and Maintaining the Public Record

Prior to funding a state's or tribe's annual work plan, EPA regional offices will verify and document that a public record, as described in Section VI and below, exists and is being maintained.[16] Specifically for:

- states or tribes that received initial funding prior to FY15: Requests for FY16 funds will not be accepted from states or tribes that fail to demonstrate, by the January 31, 2016 request deadline, that they established and are maintaining a public record. (*Note*, this would potentially impact any state or tribe that had a term and condition placed on their FY15 cooperative agreement that prohibited drawdown of FY15 funds prior to meeting public record requirement). States or tribes in this situation will not be prevented from drawing down their prior year funds once the public record requirement is met; and
- states or tribes that received initial funding in FY15: By the time of the actual FY16 award, the state or tribe must demonstrate that they established and maintained the public record (those states and tribes that do not meet this requirement will have a term and condition placed on their FY16 cooperative agreement that prohibits the drawdown of FY16 funds until the public record requirement is met).

J. Demonstration of Significant Utilization of Prior Years' Funding

States and tribes should be aware that EPA and its Congressional appropriations committees place

[14] A cooperative agreement is an agreement to a state/tribe that includes substantial involvement by EPA on activities described in the work plan which may include technical assistance, collaboration on program priorities, etc.

[15] EPA's regulations will take effect December 26, 2014 (2 CFR 200.110).

[16] For purposes of 128(a) funding, the state's or tribe's public record applies to that state's or tribe's response program(s) that utilized the section 128(a) funding.

significant emphasis on the utilization of prior years' funding. Unused funds prior to FY15 will be considered in the allocation process. Existing balances of cooperative agreement funds as reflected in EPA's Financial Data Warehouse could support an allocation amount below a recipient's request for funding or, if appropriate deobligation and reallocation by EPA Regions as provided for in 40 CFR 35.118 and 40 CFR 35.518.

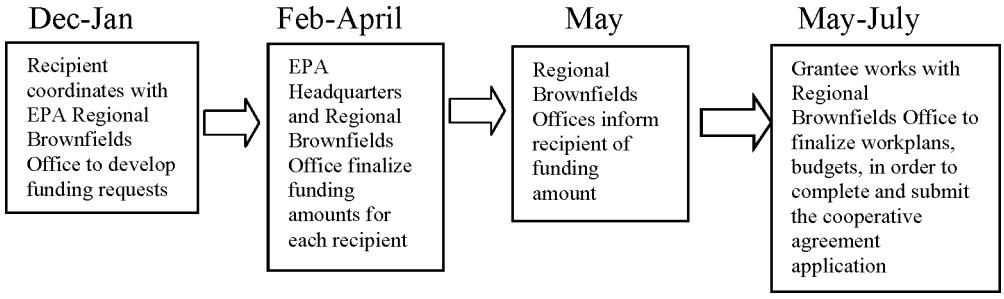
EPA Regional staff will review EPA's Financial Database Warehouse to identify the amount of remaining prior year(s) funds. The requestor should work, as early as possible, with both their own finance department, and with their Regional Project Officer to reconcile any discrepancy between the amount of unspent funds showing in EPA's system, and the amount reflected in the recipient's records. The recipient should obtain concurrence from the Region on the amount of unspent funds requiring justification by the deadline for this request for funding.

K. Allocation System and Process for Distribution of Funds

After the January 31, 2016, request deadline, EPA's Regional Offices will submit summaries of state and tribal requests to EPA Headquarters. Before submitting requests to EPA Headquarters, regional offices may take into account additional factors when determining recommended allocation amounts. Such factors include, but are not limited to, the depth and breadth of the state or tribal program; scope of the perceived need for the funding, *e.g.,* size of state or tribal jurisdiction or the proposed work plan balanced against capacity of the program, amount of current year funding, funds remaining from prior years, etc.

After receipt of the regional recommendations, EPA Headquarters will consolidate requests and make decisions on the final funding allocations.

EPA regional offices will work with interested states and tribes to develop their preliminary work plans and funding requests. Final cooperative agreement work plans and budgets will be negotiated with the regional office once final allocation determinations are made. Please refer to process flow chart below (dates are estimates and subject to change):



IX. Information To Be Submitted With the Funding Request

A. Summary of Planned Use of FY16 Funding

All states and tribes requesting FY16 funds must submit (to their regional brownfields contact) a summary of the planned use of the funds with associated dollar amounts. Please provide the request in the chart below. The amount of funding requested should be an amount that can be reasonably spent in one year. It is likely that the FY16 state and tribal individual funding amounts will be less than the FY15 individual funding amounts. The requestor should work, as early as possible, with their EPA Regional Program contact to ensure that the funding amount requested and related activities are reasonable.

B. Demonstration of Significant Utilization of Prior Years' Funding

States and tribes that received section 128(a) funds prior to FY15 must provide the amount of the prior years' funding including funds that recipients have not received in payments (*i.e.,* funds EPA has obligated for grants that remain in EPA's Financial Data Warehouse). EPA will take into account these funds in the allocation process when determining the recipient's programmatic needs under 40 CFR 35.420 and 40 CFR 35.737. The recipient should include a detailed explanation and justification of prior year funds that remain in EPA's Financial Data Warehouse as unspent balances. The recipient should obtain concurrence from the Region on the amount of unspent funds requiring explanation by the January 31, 2016 deadlines for submitting funding requests.

C. Optional: Explanation of Overall Program Impacts of Any Funding Reductions

Please explain the programmatic effects of a reduction (to your current funding amount) on significant activities of your response program. Specifically, at what amount (*e.g.,* percentage of your current funding level) would your response program experience core programmatic impacts such as a reduction in staff, a decrease in oversight activities, or other impacts to the environment and health of the communities the program serves, etc.? An EPA Region may require that this information be submitted as part of the request for funding in order to fully understand the individual program impacts associated with decreased funding. These impacts will be considered as part of the decision for the final allocation.

Funding use	FY15 awarded	FY16 requested	Summary of intended use (EXAMPLE USES)
Establish or enhance the four elements: 1. Timely survey and inventory of brownfields sites; 2. Oversight and enforcement authorities or other mechanisms; 3. Mechanisms and resources to provide meaningful opportunities for public participation; 4. Mechanisms or approval of a cleanup plan and verification and certification that cleanup is complete.	$XX,XXX	$XX,XXX	1. Examples: • inventory and prioritize brownfields sites. • institutional control (IC)/engineering control (EC) tracking. 2. Examples: • develop/enhance ordinances, regulations, procedures for response programs. 3. Examples: • develop a community involvement process. • conduct community outreach. • issue public notices of site activities. • develop a process to seek public input from local communities, especially potential environmental justice communities, communities with a health risk related to exposure to hazardous waste or other public health concerns, economically disadvantaged or remote areas, and communities with limited experience working with government agencies to prioritize sites to be addressed. 4. Examples: • Develop/update cleanup standards. • review cleanup plans and verify completed actions.
Establish and maintain the public record	$XX,XXX	$XX,XXX	• maintain public record. • create web site for public record. • disseminate public information on how to access the public record.
Enhance the response program	$XX,XXX	$XX,XXX	• provide oversight of site assessments and cleanups. • attend training and conferences on brownfields cleanup technologies & other brownfields topics. • update and enhance program management activities. • negotiate/oversee contracts for response programs. • enhance program management & tracking systems.
Site-specific activities *(amount requested should be incidental to the workplan, see Section VI.D for more information on what activities should be considered when calculating site specific activities).*	$XX,XXX	$XX,XXX	• perform site assessments and cleanups. • develop QAPPs. • establish eligibility of target sites. • prepare Property Profile Forms/input data into ACRES database for these sites.
Environmental insurance	$XX,XXX	$XX,XXX	• review potential uses of environmental insurance. • manage an insurance risk pool.
Revolving loan fund	$XX,XXX	$XX,XXX	• create a cleanup revolving loan fund.
Total funding	$XXX,XXX	$XXX,XXX	Performance Partnership Grant? Yes □ No □.

X. Terms and Reporting

Cooperative agreements for state and tribal response programs will include programmatic and administrative terms and conditions. These terms and conditions will describe EPA's substantial involvement including technical assistance and collaboration on program development and site-specific activities. Each of the subsections below summarizes the basic terms and conditions, and related reporting that will be required if a cooperative agreement with EPA is awarded.

A. Progress Reports

In accordance with 2 CFR 200.328 and any EPA specific regulations, state and tribes must provide progress reports as provided in the terms and conditions of the cooperative agreement negotiated with EPA regional offices. State and tribal costs for complying with reporting requirements are an eligible expense under the section 128(a) cooperative agreement. As a minimum, state or tribal progress reports must include both a narrative discussion and performance data relating to the state's or tribe's accomplishments and environmental outputs associated with the approved budget and workplan. Reports should also provide an accounting of section 128(a) funding. If applicable, the state or tribe must include information on activities related to establishing or enhancing the four elements of the state's or tribe's response program. All recipients must provide information related to establishing or, if already established, maintaining the public record. *Depending upon the activities included in the state's or tribe's work plan*, an EPA regional office may request that a progress report include:

1. *Reporting interim and final progress reports.* Reports must prominently display the following three relevant Essential Elements as reflected in the current EPA strategic plan: *Strategic Plan Goal 3*: Cleaning Up Communities and Advancing Sustainable Development, *Strategic Plan Objective 3.1*: Promote Sustainable and Livable Communities, and *Work plan Commitments and Timeframes*. EPA's strategic plan can be found on the internet at *http://www.epa.gov/planandbudget/strategicplan.html*.

2. *Reporting for Non-MOA states and tribes.* All recipients *without* a VRP MOA must report activities related to establishing or enhancing the four elements of the state's or tribe's

response program. For each element state/tribes must report how they are maintaining the element or how they are taking reasonable steps to establish or enhance the element as negotiated in individual state/tribal work plans. For example, pursuant to CERCLA section 128(a)(2)(B), reports on the oversight and enforcement authorities/mechanisms element *may* include:

- A narrative description and copies of applicable documents developed or under development to enable the response program to conduct enforcement and oversight at sites. For example:
  - Legal authorities and mechanisms (*e.g.*, statutes, regulations, orders, agreements); and
  - policies and procedures to implement legal authorities; and other mechanisms;
- a description of the resources and staff allocated/to be allocated to the response program to conduct oversight and enforcement at sites as a result of the cooperative agreement;
- a narrative description of how these authorities or other mechanisms, and resources, are adequate to ensure that:
  - A response action will protect human health and the environment; and be conducted in accordance with applicable federal and state law; and if the person conducting the response action fails to complete the necessary response activities, including operation and maintenance or long-term monitoring activities, the necessary response activities are completed; and
- a narrative description and copy of appropriate documents demonstrating the exercise of oversight and enforcement authorities by the response program at a brownfields site.

3. *Reporting for site-specific assessment or cleanup activities.* Recipients with work plans that include funding for *brownfields site assessment or cleanup* must input information required by the OMB-approved Property Profile Form into the ACRES database for each site assessment and cleanup. In addition, recipients must report how they provide the affected community with prior notice and opportunity for meaningful participation as per CERCLA section 128(a)(2)(C)(ii), on proposed cleanup plans and site activities. For example, EPA strongly encourages states and tribes to seek public input regarding the priority of sites to be addressed and to solicit input from local communities, especially potential environmental justice communities, communities with a health risk related to exposure to hazardous waste or other public health concerns, economically disadvantaged or remote communities, and communities with limited experience working with government agencies.

4. *Reporting for other site-specific activities.* Recipients with work plans that include funding for *other site-specific related activities* must include a description of the site-specific activities and the number of sites at which the activity was conducted. For example:

- Number and frequency of oversight audits of licensed site professional certified cleanups;
- number and frequency of state/tribal oversight audits conducted;
- number of sites where staff conducted audits, provided technical assistance, or conducted other oversight activities; and
- number of staff conducting oversight audits, providing technical assistance, or conducting other oversight activities.

5. *Reporting required when using funding for an RLF.* Recipients with work plans that include funding for revolving loan fund (RLF) must include the information required by the terms and conditions for progress reporting under CERCLA section 104(k)(3) RLF cooperative agreements.

6. *Reporting environmental insurance.* Recipients with work plans that include funding for *environmental insurance* must report:

- Number and description of insurance policies purchased (*e.g.*, type of coverage provided; dollar limits of coverage; any buffers or deductibles; category and identity of insured persons; premium; first dollar or umbrella; site specific or blanket; occurrence or claims made, etc.);
- the number of sites covered by the insurance;
- the amount of funds spent on environmental insurance (*e.g.*, amount dedicated to insurance program, or to insurance premiums); and
- the amount of claims paid by insurers to policy holders.

The regional offices may also request that information be added to the progress reports, as appropriate, to properly document activities described by the cooperative agreement work plan.

EPA regions may allow states or tribes to provide performance data in appropriate electronic format.

The regional offices will forward progress reports to EPA Headquarters, if requested. This information may be used to develop national reports on the outcomes of CERCLA section 128(a) funding to states and tribes.

B. Reporting of Program Activity Levels

States and tribes must report, by January 31, 2016, a summary of the *previous federal fiscal year's* work (October 1, 2014 through September 30, 2015). The following information must be submitted to your regional project officer:

- Environmental programs where CERCLA section 128(a) funds are used to support capacity building (general program support, non-site-specific work). Indicate as appropriate from the following:

__Brownfields
__Underground Storage Tanks/Leaking Underground Storage Tanks
__Federal Facilities
__Solid Waste
__Superfund
__Hazardous Waste Facilities
__VCP (Voluntary Cleanup Program, Independent Cleanup Program, etc.)
__Other_____;

- number of properties (or sites) enrolled in a response program during FY15;
- number of properties (or sites) where documentation indicates that cleanup work is complete and all required institutional controls (IC's) are in place, or not required;
- total number of acres associated with properties (or sites) in the previous bullet;
- number of properties where assistance was provided, but the property was not enrolled in the response program (OPTIONAL);
- date that the public record was last updated;
- Estimated total number of properties (or sites) in your brownfields inventory;
- Please provide a brief narrative explaining how you ensure that cleanup remedies (including engineering controls and institutional controls) are still protective in the future; and
- Did you develop or revise legislation, regulations, codes, guidance documents or policies related to establishing or enhancing your Voluntary Cleanup Program/Response Program during FY15? If yes, please indicate the type and whether it was new or revised.

EPA may require states/tribes to report specific performance measures related to the four elements that can be aggregated for national reporting to Congress. For example:

1. timely survey and inventory—estimated number of brownfields sites in the state or on tribal land;

2. oversight and enforcement authorities/mechanisms—number of active cleanups and percentage that received oversight; percentage of active cleanups not in compliance with the cleanup workplan and that received

communications from recipient regarding non-compliance;

3. public participation—percentage of sites in the response program where public meetings/notices were conducted regarding the cleanup plan and/or other site activities; number of site assessments requests, and responses to such requests; and

4. cleanup approval/certification mechanisms—total number of ''no further action'' letters or total number of certificates of completions.

Note: This reporting requirement may include activities not funded with CERCLA section 128(a) funding, because such information may be helpful to EPA when evaluating whether recipients have met or are taking reasonable steps to meet the four elements of a response program pursuant to CERCLA section 128(a)(2).

C. Reporting of Public Record

All recipients must report, as specified in the terms and conditions of their cooperative agreement, and in Section VIII.I of this guidance, information related to establishing, or if already established, maintaining the public record, described above. States and tribes can refer to an already existing public record, *e.g.*, Web site or other public database to meet the public record requirement. Recipients reporting may only be required to demonstrate that the public record a) exists and is up-to-date, and b) is adequate. A public record may include the following information:

A list of sites at which response actions have been completed in the past year including:

- date the response action was completed;
- site name;
- name of owner at time of cleanup, if known;
- location of the site (street address, and latitude and longitude);
- whether an institutional control is in place;
- type of institutional control in place (*e.g.*, deed restriction, zoning restriction, local ordinance, state registries of contaminated property, deed notices, advisories, etc.);
- nature of the contamination at the site (*e.g.*, hazardous substances, contaminants or pollutants, petroleum contamination, etc.); and
- size of the site in acres.

A list of sites planned to be addressed by the state or tribal response program in the coming year including:

- site name and the name of owner at time of cleanup, if known;
- location of the site (street address, and latitude and longitude);
- to the extent known, whether an institutional control is in place;
- type of the institutional control in place (*e.g.*, deed restriction, zoning restriction, local ordinance, state registries of contaminated property, deed notices, advisories, etc.);
- to the extent known, the nature of the contamination at the site (*e.g.*, hazardous substances, contaminants, or pollutants, petroleum contamination, etc.); and
- size of the site in acres

D. Award Administration Information

1. Subaward and Executive Compensation Reporting

Applicants must ensure that they have the necessary processes and systems in place to comply with the subaward and executive total compensation reporting requirements established under OMB guidance at 2 CFR Part 170, unless they qualify for an exception from the requirements, should they be selected for funding.

2. System for Award Management (SAM) and Data Universal Numbering System (DUNS) Requirements

Unless exempt from these requirements under OMB guidance at 2 CFR Part 25 (*e.g.*, individuals), applicants must:

1. Be registered in SAM prior to submitting an application or proposal under this announcement. SAM information can be found at *https://www.sam.gov/portal/public/SAM/.*

2. Maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or proposal under consideration by an agency, and

3. Provide its DUNS number in each application or proposal it submits to the agency. Applicants can receive a DUNS number, at no cost, by calling the dedicated toll-free DUNS Number request line at 1–866–705–5711, or visiting the D&B Web site at: *http://www.dnb.com.*

If an applicant fails to comply with these requirements, it will, should it be selected for award, affect their ability to receive the award.

Please note that the CCR has been replaced by the System for Award Management (SAM). To learn more about SAM, go to SAM.gov or *https://www.sam.gov/portal/public/SAM/.*

3. Submitting an Application via Grants.gov

All grant applications for non-competitive assistance agreements awards submitted on or after February 17, 2015 must be submitted using Grants.gov. Below is the information that the applicant will use to submit their State and Tribal Response Program Grant applications via Grants.gov:

CDFA number: 66.817

Funding Opportunity Number (FON): EPA–CEP–02

To learn more about the Grants.gov submission requirements, go to *http://www.epa.gov/ogd/grants_gov_submission_requirement.htm.*

4. Use of Funds

An applicant that receives an award under this announcement is expected to manage assistance agreement funds efficiently and effectively, and make sufficient progress towards completing the project activities described in the work-plan in a timely manner. The assistance agreement will include terms and conditions related to implementing this requirement.

REGIONAL STATE AND TRIBAL BROWNFIELDS CONTACTS

Region	State	Tribal
1. CT, ME, MA, NH, RI, VT	James Byrne 5 Post Office Square, Suite 100 (OSRR07–2) Boston, MA 02109–3912 Phone (617) 918–1389 Fax (617) 918–1294	AmyJean McKeown 5 Post Office Square, Suite 100 (OSRR07–2) Boston, MA 02109–3912 Phone (617) 918–1248 Fax (617) 918–1294
2. NJ, NY, PR, VI	John Struble 290 Broadway, 18th Floor New York, NY 10007–1866 Phone (212) 637–4291 Fax (212) 637–3083	Phillip Clappin 290 Broadway, 18th Floor New York, NY 10007–1866 Phone (212) 637–4431 Fax (212) 637–3083

REGIONAL STATE AND TRIBAL BROWNFIELDS CONTACTS—Continued

Region	State	Tribal
3. DE, DC, MD, PA, VA, WV	Michael Taurino 1650 Arch Street (3HS51) Philadelphia, PA 19103 Phone (215) 814–3371 Fax (215) 814–3274	
4. AL, FL, GA, KY, MS, NC, SC, TN.	Olga Perry 61 Forsyth Street SW., 10TH FL (9T25) Atlanta, GA 30303–8960 Phone (404) 562–8534 Fax (404) 562–8788	Cindy J. Nolan 61 Forsyth Street SW., 10TH FL (9T25) Atlanta, GA 30303–8960 Phone (404) 562–8425 Fax (404) 562–8788
5. IL, IN, MI, MN, OH, WI	Jan Pels 77 West Jackson Boulevard (SB–7J) Chicago, IL 60604–3507 Phone (312) 886–3009 Fax (312) 692–2161	Rosita Clarke-Moreno 77 West Jackson Boulevard (SB–7J) Chicago, IL 60604–3507 Phone (312) 886–7215 Fax (312) 697–2075
6. AR, LA, NM, OK, TX	Amber Perry 1445 Ross Avenue, Suite 1200 (6SF) Dallas, TX 75202–2733 Phone (214) 665–3172 Fax (214) 665–6660	Amber Perry 1445 Ross Avenue, Suite 1200 (6SF) Dallas, TX 75202–2733 Phone (214) 665–3172 Fax (214) 665–6660
7. IA, KS, MO, NE	Susan Klein 11201 Renner Boulevard (SUPRSTAR) Lenexa KS 66219 Phone (913) 551–7786 Fax (913) 551–9786	Jennifer Morris 11201 Renner Boulevard (SUPRSTAR) Lenexa KS 66219 Phone (913) 551–7341 Fax (913) 551–9341
8. CO, MT, ND, SD, UT, WY	Christina Wilson 1595 Wynkoop Street (EPR–B) Denver, CO 80202–1129 Phone (303) 312–6706 Fax (303) 312–6065	Barbara Benoy 1595 Wynkoop Street (8EPR–SA) Denver, CO 80202–1129 Phone (303) 312–6760 Fax (303) 312–6962
9. AZ, CA, HI, NV, AS, GU, MP	Eugenia Chow 75 Hawthorne St. (SFD–6–1) San Francisco, CA 94105 Phone (415) 972–3160 Fax (415) 947–3520	Jose Garcia, Jr. 600 Wilshire Blvd, Suite 1460 Los Angeles, CA 90017 Phone (213) 244–1811 Fax (213) 244–1850
10. AK, ID, OR, WA	Mary K. Goolie 222 West 7th Avenue #19 (AOO) Anchorage, AK 99513 Phone ((907) 271–3414 Fax (907) 271–3424	Mary K. Goolie 222 West 7th Avenue #19 (AOO) Anchorage, AK 99513 Phone ((907) 271–3414 Fax (907) 271–3424

XI. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011). Because this action is not subject to notice and comment requirements under the Administrative Procedures Act or any other statute, it is not subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) or Sections 202 and 205 of the Unfunded Mandates Reform Act of 1999 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments. This action does not create new binding legal requirements that substantially and directly affect Tribes under Executive Order 13175 (63 FR 67249, November 9, 2000). This action does not have significant Federalism implications under Executive Order 13132 (64 FR 43255, August 10, 1999). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, nor does it require any special considerations under Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994). This action does not involve technical standards; thus, the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before certain actions may take effect, the agency promulgating the action must submit a report, which includes a copy of the action, to each House of the Congress and to the Comptroller General of the United States. Because this final action does not contain legally binding requirements, it is not subject to the Congressional Review Act.

Dated: October 15, 2015.

David R. Lloyd,

Director, Office of Brownfields and Land Revitalization, Office of Solid Waste and Emergency Response.

[FR Doc. 2015–27374 Filed 10–26–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2011–0443; FRL 9935–83–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Public Water System Supervision Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) has submitted an Information Collection Request (ICR) for the Public Water System Supervision Program (EPA ICR No. 0270.46, OMB Control No. 2040–0090) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA; 44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently

approved through October 31, 2015. Public comments were previously requested via the **Federal Register** (80 FR 17040) on March 31, 2015, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is provided in this renewal notice, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before November 27, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OW–2011–0443, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *OW-Docket@epa.gov* or by mail to EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

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: Kevin Roland, Drinking Water Protection Division, Office of Ground Water and Drinking Water, (4606M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–564–4588: fax number: 202–564–3755; email address: *roland.kevin@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that 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.*

Abstract: The Public Water System Supervision (PWSS) Program ICR examines public water systems, primacy agencies (*i.e.,* states and tribes with primary enforcement authority) and tribal operator certification provider burden, and costs for ''cross-cutting'' recordkeeping and reporting requirements (*i.e.,* the burden and costs for complying with drinking water information requirements that are not associated with contaminant-specific rulemakings). The following activities have recordkeeping and reporting requirements that are mandatory for compliance with 40 CFR parts 141 and 142: The Consumer Confidence Report Rule (CCR), the Variance and Exemption Rule (V/E Rule), General State Primacy Activities, the Public Notification Rule (PN) and Proficiency Testing Studies for Drinking Water Laboratories. The information collection activities for both the Operator Certification and the Capacity Development Program are driven by the grant withholding and reporting provisions under sections 1419 and 1420, respectively, of the Safe Drinking Water Act. The information collection for the Tribal Operator Certification Program is driven by grant eligibility requirements outlined in the Drinking Water Infrastructure Grant Tribal Set-Aside Program Final Guidelines and the Tribal Drinking Water Operator Certification Program Guidelines.

Form Numbers: None.

Respondents/affected entities: New and existing public water systems and primacy agencies.

Respondent's obligation to respond: Mandatory for compliance with 40 CFR parts 141 and 142.

Estimated number of respondents: 151,724 (total).

Frequency of response: Varies by requirement.

Total estimated burden: 3,769,213 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $187,603,000 (per year), includes $42,103,000 in operation and maintenance costs.

Changes in the Estimates: There is a decrease of 344,195 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is a result of removing burden associated with variances, exemptions and constructed conveyances to reflect no new activity in these categories; updating relevant baseline information for each rule with the most current and accurate information available (*e.g.,* public water system inventory); and, updating burden to incorporate the results of consultation with stakeholders. Where appropriate and available, estimated violation and other associated rates have also been updated to reflect current information on rule compliance.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–27311 Filed 10–26–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2011–0256; FRL–9935–36–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Emission Guidelines for Existing Other Solid Waste Incineration Units (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''Emission Guidelines for Existing Other Solid Waste Incineration Units (40 CFR part 60, subpart FFFF) (Renewal)'' (EPA ICR No. 2164.05, OMB Control No. 2060–0562), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through October 31, 2015. Public comments were previously requested via the **Federal Register** (80 FR 32116) on June 5, 2015 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before November 27, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2011–0256, to: (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

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: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@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, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: Respondents are existing facilities and new OSWI units, which include two sub-categories: 1) very small municipal waste combustion (VSMWC) units that combust less than 35 tons per day of waste; and 2) institutional waste incineration (IWI) units. These standards apply to any air quality program in a state or United States protectorate with one or more existing other solid waste incineration (OSWI) units or air curtain incinerators that commenced construction on or before December 9, 2004. This subpart does not directly affect incineration unit owners and operators; however, they must comply with the state's plan that was developed by the air quality program administrator to implement the emission guidelines.

Form Numbers: None.

Respondents/affected entities: OSWI units, which include two subcategories: VSMWC units that combust less than 35 tons per day of waste and IWI units.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart FFFF).

Estimated number of respondents: 99 (total).

Frequency of response: Initially, occasionally, semiannually, and annually.

Total estimated burden: 70,200 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $7,560,000 (per year), including $495,000 in either annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: There is an adjustment increase in the total estimated labor burden as currently identified in the OMB Inventory of Approved Burdens. This not due to any program changes. The increase occurred because we assume existing respondents will take some time to re-familiarize themselves with the rule each year. In addition, the cost estimate has been updated using more current labor rates.

Courtney Kerwin,

Acting-Director, Collection Strategies Division.

[FR Doc. 2015–27314 Filed 10–26–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2011–0264; FRL–9936–22–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Stationary Compression Ignition Internal Combustion Engines (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NSPS for Stationary Compression Ignition Internal Combustion Engines (40 CFR part 60, subpart IIII) (Renewal)'' (EPA ICR No. 2196.05, OMB Control No. 2060–0590) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through October 31, 2015. Public comments were previously requested via the **Federal Register** (80 FR 32116) on June 5, 2015 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before November 27, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2011–0264, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

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: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@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, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Owners and operators of affected facilities are required to comply with the reporting and record keeping requirements for the general provisions of 40 CFR part 60, subpart A, as well as the specific requirements in 40 CFR part 60, subpart IIII. This includes submitting initial notifications, performance tests and periodic reports and results, and maintaining records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These reports are used by EPA to determine compliance with the standards.

Form Numbers: None.

Respondents/affected entities: Manufacturers, owners and operators of new stationary compression ignition (CI) internal combustion engines (ICE).

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart IIII).

Estimated number of respondents: 206,530 (total).

Frequency of response: Initially and annually.

Total estimated burden: 408,000 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $41,200,000 (per year), includes $167,000 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase in the respondent burden hours from the ICR currently approved by OMB. The increase in burden from the most recently approved ICR is primarily due to accounting for burden items that became applicable as sources came into full compliance with the rule. In this ICR period, owners/operators of emergency stationary CI ICE must begin submitting annual reports. The first annual report must cover the calendar year 2015 and must be submitted no later than March 31, 2016. In addition, this ICR includes the burden for owners/operators of stationary CI ICE equipped with diesel particulate filter to maintain records of any corrective action taken after the high backpressure limit of the engine is approached, which became applicable in 2011.

There is a decrease in the estimated number of responses and the O&M cost due to corrections to the Agency's estimates. The decrease is not due to any program changes. The previous ICR incorrectly included responses for non-emergency operations, and had an inconsistency in calculating the O&M cost for selective enforcement audit.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–27315 Filed 10–26–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2004–0013; FRL—9936–23–OEI]

Proposed Information Collection Request; Comment Request; Part 70 State Operating Permit Program (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), ''Part 70 State Operating Permit Program (Renewal)'' (EPA ICR No. 1587.13, OMB Control No. 2060–0243) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through October 31, 2015. Public comments were previously requested via the **Federal Register** on May 8, 2015. This notice allows for an additional 30 days for public comments. This ICR renewal covers state, local and tribal (state) air quality operating permitting programs under 40 CFR part 70, as authorized under Title V of the Clean Air Act (CAA or Act) for the period of November 1, 2015, through October 31, 2018. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before November 27, 2015.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2004–0015, to (1) EPA online using *https://www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for the EPA.

The 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 or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Dylan C. Mataway-Novak, Air Quality Policy Division, Office of Air Quality Planning and Standards, C504–05, U.S. Environmental Protection Agency, Research Triangle Park, NC; telephone number: (919) 541–5795; fax number: (919) 541–5509; email address: *mataway-novak.dylan@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 *http://www.regulations.gov* or in person at the EPA Docket Center, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For additional information about the EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Title V of the CAA requires states to develop and implement a program for issuing operating permits to all sources that fall under any Act definition of ''major'' and certain other non-major sources that are subject to Federal air quality regulations. The Act further requires EPA to develop regulations that establish the minimum requirements for those state operating permits programs and to oversee implementation of the state programs. The EPA regulations setting forth requirements for the state operating permit program are found at 40 CFR part 70. The part 70 program is designed to be implemented primarily by state, local and tribal permitting authorities in all areas where they have jurisdiction.

In order to receive an operating permit for a major or other source subject to the permitting program, the applicant must conduct the necessary research, perform the appropriate analyses, and prepare the permit application with documentation to demonstrate that its facility meets all applicable statutory and regulatory requirements. Specific activities and requirements are listed and described in the Supporting Statement for the 40 CFR part 70 ICR.

Under 40 CFR part 70, state, local and tribal permitting authorities review permit applications, provide for public review of proposed permits, issue permits based on consideration of all technical factors and public input and review information submittals required of sources during the term of the permit. Also, under 40 CFR part 70, the EPA reviews certain actions of the permitting authorities and provides oversight of the programs to ensure that they are being adequately implemented and enforced. Consequently, information prepared and submitted by sources is essential for sources to receive permits, and for federal, state, local and tribal permitting authorities to adequately review the permit applications and thereby properly administer and manage the program.

Information that is collected is handled according to EPA's policies set forth in title 40, chapter 1, part 2, subpart B—Confidentiality of Business Information (*see* 40 CFR part 2). *See* also section 114(c) of the Act.

Respondents/affected entities: Industrial plants (sources); state, local and tribal permitting authorities.

Respondent's obligation to respond: Mandatory (*see* 40 CFR part 70).

Estimated number of respondents: 15,780 sources and 116 state, local and tribal permitting authorities.

Frequency of response: On occasion.

Total estimated burden: 5,168,815 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $326,493,677 (per year). There are no annualized capital or operation & maintenance costs.

Changes in Estimates: There is a decrease of 144,871 hours per year for the estimated respondent burden compared with the ICR currently approved by OMB. This decrease is not likely a result of any new or changed federal program or mandate; but rather, the costs are largely related to the projected number of sources and permitting activity during the relevant three year period.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–27312 Filed 10–26–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2003–0033; FRL–9936–28–OAR]

Agency Information Collection Activities; Proposed Collection; Comment Request; Information Collection Activities Associated With EPA's ENERGY STAR® Product Labeling; EPA ICR No. 2078.06, OMB Control No. 2060–0528

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''EPA's ENERGY STAR Product Labeling'' (EPA ICR No. 2078.06, OMB Control No. 2060–0528) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a ''proposed revision of the ICR, which is currently approved through February 29, 2016.'' 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 28, 2015.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2003–0033, online using *www.regulation.gov* (our preferred method), by email to *a-and-r-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Kirsten Hesla, Climate Protection Partnerships Division, Office of Air and Radiation, Mailcode 6202J, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–564–2984; fax number: 202–343–2200 email address: *hesla.kirsten@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: ENERGY STAR is a voluntary program developed in collaboration with industry to create a self-sustaining market for energy efficient products. The center piece of the program is the ENERGY STAR label, a registered certification label that helps consumers identify products that save energy, save money, and help protect the environment without sacrificing quality or performance. In order to protect the integrity of the label and enhance its effectiveness in the marketplace, EPA must ensure that products carrying the label meet appropriate program requirements.

Program participants submit signed Partnership Agreements indicating that they will adhere to logo-use guidelines and program requirements. Retail partners commit to selling, marketing and promoting ENERGY STAR certified products. Product brand owner partners, who are usually the manufacturer of the products, commit to having participating products certified to meet specified energy performance criteria based on a standard test method and EPA's third party certification requirements. These requirements for ENERGY STAR product certification also include provisions for verifying the performance of certified products through verification testing. The program's emphasis on testing and third-party product review ensures that consumers can trust ENERGY STAR certified products to deliver the energy savings promised by the label. In rare circumstances where product brand licensee's wish to partner with EPA, the Agency establishes the appropriate contacts and relationships for the brand owner and licensee through a joint brand owner and licensee template that both parties are required to sign.

As part of the Agency's contribution to the overall success of the program, EPA facilitates the sale of certified products by providing consumers with easy-to-use information about the products. To perform this function, EPA must obtain data on certified products. Prior to EPA adopting a third-party certification process, product brand owners were required to submit individual product information directly to the Agency. Now, product information is recorded by Certification Bodies and shared with EPA using XML-based web services that validate and save the information in EPA's database. EPA believes the improved

process of submission has reduced the burden time for Partners and the Agency by taking advantage of the infrastructure in place for certifying products. With the new process of obtaining certified product data, certified model data is automatically updated daily on the ENERGY STAR Web site. To ensure that products are certified properly, the certification process also includes requirements for Certification Bodies to report to EPA products that were reviewed, but not eligible for certification. To ensure continued product performance after initial certification, EPA requires Certification Bodies to conduct post-market verification testing of a sampling of ENERGY STAR certified products. Certification Bodies are required to share information with EPA on products subjected to this post-market testing twice a year and to immediately report any certified products that no longer meet the program requirements. This process allows EPA to monitor the ongoing performance of products and take necessary steps to maintain consumer confidence in the ENERGY STAR label and protect the investment of partners.

In order to monitor progress and support the best allocation of resources, EPA also asks manufacturers to submit annual shipment data for their ENERGY STAR qualifying products. EPA is flexible as to the methods by which manufacturers may submit unit shipment data. For example, many manufacturers are given the option of arranging for shipment data to be sent to EPA via this third party to ensure confidentiality. In using any shipment data received directly from a partner, EPA only shares aggregate information from multiple partners so as to protect confidentiality.

Finally, Partners that wish to receive recognition for their efforts in ENERGY STAR may submit an application for the Partner of the Year Award.

Burden Statement: EPA will consult with Partners to re-evaluate the burden. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The estimated total cost for respondents is $3,908,125 and the hourly burden is approximately 59,407 hours. This cost includes an estimated burden cost of $3,890,840 and an estimated cost of $17,285 for capital investment or maintenance and operational costs. The estimated total cost for the Agency is $566,573 and the hourly burden is approximately 14,044 hours. This cost includes an estimated burden cost of $566,549.63 and an estimated cost of $23.37 for capital investment or maintenance and operational costs. A grand total of $4,474,698 and an hourly burden of approximately 73,451 hours are expected for all information collection activities under ENERGY STAR product labeling.

Respondents/Affected Entities: Respondents for this information collection request include Partners in ENERGY STAR. Partners are product brand owners.

Estimated Number of Respondents: 2050.

Frequency of Response: Initially/one-time and annually.

Estimated Total Annual Hour Burden: 73,451 hours.

Estimated Total Annual Cost: $4,474,698, that includes an estimated $17,308.37 in Operations and Maintenance Costs.

Changes in the Estimates: There is an estimated decrease of approximately 10,951 in the total burden hours, and a decrease of 5,931 in the total estimated respondent burden compared with the ICR currently approved by OMB. Although participation in the ENERGY STAR program has steadily increased, EPA believes the automated process of sharing information between Certification Bodies and the Agency has reduced the overall burden for both Partners and the Agency. EPA increased the estimated number of respondents for Partnership Agreements, Unit Shipment data, and Award applications based on updated program data. EPA also updated the hourly wage rates to reflect inflation and current baseline labor rates for each labor category. EPA is currently evaluating and updating these estimates as part of the ICR renewal process. EPA will discuss its updated estimates, as well as changes from the last approval, in the next **Federal Register** notice to be issued for this renewal.

Dated: October 21, 2015.

Jean Lupinacci,

Acting Director, Climate Protection Partnerships Division.

[FR Doc. 2015–27379 Filed 10–26–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2011–0271; FRL–9935–70–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Integrated Iron and Steel Manufacturing Facilities (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NESHAP for Integrated Iron and Steel Manufacturing Facilities (40 CFR part 63, subpart FFFFF) (Renewal)'' (EPA ICR No. 2003.06, OMB Control No. 2060–0517), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through October 31, 2015. Public comments were requested previously via the **Federal Register** (80 FR 32116) on June 5, 2015, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before November 27, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2011–0271, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

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: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@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, EPA 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: *www.epa.gov/dockets.*

Abstract: Owners and operators of affected facilities are required to comply with reporting and recordkeeping requirements for the General Provisions (40 CFR part 63, subpart A), as well as for the specific standard (40 CFR part 63, subpart FFFFF). This includes submitting initial notification reports, performance tests, periodic reports and results, and maintaining records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These reports are used by EPA to determine compliance with the standards.

Form Numbers: None.

Respondents/affected entities: Integrated iron and steel plants.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart FFFFF).

Estimated number of respondents: 18 (total).

Frequency of response: Initially, occasionally, and semiannually.

Total estimated burden: 18,500 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $1,930,000 (per year), which includes $67,000 in either annualized capital/startup and/or operation & maintenance costs.

Changes in the Estimates: The increase in respondent labor burden from the most-recently approved ICR is due to an adjustment. In this ICR, we assume all existing respondents will take some time to re-familiarize with the regulatory requirement. This assumption results in a small increase in labor hours and costs. The respondent labor costs also increased due to use of more updated labor rates. The total estimated cost, including capital and O&M costs, have also been rounded to three significant figures. The rounding results in a small apparent decrease in the total O&M cost.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–27313 Filed 10–26–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Items From October 22, 2015 Open Meeting

October 22, 2015.

The following items have been deleted from the list of Agenda items scheduled for consideration at the Thursday, October 22, 2015, Open Meeting and previously listed in the Commission's Notice of October 15, 2015. These items have been adopted by the Commission.

Item No.	Bureau	Subject
3	Wireless Telecommunications	TITLE: Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions (GN Docket No. 12–268). SUMMARY: The Commission will consider a Report and Order addressing when and in what areas 600 MHz Band wireless licensees will be deemed to ''commence operations'' for the purposes of establishing when the secondary and unlicensed users must cease operations and vacate the 600 MHz Band in those areas.
4	Office of Engineering and Technology	TITLE: Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions (GN Docket No. 12–268); Office of Engineering and Technology Releases and Seeks Comment on Updated OET–69 Software (ET Docket No. 13–26); and Office of Engineering and Technology Seeks to Supplement the Incentive Auction Proceeding Record Regarding Potential Interference Between Broadcast Television and Wireless Services (ET Docket No. 14–14). SUMMARY: The Commission will consider a Third Report & Order and First Order on Reconsideration that adopts rules to govern inter-service interference between broadcast television stations and wireless licensees in the 600 MHz Band following the incentive auction and sets out protection criteria for television stations and wireless operations in the band.
5	Media	TITLE: Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions (GN Docket No. 12–268) and Channel Sharing by Full Power and Class A Stations Outside the Broadcast Television Spectrum Incentive Auction Context (MB Docket No. 15–137). SUMMARY: The Commission will consider a Second Order on Reconsideration to provide additional flexibility to broadcasters interested in the incentive auction channel sharing option by clarifying that ''back-up'' channel sharing agreements are permitted under the rules and providing more time for successful incentive auction bidders to transition to shared facilities after the auction.

Item No.	Bureau	Subject
6	Consumer and Governmental Affairs	TITLE: Structure and Practices of the Video Relay Service Program (CG Docket No. 10–51) and Telecommunications Relay Services and Speech-to-Speech Disabilities (CG Docket No. 03–123). SUMMARY: The Commission will consider a Further Notice of Proposed Rulemaking on whether to modify, in part, the four-year compensation rate plan for video relay service (VRS) and whether to adopt measures that may enhance the functional equivalence of VRS. In the same item, the Commission will consider an Order to modify, in part, the currently applicable VRS compensation rates pending action on the Further Notice of Proposed Rulemaking.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2015–27279 Filed 10–26–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0748]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before December 28, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0748.

Title: Section 64.104, 64.1509, 64.1510 Pay-Per-Call and Other Information Services.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 5,125 respondents; 5,175 responses.

Estimated Time per Response: 2 hours—260 hours.

Frequency of Response: Annual and on occasion reporting and recordkeeping requirements; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority(s) for the information collection are found at 47 U.S.C. 228(c)(7)–(10); Pub. L. 192–556, 106 stat. 4181 (1992), codified at 47 U.S.C. 228 (The Telephone Disclosure and Dispute Resolution Act of 1992).

Total Annual Burden: 47,750 hours.

Total Annual Cost: None.

Nature and Extent of Confidentiality: An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information from individuals.

Privacy Impact Assessment: No impact(s).

Needs and Uses: 47 CFR 64.1504 of the Commission's rules incorporates the requirements of Sections 228(c)(7)–(10) of the Communications Act restricting the manner in which toll-free numbers may be used to charge telephone subscribers for information services. Common carriers may not charge a calling party for information conveyed on a toll-free number call, unless the calling party: (1) Has executed a written agreement that specifies the material terms and conditions under which the information is provided, or (2) pays for the information by means of a prepaid account, credit, debit, charge, or calling card and the information service provider gives the calling party an introductory message disclosing the cost and other terms and conditions for the service. The disclosure requirements are intended to ensure that consumers know when charges will be levied for calls to toll-free numbers and are able to obtain information necessary to make informed choices about whether to purchase toll-free information services. 47 CFR 64.1509 of the Commission rules incorporates the requirements of 47 U.S.C. (c)(2) and 228 (d)(2)–(3) of the Communications Act. Common carriers that assign telephone numbers to pay-per-call services must disclose to all interested parties, upon request, a list of all assigned pay-per-call numbers. For each assigned number, carriers must also make available: (1) A description of the pay-per-call services; (2) the total cost per minute or other fees associated with the service; and (3) the service provider's name, business address, and telephone number. In addition, carriers handling pay-per-call services must establish a toll-free number that consumers may call to receive information about pay-per-call services. Finally, the Commission requires carriers to provide statements of pay-per-call rights and responsibilities to new telephone subscribers at the time service is established and, although not required by statute, to all subscribers annually.

Under 47 CFR 64.1510 of the Commission's rules, telephone bills containing charges for interstate pay-per-call and other information services must include information detailing consumers' rights and responsibilities with respect to these charges.

Specifically, telephone bills carrying pay-per-call charges must include a consumer notification stating that: (1) The charges are for non-communication services; (2) local and long distance telephone services may not be disconnected for failure to pay per-call charges; (3) pay-per-call (900 number) blocking is available upon request; and (4) access to pay-per-call services may be involuntarily blocked for failure to pay per-call charges. In addition, each call billed must show the type of services, the amount of the charge, and the date, time, and duration of the call. Finally, the bill must display a toll-free number which subscribers may call to obtain information about pay-per-call services. Similar billing disclosure requirements apply to charges for information services either billed to subscribers on a collect basis or accessed by subscribers through a toll-free number. The billing disclosure requirements are intended to ensure that telephone subscribers billed for pay-per-call or other information services can understand the charges levied and are informed of their rights and responsibilities with respect to payment of such charges.

Federal Communications Commission.

Marlene H. Dortch,

Secretary. Office of the Secretary.

[FR Doc. 2015–27278 Filed 10–26–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Designated Reserve Ratio for 2016

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of Designated Reserve Ratio for 2016.

Pursuant to the Federal Deposit Insurance Act, the Board of Directors of the Federal Deposit Insurance Corporation designates that the Designated Reserve Ratio (DRR) for the Deposit Insurance Fund shall remain at 2 percent for 2016.[1] The Board is publishing this notice as required by section 7(b)(3)(A)(i) of the Federal Deposit Insurance Act (12 U.S.C. 817(b)(3)(A)(i)).

FOR FURTHER INFORMATION CONTACT: Munsell St. Clair, Chief, Banking and Regulatory Policy Section, Division of Insurance and Research, (202) 898–8967; Robert Grohal, Chief, Fund Analysis and Pricing Section, Division of Insurance and Research, (202) 898–6939; or, Nefretete Smith, Senior Attorney, Legal Division, (202) 898–6851.

Dated at Washington, DC, this 22nd day of October, 2015.

Federal Deposit Insurance Corporation.

By order of the Board of Directors.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–27290 Filed 10–26–15; 8:45 am]

BILLING CODE 6714–01–P

[1] Section 327.4(g) of the FDIC's regulations sets forth the DRR. There is no need to amend this provision, because the DRR for 2016 is the same as the current DRR.

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10342, Sunshine State Community Bank Port Orange, FL

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Sunshine State Community Bank, Port Orange, FL (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Sunshine State Community Bank on February 11, 2011. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 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: October 22, 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–27330 Filed 10–26–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS15–04]

Appraisal Subcommittee Notice Of Meeting

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

ACTION: Notice of meeting.

Description: In accordance with Section 1104 (b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, notice is hereby given that the Appraisal Subcommittee (ASC) will meet in open session for its regular meeting:

Location: Federal Reserve Board—International Square location, 1850 K Street NW., Washington, DC 20006
Date: November 4, 2015
Time: 10:30 a.m.
Status: Open

Reports

Chairman
Executive Director
Delegated State Compliance Reviews
Financial

Action and Discussion Items

September 9, 2015 Open Session Minutes
[Final agenda with any additional items will be available in the What's New box on the ASC.gov Web site.]

How To Attend and Observe an ASC Meeting

If you plan to attend the ASC Meeting in person, we ask that you send an email to *meetings@asc.gov.* You may register until close of business four business days before the meeting date. You will be contacted by the Federal Reserve Law Enforcement Unit on security requirements. You will also be asked to provide a valid government-issued ID before being admitted to the Meeting. The meeting space is intended to accommodate public attendees. However, if the space will not accommodate all requests, the ASC may refuse attendance on that reasonable basis. The use of any video or audio tape recording device, photographing device, or any other electronic or mechanical device designed for similar purposes is prohibited at ASC meetings.

Dated: October 22, 2015.

James R. Park,

Executive Director.

[FR Doc. 2015–27283 Filed 10–26–15; 8:45 am]

BILLING CODE 6700–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

October 23, 2015.

TIME AND DATE: 10 a.m., Wednesday, November 18, 2015.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument in the matter *United Steelworkers, Local No. 5114, on behalf of Miners* v. *Hecla Limited,* Docket No. WEST 2012–466–CM. (Issues include whether the Judge erred in determining the length of the compensation period and the number of miners who were entitled to compensation under 30 U.S.C. section 821.)

Any person attending this oral argument who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2015–27478 Filed 10–23–15; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

October 23, 2015.

TIME AND DATE: 10 a.m., Thursday, November 19, 2015.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *United Steelworkers, Local No. 5114, on behalf of Miners* v. *Hecla Limited,* Docket No. WEST 2012–466–CM. (Issues include whether the Judge erred in determining the length of the compensation period and the number of miners who were entitled to compensation under 30 U.S.C. section 821.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2015–27479 Filed 10–23–15; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 12, 2015.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *The 2015 Grandchildren's Fidelity Trust under Agreement dated February 24, 2015, Paul Bennett Lewis and Russell Craig Flom,* as co-trustees, all of Minnetonka, Minnesota; to acquire voting shares of Fidelity Holding Company, Minnetonka, Minnesota, and thereby indirectly acquire voting shares of Fidelity Bank, Edina, Minnesota.

Board of Governors of the Federal Reserve System, October 22, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–27260 Filed 10–26–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 20, 2015.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Lincoln County Bancorp, Inc.,* Troy, Missouri; to acquire at least 48 percent of the voting shares of New Frontier Bancshares, Inc., and thereby indirectly acquire voting shares of New Frontier Bank, both in Saint Charles, Missouri.

Board of Governors of the Federal Reserve System, October 22, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–27261 Filed 10–26–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Government in the Sunshine Meeting Notice

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 2:30 p.m. on Friday, October 30, 2015.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th Street entrance between Constitution Avenue and C Streets NW., Washington, DC 20551.

STATUS: Open.

On the day of the meeting, you will be able to view the meeting via webcast from a link available on the Board's public Web site. *You do not need to register to view the webcast of the meeting.* A link to the meeting documentation will also be available approximately 20 minutes before the start of the meeting. Both links may be accessed from the Board's public Web site at *www.federalreserve.gov.*

If you plan to attend the open meeting in person, we ask that you notify us in advance and provide your name, date of birth, and social security number (SSN) or passport number. You may provide this information by calling 202–452–2474 or you may *register online.* You may pre-register until close of business on October 29, 2015. You also will be asked to provide identifying information, including a photo ID, before being admitted to the Board meeting. The Public Affairs Office must approve the use of cameras; please call 202–452–2955 for further information. If you need an accommodation for a disability, please contact Penelope Beattie on 202–452–3982. For the hearing impaired only, please use the Telecommunication Device for the Deaf (TDD) on 202–263–4869.

Privacy Act Notice: The information you provide will be used to assist us in prescreening you to ensure the security of the Board's premises and personnel. In order to do this, we may disclose your information consistent with the routine uses listed in the Privacy Act Notice for BGFRS–32, including to appropriate federal, state, local, or foreign agencies where disclosure is reasonably necessary to determine whether you pose a security risk or where the security or confidentiality of your information has been compromised. We are authorized to collect your information by 12 U.S.C. 243 and 248, and Executive Order 9397. In accordance with Executive Order 9397, we collect your SSN so that we can keep accurate records, because other people may have the same name and birth date. In addition, we use your SSN when we make requests for information about you from law enforcement and other regulatory agency databases. Furnishing the information requested is voluntary; however, your failure to provide any of the information requested may result in disapproval of your request for access to the Board's premises. You may be subject to a fine or imprisonment under 18 U.S.C. 1001 for any false statements you make in your request to enter the Board's premises.

MATTERS TO BE CONSIDERED: *Discussion Agenda:*

1. Proposed Rule establishing Total Loss-Absorbing Capacity and Buffers, Long-term Debt, and Clean Holding Company Requirements for U.S. Global Systemically Important Banking Organizations and U.S. Intermediate Holding Companies of Foreign Global Systemically Important Banking Organizations.

2. Final Rule regarding Margin and Capital Requirements for Uncleared Swaps.

Notes: 1. The staff memo to the Board will be made available to the public on the day of the meeting in paper and the background material will be made available on a compact disc (CD). If you require a paper copy of the entire document, please call Penelope Beattie on 202–452–3982. The documentation will not be available until about 20 minutes before the start of the meeting.

2. This meeting will be recorded for the benefit of those unable to attend. The webcast recording and a transcript of the meeting will be available after the meeting on the Board's public Web site *http://www.federalreserve.gov/aboutthefed/boardmeetings/* or if you prefer, a CD recording of the meeting will be available for listening in the Board's Freedom of Information Office, and copies can be ordered for $4 per disc by calling 202–452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

For more information please contact: Michelle Smith, Director, or Dave Skidmore, Assistant to the Board, Office of Board Members at 202–452–2955.

SUPPLEMENTARY INFORMATION: You may access the Board's public Web site at *www.federalreserve.gov* for an electronic announcement. (The Web site also includes procedural and other information about the open meeting.)

Dated: October 23, 2015.

Margaret M. Shanks,

Deputy Secretary of the Board.

[FR Doc. 2015–27436 Filed 10–23–15; 4:15 pm]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request

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

ACTION: Notice.

SUMMARY: The FTC seeks public comments on proposed information requests to marketers of electronic cigarettes. These comments will be considered before the Commission submits a request for Office of Management and Budget (''OMB'') review under the Paperwork Reduction Act (''PRA'') of compulsory process orders to those marketers. The information sought from those companies would include, among other things, data on annual sales and marketing expenditures. The Commission intends to ask OMB for a three-year clearance to collect this information.

DATES: Comments on the proposed information requests must be received on or before December 28, 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: ''Electronic Cigarettes: Paperwork Comment, FTC File No. P144504'' on your comment and file the comment online at *https://ftcpublic.commentworks.com/ftc/electroniccigarettespra* 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.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be addressed to Elizabeth Sanger or Shira Modell, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission. Telephone: (202) 326–2757 (Sanger) or (202) 326–3116 (Modell).

SUPPLEMENTARY INFORMATION:

Background: For many years, the Commission has published reports on sales and marketing expenditures by the major cigarette and smokeless tobacco manufacturers. The data contained in

those reports are based on information submitted to the Commission, pursuant to compulsory process, by the largest domestic cigarette and smokeless tobacco manufacturers.

In the past few years, sales of battery-powered devices generally referred to as electronic cigarettes or ''e-cigarettes'' have grown rapidly in the United States. Rather than burn tobacco, these devices heat liquid containing flavorings and chemicals (usually including nicotine) to produce an aerosol that is inhaled, and then exhaled, by the user. E-cigarettes, which are sold both online and in brick-and-mortar stores, are available in both disposable and refillable models, in a range of nicotine strengths (including nicotine-free), and in a multitude of flavors; [1] some companies allow consumers to order individually-customized flavor and nicotine content combinations.

Given the increasing prevalence of e-cigarettes alongside conventional cigarettes and smokeless tobacco, the Commission believes it is necessary for the agency to begin collecting information from e-cigarette marketers about their sales and marketing activities. The Commission intends to publish a report with the data it obtains,[2] and to issue annual information requests to the major marketers, in order to track trends over time. The information will be sought using compulsory process under Section 6(b) of the Federal Trade Commission Act, 15 U.S.C. 46.

The Commission plans to address its information requests to the ultimate U.S. parent of e-cigarette marketers (''industry members'') in order to ensure that no relevant data from affiliated or subsidiary companies go unreported. The Commission intends to issue information requests to approximately five large and ten small industry members. Even though this number does not represent the entire industry, the responses should provide valuable information about a reasonable percentage of the e-cigarette market, including its major players. Because the number of separately incorporated companies affected by the Commission's requests will exceed nine entities, the Commission intends to seek OMB clearance under the PRA before requesting any information from the industry members. Under the PRA, 44 U.S.C. 3501–3521, federal agencies must obtain approval from OMB for each ''collection of information'' they conduct or sponsor if posed to ten or more entities within any twelve-month period. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB authorize the proposed collection of information.

The FTC invites comments on: (1) Whether participation in the study is 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.

The Commission anticipates that its requests will seek the following categories of information: (1) Sales and give-aways of e-cigarettes and related products (*e.g.,* refill cartridges and e-liquids); (2) marketing expenditures, including the amounts being spent on various media; (3) product placements in television programming, motion pictures, magazines, and other publications; (4) efforts such as age-screening mechanisms to prevent youth from being exposed to advertising and promotion for e-cigarettes or from obtaining free product samples; (5) expenditures on advertising to deter youth under the age of 18 from purchasing or using e-cigarettes; and (6) data collection activities, including data collection in connection with digital and social media marketing, and efforts to avoid collection of data from those under age 18. The Commission requests comments on its intention to seek the above-listed categories of information.

The Commission also invites comments on the following issues:

1. Should the FTC seek to collect data that are differentiated according to: (a) The various types of products sold and given away by industry members (*e.g.,* collecting data on disposable devices separately from data on refillable devices and on refill supplies); (b) the various flavors and nicotine strengths of those sales and give-aways; (c) the various sizes and liquid capacities of disposable e-cigarettes, cartridges, and e-liquids sold and given away; and (d) whether the company sells directly to consumers (*e.g.,* over the Internet) or to wholesalers and distributors for subsequent sale to consumers (*e.g.,* at convenience stores)? Would less detailed information be sufficient, and, if so, what level of detail will suffice, and why?

2. Should the Commission collect data on product sales separately from data on product give-aways?

3. If an e-cigarette is sold with more than one cartridge (or container of e-liquid), should all of those cartridges be considered part of the initial sale, or should some of them be considered refills? If some of them should be considered refills, which ones? Does it matter whether those cartridges are part of the same Stock Keeping Unit (''SKU'') as the e-cigarette device? Whether they are packaged with it in the same blister pack?

4. Should the Commission seek data on state-by-state sales of e-cigarettes and related products?

5. Is there other information the Commission should seek from the companies about sales and give-aways of their products?

6. Assuming that the Commission's collection and reporting of highly detailed data is necessary for understanding the e-cigarette industry—*e.g.,* which flavor and nicotine content combinations are sold the most in direct online transactions with consumers, and which are sold the most to wholesalers and retailers, and which products are most frequently given away—can industry members provide those data? In other words, can the companies provide data that distinguishes between: (a) Direct sales to consumers (*e.g.,* online sales) and sales to retailers and distributors; (b) sales and give-aways of disposable e-cigarettes and sales and give-aways of refillable e-cigarettes; and (c) the various combinations of sizes, flavors, and nicotine contents of their e-cigarettes and refill cartridges and e-liquids? For example, can the companies report the volume and sales value of higher nicotine, menthol-flavored e-liquid sold to retailers and distributors separately from sales of lower nicotine, pizza-flavored e-liquid sold directly to consumers? Can they report the volume and sales value of higher nicotine, tobacco-flavored cartridges and e-liquids sold with an e-cigarette (*i.e.,* in the same blister pack) separately from the volume and sales value of lower nicotine, dessert-flavored refill cartridges and e-liquids? Can the companies provide sales data on a state-by-state basis, and if so, can they do so for all sales or only for sales made directly to consumers?

7. Should the Commission collect data for each individual e-cigarette flavor sold by the companies, or should it identify various flavor categories (*e.g.,*

[1] Those flavors include tobacco and menthol, as well as fruits (*e.g.,* green apple), beverages (*e.g.,* coffee), desserts (*e.g.,* turtle sundae), and others.

[2] The report would not disclose any company-specific confidential data.

tobacco, fruit, dessert) for purposes of the companies' reports? If the Commission should use flavor categories, how should those categories be defined? Similarly, should the Commission collect data for every level of nicotine content sold by the companies, or should it identify various ranges of nicotine content (*e.g.,* nicotine-free, from 1.8% to 2.4%); if the Commission should use ranges, what should they be?

Estimated hours burden: The FTC staff's estimate of the hours burden is based on the time that would be required to respond to the Commission's information request. The FTC currently anticipates sending information requests to as many as 15 e-cigarette companies each year. The Commission anticipates that these companies will vary in size, in the number of products they sell, and in the extent and variety of their advertising and promotion. Because of these variables, and the quick-changing nature of the industry at this point, FTC staff has not calculated separate burden estimates for large and small companies, as is otherwise traditionally the case for the Commission's cigarette and smokeless tobacco Orders. For example, an e-cigarette marketer with a large volume of sales but a relatively small product line could potentially require fewer resources to respond to the Commission's Order than a marketer with lower overall sales but a substantially larger product line that offers consumers a greater range of flavor and nicotine options. Rather than account for each potential permutation of factors, FTC staff has calculated a per company average at the upper limit of this potential range. Some companies will likely require less time to compile their responses.

The Commission anticipates that even if it provides models for the Excel datafiles the companies will be required to submit, recipients of its Orders will need substantial time to prepare a response the first time. Once an e-cigarette marketer has prepared its first response to a Commission Order, however, it will need less time in subsequent years to prepare its reports because it will know what information it will be required to produce, and will already have a template for its submission.

Accordingly, as an approximation, staff assumes a per company average of 200 hours for each recipient of the Commission's information requests the first year they have to comply with the Commission's Order. Staff anticipates that in subsequent years, the per company average will be 150 hours. Thus, the overall estimated burden for 15 recipients of the information requests is 3,000 hours for the first year and 2,250 for each of the two subsequent years, or a total of 7,500 hours. Thus, the average yearly burden, over the course of a prospective three-year clearance, per recipient (large and small), is 167 hours (rounded to the nearest whole number). These estimates include any time spent by separately incorporated subsidiaries and other entities affiliated with the ultimate parent company that has received the information request.

Estimated cost burden: Commission staff cannot calculate with precision the labor costs associated with this data production, as they entail varying compensation levels of management and/or support staff among companies of different sizes. The staff assumes that computer analysts and other non-legal staff will perform most of the work involved in responding to the Orders, although in-house legal personnel will be involved in reviewing the actual submission to the Commission. The staff believes that the same $100/hour wage that it used in its recent request for reauthorization of information requests to the major cigarette and smokeless tobacco manufacturers is appropriate here also for the combined efforts of these individuals. Using this figure, staff's best estimate for the total labor costs for 15 information requests is $300,000 (3,000 hours × $100/hour) for the first year and $225,000 for each of the two subsequent years (2,250 hours × $100/hour), for a total of $750,000 over the entire three-year period. Annualized, labor cost per respondent will average approximately $16,700.

Staff believes that the capital or other non-labor costs associated with the information requests are minimal. Although the information requests may necessitate that industry members maintain the requested information provided to the Commission, they should already have in place the means to compile and maintain business records.

Request for comment: You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before December 28, 2015. Write ''Electronic Cigarettes: Paperwork Comment, FTC File No. P144504'' 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, such as 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 does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information, such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names. If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you must follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c). Your comment will be kept confidential only if the FTC General Counsel grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your 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/electroniccigarettespra,* by following the instructions on the web-based form. If 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 ''Electronic Cigarettes: Paperwork Comment, FTC File No. P114504'' on your comment and on the envelope, and mail it 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. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before December 28, 2015. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2015–27194 Filed 10–26–15; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0057; Docket 2015–0055; Sequence 24]

Information Collection; Evaluation of Export Offers

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning ''Information Collection 9000–0057, Evaluation of Export Offers.''

DATES: Submit comments on or before December 28, 2015.

ADDRESSES: Submit comments identified by Information Collection 9000–0057, Evaluation of Export Offers, by any of the following methods:

• Regulations.gov: *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by inputting ''Information Collection 9000–0057, Evaluation of Export Offers'' under the heading ''Enter Keyword or ID'' and selecting ''Search''. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 9000–0057, Evaluation of Export Offers''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 9000–0057, Evaluation of Export Offers'' on your attached document.

• Mail: General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0057, Evaluation of Export Offers.

Instructions: Please submit comments only and cite Information Collection ''Information Collection 9000–0057, Evaluation of Export Offers'' in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr., Procurement Analyst, Office of Governmentwide Acquisition Policy, GSA, 202–501–4082 or via email at *Curtis.glover@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Offers submitted in response to Government solicitations must be evaluated and awards made on the basis of the lowest laid down cost to the Government at the overseas port of discharge, via methods and ports compatible with required delivery dates and conditions affecting transportation know at the time of evaluation. FAR provision 52.247–51, ''Evaluation of Export Offers,'' is required for insertion in Government solicitations when supplies are to be exported through Contiguous United States (CONUS) ports and offers are solicited on a free onboard (f.o.b.) origin or f.o.b. destination basis. The provision has three alternates, to be used (1) when the CONUS ports of export are DoD water terminals, (2) when offers are solicited on an f.o.b. origin only basis, and (3) when offers are solicited on an f.o.b. destination only basis. The provision collects information regarding the vendor's preference for delivery ports. The information is used to evaluate offers [on the basis of shipment through the port resulting in the lowest cost to the Government.

B. Annual Reporting Burden

Respondents: 100.
Responses per Respondent: 4.
Annual Responses: 400.
Hours per Response: 0.25
Total Burden Hours: 100.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary; whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755.

Please cite OMB Control Number ''9000–0057, Evaluation of Export Offers'' in all correspondence.

Edward Loeb,

Acting Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2015–27243 Filed 10–26–15; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–16–16BM; Docket No. CDC–2015–0091]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the

general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the information collection request entitled *Airline and Maritime Conveyance Manifest Orders*.

DATES: Written comments must be received on or before December 28, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0091 by any of the following methods:

- Federal eRulemaking Portal: *Regulation.gov*. Follow the instructions for submitting comments.
- Mail: Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov*.

Please note: *All public comment should be submitted through the Federal eRulemaking portal (Regulations.gov) or by U.S. mail to the address listed above.*

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Airline and Maritime Conveyance Manifest Orders—Existing Information Collection in use without an OMB Control Number—Division of Global Migration and Quarantine, National Center for Emerging Zoonotic and Infectious Diseases, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Under the Public Health Service Act (42 United States Code 264) and under 42 Code of Federal Regulations (CFR) 71.32(b) and 42 CFR 70.2, CDC can order airlines and maritime lines operating conveyances arriving from another country or traveling between states to submit a record for passengers and crew that CDC believes were exposed to co-traveler infected with a communicable disease of public health concern.

Stopping a communicable disease outbreak—whether it is naturally occurring or intentionally caused—requires the use of the most rapid and effective public health tools available. Basic public health practices, such as collaborating with airlines in the identification and notification of potentially exposed contacts, are critical tools in the fight against the introduction, transmission, and spread of communicable diseases in the United States.

The collection of comprehensive, pertinent contact information enables Quarantine Public Health Officers in CDC's Division of Global Migration and Quarantine (DGMQ) to notify state and local health departments in order for them to make contact with individuals who may have been exposed to a contagious person during travel and identify appropriate next steps.

In the event that there is a confirmed case of communicable disease of public health concern aboard an aircraft or ship, CDC collects manifest information for those passengers and crew at risk for exposure. This specific manifest information collection differs depending on the communicable disease that is confirmed during air or maritime travel. CDC then uses this passenger manifest information to coordinate with state and local health departments so they can follow-up with residents who live or are currently located in their jurisdiction. In general, state and local health departments are responsible for the contact investigations. In rare cases, CDC may use the manifest data to perform the contact investigation directly. In either case, CDC works with state and local health departments to ensure individuals are contacted and provided appropriate public health follow-up.

CDC estimates that for each passenger manifest ordered, airlines require approximately six hours to review the order, search their records, and send those records to CDC. There is no cost to respondents other than their time perform these actions. CDC does not have a specified format for these submissions.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Airline Medical Officer or Equivalent	Domestic TB Manifest Template	1	1	360/60	6
Airline Medical Officer or Equivalent	Domestic Non-TB Manifest Template.	28	1	360/60	168
Airline Medical Officer or Equivalent	International TB Manifest Template	67	1	360/60	402
Airline Medical Officer or Equivalent	International Non-TB Manifest Template.	29	1	360/60	174
Total	.....	.....	.....	.....	750

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. 2015–27302 Filed 10–26–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–16–0914]

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

Workplace Violence Prevention Programs in NJ Healthcare Facilities (OMB Control No. 0920–0914, Expiration 2/29/2016)—Revision—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Through this information collection revision request, the National Institute for Occupational Safety and Health (NIOSH) is seeking an additional two-year OMB approval.

NIOSH originally received OMB approval to evaluate the legislation at 50 hospitals and 20 nursing homes, to conduct a nurse survey, and a home healthcare aide survey. Data collection is complete for the hospitals, the nurse survey, and the home healthcare aide survey. We were unable to conduct the 20 nursing home interviews. Therefore, we are requesting approval to revise the existing information collection in order to complete the 20 nursing home interviews, as well as include an additional 20 nursing homes (40 total) in the collection. The current approval also includes a survey that collects nursing home injury data. We would like to drop this survey and, instead, collect publicly available workers compensation data.

Healthcare workers are nearly five times more likely to be victims of violence than workers in all industries combined. While healthcare workers are not at particularly high risk for job-related homicide, nearly 60% of all nonfatal assaults occurring in private industry are experienced in healthcare. Six states have enacted laws to reduce violence against healthcare workers by requiring workplace violence prevention programs. However, little is understood about how effective these laws are in reducing violence against healthcare workers.

The long-term goal of the proposed project is to reduce violence against healthcare workers. The objective of the proposed study is: (1) To examine nursing home compliance with the New Jersey Violence Prevention in Health Care Facilities Act, and (2) to evaluate the effectiveness of the regulations in this Act in reducing assault injuries to nursing home workers. Our central hypothesis is that nursing homes with high compliance with the regulations will have lower rates of employee violence-related injury.

We will conduct face-to-face interviews with the nursing home administrators in 40 nursing homes (20 in New Jersey and 20 in Virginia) who are in charge of overseeing compliance efforts. The purpose of the interviews is to measure compliance to the state regulations: Violence prevention policies, reporting systems for violent events, violence prevention committee, written violence prevention plan, violence risk assessments, post incident response and violence prevention training. A contractor will conduct the interviews.

The table below shows the estimated annualized burden hours. Twenty respondents (nursing home administrators) will be interviewed each year. This will include 10 respondents from Virginia and 10 respondents from New Jersey. The abstraction form and the committee chair interview form will be used during each interview. Each

form will take approximately one hour which results in 20 burden hours each. The total estimated and time-related burden is 40 hours.

There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
Nursing Home Administrator	Evaluation of Nursing Home Workplace Violence Prevention Program: Abstraction Form.	20	1	1
Nursing Home Administrator	Committee Chair Interview	20	1	1

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. 2015–27301 Filed 10–26–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: National Center on Early Head Start Child Care Partnerships (NCEHS–CCP) Evaluation.

OMB No.: New Collection.

Description: The Administration for Children and Families (ACF) in the Department of Health and Human Services (HHS) has awarded 275 Early Head Start expansion and Early Head Start–child care partnership grants (EHS–CCP) in 50 states; Washington, DC; Puerto Rico; and the Northern Mariana Islands. These grants will allow new or existing Early Head Start programs to partner with local child care centers and family child care providers to expand high-quality early learning opportunities for infants and toddlers from low-income families.

NCEHS–CCP will support the effective implementation of new EHS–CCP grants by disseminating information through training and technical assistance (T/TA) and resources and materials. NCEHS–CCP is primarily targeted to T/TA providers working directly with the EHS–CCP grantees (including Office of Head Start (OHS) and Office of Child Care (OCC) National Centers, regional training and technical assistance (T/TA) specialists, and implementation planners and fiscal consultants). State and federal agencies (including OHS and OCC federal staff, Child Care and Development Fund (CCDF) administrators, Head Start State and National Collaboration directors), as well as EHS–CCP grantees will also find helpful information on partnerships through NCEHS–CCP's resources.

The NCEHS–CCP at ZERO TO THREE is proposing to conduct a descriptive study of NCEHS–CCP that will provide information that will document the activities and progress of NCEHS–CCP toward its goals and objectives. Findings from the evaluation will be translated into action steps to inform continuous quality improvement of NCEHS–CCP.

The proposed data collection activities for the descriptive study of NCEHS–CCP will include the following components:

- *Stakeholder survey.* Web-based surveys will be conducted in the spring of 2016 and 2018 with key stakeholders (including OHS and OCC federal and national center staff, regional T/TA specialists, CCDF administrators, Head Start state and national collaboration office directors, and implementation planners and fiscal consultants). The stakeholder survey will collect information about the types of support they received from NCEHS–CCP in the past year, their satisfaction with the support, how the T/TA informed their work with EHS CCP grantees, and how support could be improved.
- *Stakeholder telephone interviews.* Semi-structured telephone interviews will be conducted in spring of 2017 and 2019 with a purposively selected subgroup of stakeholders that complete the stakeholder survey. The interviews will explore in more detail the types of T/TA support participants received from NCEHS–CCP, how that support has informed their work with EHS–CCP grantees, their satisfaction with the support, successes and challenges, and suggestions for improvement.

This 60-Day Federal Register Notice covers the data collection activities for NCEHS–CCP and requests clearance for (1) the stakeholder survey, and (2) the stakeholder telephone interviews.

Respondents: Respondents include OHS and OCC federal and national center staff, regional T/TA specialists, CCDF administrators, Head Start state and national collaboration office directors, and implementation planners and fiscal consultants.

Annual Burden Estimates: The following instruments are proposed for public comment under this 60-Day **Federal Register** Notice.

Instrument	Total number of respondents	Annual number of responses per respondent	Number of responses per respondent	Average burden hours per response	Annual burden hours
Stakeholder survey	350	1	2	.5	175
Stakeholder telephone interviews	150	1	1	1.0	75

Estimated annual burden total: 250.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447,

Attn: OPRE Reports Clearance Officer. Email address: *OPREinfocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–27239 Filed 10–26–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–3534]

Bulk Drug Substances That Can Be Used To Compound Drug Products in Accordance With Section 503A of the Federal Food, Drug, and Cosmetic Act; Establishment of a Public Docket

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of public docket.

SUMMARY: The Food and Drug Administration (FDA or Agency) is developing a list of bulk drug substances (active ingredients) that can be used to compound drug products in accordance with the Federal Food, Drug, and Cosmetic Act (the FD&C Act), although they are neither the subject of an applicable United States Pharmacopeia (USP) or National Formulary (NF) monograph nor components of FDA-approved drugs (503A bulks list). The Agency previously solicited nominations for the list, but some of the nominated substances were not supported by sufficient information for FDA to evaluate them. FDA is establishing a public docket where these substances can be renominated with sufficient supporting information or to receive nominations of bulk drug substances that were not previously nominated for consideration for inclusion on the 503A bulks list. Interested parties can also submit comments on nominated substances via this docket.

DATES: Nominations and comments may be submitted to this docket at any time.

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–3534 for ''Bulk Drug Substances That Can Be Used To Compound Drug Products in Accordance With Section 503A of the Federal Food, Drug, and Cosmetic Act; Establishment of a Public Docket.'' 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: Philantha Bowen, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 5175, Silver Spring, MD 20993–0002, 301–796–2466.

SUPPLEMENTARY INFORMATION:

I. Background

Section 503A of the FD&C Act (21 U.S.C. 353a) describes the conditions under which a compounded drug

product may be entitled to an exemption from certain sections of the FD&C Act. Those conditions include that a licensed pharmacist in a State licensed pharmacy or Federal facility or a licensed physician compounds the drug product using bulk drug substances that: (1) Comply with the standards of an applicable USP or NF monograph, if a monograph exists, and the USP chapter on pharmacy compounding; (2) if such a monograph does not exist, are drug substances that are components of drugs approved by the Secretary; or (3) if such a monograph does not exist and the drug substance is not a component of a drug approved by the Secretary, that appear on a list developed by the Secretary through regulations issued by the Secretary under subsection (c) of section 503A. See section 503A(b)(1)(A)(i) of the FD&C Act. Under section 503A(c)(2) of the FD&C Act, the criteria for determining which substances should appear on the 503A bulks list ''shall include historical use, reports in peer reviewed medical literature, or other criteria the Secretary may identify.''

Section 503A refers to the definition of ''bulk drug substance'' in FDA regulations at § 207.3(a)(4) (21 CFR 207.3(a)(4)). See section 503A(b)(1)(A) of the FD&C Act. As defined in § 207.3(a)(4), a ''bulk drug substance'' is any substance that is represented for use in a drug and that, when used in the manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug, but the term does not include intermediates used in the synthesis of such substances.

An ''active ingredient'' is any component that is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the body of man or other animals. The term includes those components that may undergo chemical change in the manufacture of the drug product and be present in the drug product in a modified form intended to furnish the specified activity or effect. See 21 CFR 210.3(b)(7).

Any component other than an active ingredient is an ''inactive ingredient.'' See 21 CFR 210.3(b)(8). Inactive ingredients used in compounded drug products, which commonly include flavorings, dyes, diluents, or other excipients, need not appear on the Secretary's list of bulk drug substances to be eligible for use in compounding drug products and will not be included on the list.

In a notice dated November 27, 2013 (the November 27, 2013, notice), published in the **Federal Register** of December 4, 2013 (78 FR 72841), FDA invited all interested persons to nominate bulk drug substances for inclusion on a list of bulk drug substances that can be used for compounding under section 503A of the FD&C Act. Over 2,000 substances were nominated. However, many of the nominations were for substances that can be used for compounding without being on the list because they are the subject of an applicable USP or NF monograph or are a component of an FDA-approved drug. In addition, many of the nominations were not for bulk drug substances used in compounding as active ingredients, or did not include sufficient information to allow FDA to evaluate the substance for inclusion on the list. To improve the efficiency of the process for developing the 503A bulks list, FDA reopened the nomination process in July 2014 (79 FR 37742, July 2, 2014) and provided more detailed information on what it needs to evaluate nominations for the list. FDA stated that bulk drug substances that were previously nominated would not be considered further unless they were re-nominated with adequate support to permit a meaningful evaluation. Substances that were already eligible for use in compounding or that were not adequately supported would not be evaluated for placement on the list.

In response to the July 2, 2014, request for nominations, approximately 740 unique substances were nominated. Of the nominated substances, approximately 275 are already eligible for use in compounding because they are either components of an approved drug or the subject of an applicable USP or NF monograph. At least nine of the nominated substances are not eligible for inclusion on the list because they are either a finished drug product, a biological product subject to licensure in a biologics license application (BLA), a radiopharmaceutical drug product, a substance with no currently accepted medical use that is included on Schedule I of the Controlled Substances Act (21 U.S.C. 812(c)), or they appear on the list published by FDA of substances that have been withdrawn or removed from the market because such drug products or components of such drug products have been found to be unsafe or not effective. Of the substances that are not components of an FDA-approved drug or the subject of an applicable USP or NF monograph, not biological products subject to licensure in a BLA, not radiopharmaceuticals, do not appear on Schedule I, and do not appear on the withdrawn or removed list, approximately 390 substances were nominated with insufficient supporting evidence for FDA to evaluate them.

II. Establishment of a Docket

As described in section III.B of the draft guidance entitled, ''Interim Policy on Compounding Using Bulk Drug Substances Under Section 503A of the Federal Food, Drug, and Cosmetic Act,'' FDA is establishing a public docket so that interested parties can comment on nominated bulk drug substances, nominate bulk drug substances that were not previously nominated for the 503A bulks list, or renominate with adequate supporting information bulk drug substances that were previously nominated but that were not supported by sufficient information for FDA to evaluate them. Docket No. FDA–2013–N–1525 is closed for comment. Therefore, this new docket can be used for commenting on nominations submitted to that docket as well as for submitting new nominations.

As stated previously, under section 503A(c)(2) of the FD&C Act, the criteria for determining which substances should appear on the 503A bulk drugs list shall include historical use, reports in peer reviewed medical literature, or other criteria the Secretary may identify. Based on this statutory language and consultations with the USP and the Pharmacy Compounding Advisory Committee (PCAC),[1] FDA is considering the use of the following four criteria to determine whether a bulk drug substance is appropriate for use in compounding: (1) The physical and chemical characterization of the substance; (2) any safety issues raised by the use of the substance in compounded drug products; (3) historical use of the substance in compounded drug products, including information about the medical condition(s) the substance has been used to treat and any references in peer-reviewed medical literature; and (4) the available evidence of effectiveness or lack of effectiveness of a drug product compounded with the substance, if any such evidence exists. Therefore, to be considered for placement on the 503A bulks list, this information should be submitted for each nominated substance. FDA will

[1] See 64 FR 996, January 7, 1999 (proposed rule listing bulk drug substances that may be used in pharmacy compounding). This proposed rule was withdrawn in the November 27, 2013, notice but sets forth additional background about the criteria used in the evaluation of nominated bulk drug substances. The criteria were discussed with the PCAC, the membership of which includes a USP representative, at its meeting on February 22, 2015.

evaluate the nominated substances in consultation with the USP and the PCAC.

Interested groups and individuals may nominate specific bulk drug substances for inclusion on the 503A bulks list, renominate previously nominated substances with additional information, or comment on nominated substances. Nominations will only be evaluated if they are for specific active ingredients that: (1) Meet the definition of a bulk drug substance in § 207.3(a)(4); (2) are not components of FDA-approved drug products; and (3) are not substances that are the subject of an applicable USP or NF monograph. To fully evaluate a bulk drug substance using the criteria identified above, FDA needs the following information about both the nominated bulk drug substance and the drug product(s) that will be compounded using such substance:

A. Confirmation That the Nominated Substance Is a Bulk Drug Substance and Is Not Already Eligible for 503A Compounding

- A statement that the nominated substance is an active ingredient that meets the definition of ''bulk drug substance'' in § 207.3(a)(4), and an explanation of why the substance is considered an active ingredient when it is used in the identified compounded drug product(s), citing to specific sources that describe the active properties of the substance.
- A statement that the nominator has searched for the active ingredient in all three sections of the Orange Book (for prescription drug products, over-the-counter drug products, and discontinued drug products), available at *http://www.accessdata.fda.gov/scripts/cder/ob/docs/queryai.cfm,* and the drug substance did not appear in any of those searches, confirming that the substance is not a component of any FDA-approved product.
- A statement that the nominator has searched applicable USP and NF drug monographs, available at *http://www.uspnf.com,* and the drug substance is not the subject of such a monograph.

B. General Background on the Bulk Drug Substance

- Ingredient name;
- Chemical name;
- Common name(s);
- Identifying codes, as available, from FDA's Unique Ingredient Identifiers (UNII) used in the FDA/USP Substance Registration System, available at *http://fdasis.nlm.nih.gov/srs/.* Because substance names can vary, this code, where available, will be used by the Agency to confirm the exact substance nominated and to identify multiple nominations of the same substance so the information can be reviewed together.
- Chemical grade of the ingredient;
- Description of the strength, quality, stability, and purity of the ingredient, and a copy of a certificate of analysis that is representative of the characteristics of the nominated ingredient;
- Information about how the ingredient is supplied (*e.g.,* powder, liquid); and
- Information about recognition of the substance in foreign pharmacopeias and the status of its registration(s) in other countries, including whether information has been submitted to the USP for consideration of monograph development.

C. Information on the Drug Product That Will Be Compounded With the Bulk Drug Substance

- Information about the dosage form(s) into which the bulk drug substance will be compounded;
- Information about the strength(s) of the compounded drug product(s);
- Information about the anticipated route(s) of administration of the compounded product(s);
- A bibliography of safety and efficacy data for the drug compounded using the nominated substance, if available,[2] including any relevant peer-reviewed medical literature; and
- Information about the past and proposed use(s) of the compounded drug product(s), including the rationale for its use and why the compounded product(s), as opposed to an FDA-approved product, is necessary. Information on the rationale for use of the bulk drug substance and why a compounded drug product is necessary must be specific to the compounded drug product at issue. General or boilerplate statements regarding the need for compounded drug products or the benefits of compounding generally will not be considered sufficient to address this issue.

D. Process for Submitting Nominations and Comments

Because the prior deadline for submitting nominations has passed, FDA is opening this docket so that interested persons can submit nominations of bulk drug substances and provide adequate support for FDA to evaluate whether those substances should be placed on the 503A bulks list. Bulk drug substances that were previously nominated and for which inadequate information was provided[3] need to be renominated with the information identified above to be considered for inclusion on the 503A bulks list. Nominators are encouraged to submit as much of the information identified in this document as possible. Unless adequate supporting data is received for a bulk drug substance, FDA will be unable to consider it further for inclusion on the list.

For efficient consolidation and review of nominations, nominators are encouraged to submit their nominations in an editable Excel file. Specifically, nominators are encouraged to format their nominations as follows:

Column A—What information is requested?	Column B—Put data specific to the nominated substance
What is the name of the nominated ingredient?	Provide the ingredient name.
Is the ingredient an active ingredient that meets the definition of ''bulk drug substance'' in § 207.3(a)(4)?	Provide an explanation for why it is considered an active ingredient when it is used in specific compounded drug products, and provide citations to specific sources that describe its active properties.
Is the ingredient listed in any of the three sections of the Orange Book?	Confirm whether the ingredient is a component of an FDA-approved product.
Were any drug monographs for the ingredient found in the USP or NF monographs?	Confirm whether the ingredient is the subject of an applicable USP or NF monograph.
What is the chemical name of the substance?	Chemical name.
What is the common name of the substance?	Common name.
Does the substance have a UNII code?	UNII code.

[2] FDA recognizes that the available safety and efficacy data supporting consideration of a bulk drug substance for inclusion on the list may not be of the same type, amount, or quality as is required to support a new drug application.

[3] As referenced above, a list of the substances in this category is available at *http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/PharmacyCompounding/UCM467373.pdf.*

Column A—What information is requested?	Column B—Put data specific to the nominated substance
What is the chemical grade of the substance?	Provide the chemical grade.
What is the strength, quality, stability, and purity of the ingredient?	Provide the strength, quality, stability, and purity information and attach a certificate of analysis.
How is the ingredient supplied?	Describe how the ingredient is supplied (e.g., powder, liquid).
Is the substance recognized in foreign pharmacopeias or registered in other countries?	List the foreign pharmacopeias or other countries in which it is registered.
Has information been submitted about the substance to the USP for consideration of drug monograph development?	Put yes, no, or unknown. If yes, state the status of the monograph, if known.
What dosage form(s) will be compounded using the bulk drug substance?	State the dosage form(s).
What strength(s) will be compounded from the nominated substance?	List the strength(s) of the drug product(s) that will be compounded from the nominated substance, or a range of strengths, if known.
What are the anticipated route(s) of administration of the compounded drug product(s)?	List the route(s) of administration of the compounded drug product(s).
Are there safety and efficacy data on compounded drugs using the nominated substance?	Provide a bibliography of safety and efficacy data for the drug compounded using the nominated substance, if available, including any relevant peer-reviewed medical literature.
Has the bulk drug substance been used previously to compound drug product(s)?	Describe past uses of the bulk drug substance in compounding.
What is the proposed use for the drug product(s) to be compounded with the nominated substance?	Provide information on the proposed use of the compounded drug product.
What is the reason for use of a compounded drug product rather than an FDA-approved product?	Provide a rationale for the use of a compounded drug product.
Is there any other relevant information?	Provide any other information you would like FDA to consider in evaluating the nomination.

In addition to nominating new substances or renominating substances previously nominated without sufficient supporting information, individuals and organizations will be able to comment via the docket established by this notice on substances nominated for the 503A bulks list that have not yet been addressed in a Notice of Proposed Rulemaking (NPRM). Comments may be submitted regarding nominations submitted to both this docket and Docket No. FDA–2013–N–1525. Comments may provide any relevant information about particular bulk drug substances, including that in support of, or in opposition to, the placement of a nominated bulk drug substance on the 503A bulks list. However, comments submitted should not address the 503A bulks list generally or other matters related to the Agency's regulation of compounding. Comments about nominated substances that have been addressed by the Agency in an NPRM should be submitted to the docket for the proposed rulemaking in which the substance is addressed.

Please do not submit comments that have already been submitted to other dockets. Such submissions are duplicative and not helpful to the Agency. If comments on particular documents or issues are submitted to this docket rather than the docket specifically opened for the particular document or issue, the comment might not be considered as the specific documents are being finalized and issues considered. FDA will not respond to questions submitted to this docket.

Information in the docket will be publicly available. Therefore, we remind nominators and commenters not to submit personal or confidential information.

Dated: October 21, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–27271 Filed 10–26–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–3539]

Interim Policy on Compounding Using Bulk Drug Substances Under Section 503B of the Federal Food, Drug, and Cosmetic Act; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing the availability of a draft guidance entitled ''Interim Policy on Compounding Using Bulk Drug Substances Under Section 503B of the Federal Food, Drug, and Cosmetic Act.'' The draft guidance describes FDA's interim regulatory policy regarding outsourcing facilities that compound human drug products using bulk drug substances while FDA develops the list of bulk drug substances that can be used in compounding under the Federal Food, Drug, and Cosmetic Act (the FD&C Act). When final, the guidance will reflect the Agency's current thinking on the issues addressed by the guidance.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by December 28, 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–D–3539 for ''Interim Policy on Compounding Using Bulk Drug Substances Under Section 503B of the Federal Food, Drug, and Cosmetic Act; Draft Guidance for Industry; Availability.'' 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.

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Sara Rothman, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 51, Rm. 5197, Silver Spring, MD 20993–0002, 301–796–3110.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance entitled ''Interim Policy on Compounding Using Bulk Drug Substances Under Section 503B of the Federal Food, Drug, and Cosmetic Act.'' A new section 503B (21 U.S.C. 353b), added to the FD&C Act by the Drug Quality and Security Act (Pub. L. 113–54) in 2013, describes the conditions that must be satisfied for human drug products compounded by an outsourcing facility to be exempt from the following three sections of the FD&C Act: Section 505 (21 U.S.C. 355) (concerning the approval of drugs under new drug applications or abbreviated new drug applications); section 502(f)(1) (21 U.S.C. 352(f)(1)) (concerning the labeling of drugs with adequate directions for use); and section 582 (21 U.S.C. 360eee-1) (concerning drug supply chain security requirements). One of the conditions that must be met for a drug product compounded by an outsourcing facility to qualify for these exemptions is that the outsourcing facility does not compound drug products using a bulk drug substance unless: (1) It appears on a list established by the Secretary identifying bulk drug substances for which there is a clinical need (see section 503B(a)(2)(A)(i) of the FD&C Act) or (2) the drug product compounded from such bulk drug substances appears on the drug shortage list in effect under section 506E of the FD&C Act (21 U.S.C. 356e) at the time of compounding, distribution, and dispensing (see section 503B(a)(2)(A)(ii) of the FD&C Act).

This guidance describes the conditions under which FDA does not intend to take action against an outsourcing facility for compounding a drug product from a bulk drug substance that does not appear on a list of bulk drug substances that may be used in compounding and is not used to compound a drug product that appears on the FDA drug shortage list at the time of compounding, distribution, and dispensing, while FDA develops the list of bulk drug substances that can be used in compounding under section 503B(a)(2)(A)(i) of the FD&C Act.

Elsewhere in this issue of the **Federal Register**, the Agency is making available for public comment a draft guidance entitled ''Interim Policy on Compounding Using Bulk Drug Substances Under Section 503A of the Federal Food, Drug, and Cosmetic Act,'' which describes the conditions under which FDA does not intend to take action against a licensed pharmacist at a State-licensed pharmacy or a Federal facility for compounding a drug product from a bulk drug substance that cannot otherwise be used in compounding under section 503A of the FD&C Act while FDA develops the list of bulk drug substances that can be used in compounding under section 503A(b)(1)(A)(i)(III).

II. Electronic Access

Persons with access to the Internet may obtain the guidance at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: October 21, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–27268 Filed 10–26–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0001]

Joint Meeting of the Pulmonary-Allergy Drugs Advisory Committee and the Drug Safety and Risk Management Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committees: Pulmonary-Allergy Drugs Advisory Committee and the Drug Safety and Risk Management Advisory Committee.

General Function of the Committees: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on December 10, 2015, from 8 a.m. to 4 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

Contact Person: Cindy Hong, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8533, *PADAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: The committees will discuss the safety of codeine in children 18 years of age and younger. Codeine (most often in combination with acetaminophen) is used for the treatment of pain in children; however, it is contraindicated for the management of pain after tonsillectomy and/or adenoidectomy. Codeine (in combination with other medicines) is used for the relief of cough associated with upper respiratory allergies or the common cold in children.

Codeine is available by prescription and also through the over-the-counter (OTC) Drug Monograph for Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products (21 CFR 341.14, 21 CFR 341.74, and 21 CFR 341.90).

The focus of the meeting will be the risk of serious adverse events, such as respiratory depression and death, including reports in children who are CYP2D6 ultra-rapid metabolizers. The committees will discuss whether the use of codeine in children should be restricted further beyond the current contraindication described previously and whether codeine should be available through the OTC Drug Monograph.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committees. Written submissions may be made to the contact person on or before November 24, 2015. Oral presentations from the public will be scheduled between approximately 11 a.m. and 12 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 16, 2015. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by November 17, 2015.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Cindy Hong at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 21, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–27196 Filed 10–26–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–3469]

Bulk Drug Substances That Can Be Used To Compound Drug Products in Accordance With Section 503B of the Federal Food, Drug, and Cosmetic Act; Establishment of a Public Docket

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability; establishment of public docket.

SUMMARY: The Food and Drug Administration (FDA or Agency) is developing a list of bulk drug substances (active ingredients) that can be used to compound drug products in accordance with the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (the 503B bulks list). The Agency previously solicited nominations for the list, but some of the nominated substances were not supported by sufficient information for FDA to evaluate them. FDA is establishing a public docket where these substances can be renominated with sufficient supporting information or to

receive nominations of bulk drug substances that were not previously nominated for consideration for inclusion on the 503B bulks list. Interested parties can also submit comments on nominated substances via this docket.

DATES: Nominations and comments may be submitted to this docket at any time.

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–3469 for ''Bulk Drug Substances That Can Be Used To Compound Drug Products in Accordance With Section 503B of the Federal Food, Drug, and Cosmetic Act; Establishment of a Public Docket.'' 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: Philantha Bowen, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 5175, Silver Spring, MD 20993–0002, 301–796–2466.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Drug Quality and Security Act (Pub. L. 113–54), which added a new section 503B to the FD&C Act (21 U.S.C. 353b), outsourcing facilities [1] may qualify for certain exemptions from the FD&C Act if the conditions set forth in the statute are satisfied. Those conditions include that an outsourcing facility does not compound drug products using a bulk drug substance unless the bulk drug substance appears on a list established by the Secretary identifying bulk drug substances for which there is a clinical need (the 503B bulks list), or the drug product compounded from such bulk drug substance appears on the drug shortage list in effect under section 506E of the FD&C Act (21 U.S.C. 356e) (FDA drug shortage list) at the time of compounding, distribution, and dispensing, and each of the following conditions are met: (1) If an applicable monograph exists under the United States Pharmacopeia (USP), the National Formulary, or another compendium or pharmacopeia recognized by the Secretary for purposes of this paragraph, the bulk drug substance complies with the monograph; (2) the bulk drug substance is manufactured by an establishment that is registered under section 510 of the FD&C Act (21 U.S.C. 360); and (3) the bulk drug substance is accompanied by a valid certificate of analysis (see section 503B(a)(2) of the FD&C Act).

Section 503B refers to the definition of ''bulk drug substance'' in FDA regulations at § 207.3(a)(4) (21 CFR 207.3(a)(4)). (See section 503B(a)(2) of the FD&C Act.) As defined in § 207.3(a)(4), a ''bulk drug substance'' is any substance that is represented for use in a drug and that, when used in the manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug, but the term does not include intermediates used in the synthesis of such substances.

An ''active ingredient'' is any component that is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the body of man or other animals. The term includes those components that may undergo chemical change in the manufacture of the drug product and be present in the drug product in a modified form intended to furnish the specified activity or effect. (See § 210.3(b)(7) (21 CFR 210.3(b)(7)).)

[1] ''Outsourcing facilities'' are facilities that meet certain conditions described in section 503B of the FD&C Act, including registering with FDA as an outsourcing facility.

Any component other than an active ingredient is an ''inactive ingredient.'' (See § 210.3(b)(8).) Inactive ingredients used in compounded drug products, which commonly include flavorings, dyes, diluents, or other excipients, need not appear on the Secretary's list of bulk drug substances to be eligible for use in compounding drug products and will not be included on the list.

In a document dated November 27, 2013, published in the **Federal Register** of December 4, 2013 (78 FR 72838), FDA invited all interested persons to nominate bulk drug substances for inclusion on the 503B bulks list. Over 2,000 substances were nominated. However, many of the nominations were not for bulk drug substances used in compounding as active ingredients, or they did not include sufficient information to allow FDA to evaluate the nominated substances for placement on the list. To improve the efficiency of the process for developing the 503B bulks list, FDA reopened the nomination process in July 2014 (79 FR 37747, July 2, 2014), and provided more detailed information on what it needs to evaluate nominations for the list. FDA stated that bulk drug substances that were previously nominated would not be further considered unless they were renominated with adequate support to permit a meaningful evaluation. Substances that were already eligible for use in compounding or that were not adequately supported would not be evaluated for placement on the list.

In response to the July 2, 2014, request for nominations, approximately 2,590 unique substances were nominated. Of the nominated substances, approximately 1,750 are not eligible for inclusion on the list because they are either a finished drug product, a biological product subject to licensure in a biologics license application (BLA), a radiopharmaceutical drug product, a substance with no currently accepted medical use that is included on Schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 812(c)), or they appear on the list published by FDA of substances that have been withdrawn or removed from the market because such drug products or components of such drug products have been found to be unsafe or not effective. Of the substances that are not biological products subject to licensure in a BLA, finished drug products, radiopharmaceuticals, do not appear on Schedule I in the CSA, and do not appear on the withdrawn or removed list, approximately 650 substances were nominated with insufficient supporting evidence for FDA to evaluate them.

II. Establishment of a Docket

As described in section III.B of the draft guidance entitled ''Interim Policy on Compounding Using Bulk Drug Substances Under Section 503B of the Federal Food, Drug, and Cosmetic Act,'' FDA is establishing a public docket so that interested parties can comment on nominated bulk drug substances, nominate bulk drug substances that were not previously nominated for the 503B bulks list, or renominate with adequate supporting information bulk drug substances that were previously nominated but that were not supported by sufficient information for FDA to evaluate them. Docket No. FDA–2013–N–1524 is closed for comment. Therefore, this new docket can be used for commenting on nominations previously submitted to that docket as well as for submitting new nominations.

In the **Federal Register** document seeking nominations, FDA stated that the following information about clinical need is necessary to provide adequate support for nominations to the 503B bulks list:

- A statement describing the medical condition(s) that the drug product to be compounded with the nominated bulk drug substances is intended to treat;
- A list of FDA-approved drug products, if any, that address the same medical condition;
- If there are any FDA-approved drug products that address the same medical condition, an explanation of why a compounded drug product is necessary;
- If the approved drug product is not suitable for a particular patient population, an estimate of the size of the population that would need a compounded drug product;
- A bibliography of safety and efficacy data for the drug product compounded using the nominated substance, if available, including any relevant peer-reviewed medical literature; and
- If there is an FDA-approved drug product that includes the bulk drug substance nominated, an explanation of why the drug product proposed to be compounded must be compounded from bulk rather than with the FDA-approved drug product.

Therefore, to be considered for placement on the 503B bulks list, this information should be submitted for each nominated substance.

Interested groups and individuals may nominate specific bulk drug substances for inclusion on the 503B bulks list, renominate previously nominated substances with additional information, or comment on nominated substances. Nominations will only be evaluated if they are for specific active ingredients that meet the definition of a bulk drug substance in § 207.3(a)(4). Nominated substances that do not meet this definition will not be included on the list. To fully evaluate a bulk drug substance using the criteria identified in this document, FDA needs the following information about both the nominated bulk drug substance and the drug product(s) that will be compounded using such substance:

A. Active Ingredients

1. Confirmation That the Nominated Substance Is a Bulk Drug Substance

- A statement that the nominated substance is an active ingredient that meets the definition of ''bulk drug substance'' in § 207.3(a)(4), and an explanation of why the substance is considered an active ingredient when it is used in compounded drug products, citing specific sources that describe the active properties of the substance.

2. General Background on the Bulk Drug Substance

- Ingredient name;
- chemical name;
- common name(s); and
- identifying codes, as available, from FDA's Unique Ingredient Identifiers (UNII) used in the FDA/USP Substance Registration System, available at *http://fdasis.nlm.nih.gov/srs/*. Because substance names can vary, this code, where available, will be used by the Agency to confirm the exact substance nominated and to identify multiple nominations of the same substance so the information can be reviewed together.
- Chemical grade of the ingredient;
- description of the strength, quality, stability, and purity of the ingredient, and a copy of a certificate of analysis that is representative of the characteristics of the nominated ingredient;
- information about how the ingredient is supplied (*e.g.,* powder, liquid); and
- information about recognition of the substance in foreign pharmacopeias and the status of its registration(s) in other countries, including whether information has been submitted to USP for consideration of monograph development.

B. Clinical Need To Compound

For FDA to be able to meaningfully evaluate a substance, the information provided regarding the clinical need for compounding with a bulk drug substance must be specific to the particular substance nominated and

drug product to be compounded. A ''boilerplate'' or general explanation of clinical need for compounding with bulk drug substances will not enable FDA to conduct an adequate review. Prescribers of the compounded drug products who may be in the best position to explain why there is a clinical need for a compounded drug product may provide data in support of a nomination. The following information about clinical need is necessary to provide adequate support for nominations to the 503B bulks list:

- A statement describing the medical condition(s) that the drug product to be compounded with the nominated bulk drug substances is intended to treat (*i.e.,* what patient need is met by the drug product compounded with the bulk drug substance);
- a list of FDA-approved drug products, if any, that address the same medical condition;
- if there are FDA-approved drug products that address the same medical condition, an explanation of why a compounded drug product is necessary (*i.e.,* why the approved drug product is not suitable for a particular patient population);
- if the approved drug product is not suitable for a particular patient population, an estimate of the size of the population that would need a compounded drug product (*e.g.,* for a drug product compounded from bulk because of patient allergies or other intolerances to excipients in FDA-approved drug products, FDA expects the supporting information to include a good faith estimate of the patient population with the specific medical condition that suffers from the allergy or intolerance, with citations to the literature regarding the incidence of the condition or a statement that a search was conducted and no references were found); [2]
- a bibliography of safety and efficacy data for the drug compounded using the nominated substance,[3] if available, including any relevant peer-reviewed medical literature; and
- if there is an FDA-approved drug product that includes the bulk drug substance nominated, an explanation of why the drug product proposed to be compounded must be compounded from bulk rather than with the FDA-approved drug product.

General or boilerplate statements regarding the need to compound from the bulk drug substance or the benefits of compounding generally will not be considered sufficient. Note that the Agency does not consider supply issues, such as backorders, that do not rise to the level of a drug shortage listed on FDA's drug shortage Web site as evidence of a clinical need for compounding with a bulk drug substance, and section 503B of the FD&C Act already allows compounding from bulk drug substances if the compounded drug product is on the FDA drug shortage list. Similarly, considerations of cost and convenience will not be considered indicators of clinical need.

C. Information on the Drug Product That Will Be Compounded With the Bulk Drug Substance

- Information about the dosage form(s) into which the bulk drug substance will be compounded;
- information about the strength(s) of the compounded drug product(s);
- information about the anticipated route(s) of administration of the compounded drug product(s); and
- information about the previous use(s) of the compounded drug product(s).

D. Process for Submitting Nominations and Comments

Because the prior deadline for submitting nominations has passed, FDA is opening this docket so that interested persons can submit nominations of bulk drug substances and provide adequate support for FDA to evaluate whether those substances should be placed on the 503B bulks list. Bulk drug substances that were previously nominated and for which inadequate information was provided [4] need to be renominated with the information identified in this document to be considered for inclusion on the 503B bulks list. Nominators are encouraged to submit as much of the information identified in this document as possible. Unless adequate supporting data is received for a bulk drug substance, FDA will be unable to consider it further for inclusion on the list.

For efficient consolidation and review of nominations, nominators are encouraged to submit their nominations in an editable Excel file. Specifically, nominators are encouraged to format their nominations as follows:

Column A—What information is requested?	Column B—Put data specific to the nominated substance
What is the name of the nominated ingredient?	Provide the ingredient name.
Is the ingredient an active ingredient that meets the definition of ''bulk drug substance'' in § 207.3(a)(4)?	Provide an explanation for why it is considered an active ingredient when it is used in specific compounded drug products, and provide citations to specific sources that describe its active properties.
What is the chemical name of the substance?	Chemical name.
What is the common name of the substance?	Common name.
Does the substance have a UNII code?	UNII code.
What is the chemical grade of the substance?	Provide the chemical grade.
What is the strength, quality, stability, and purity of the ingredient?	Provide the strength, quality, stability, and purity information and attach a certificate of analysis.
How is the ingredient supplied?	Describe how the ingredient is supplied (e.g., powder, liquid).
Is the substance recognized in foreign pharmacopeias or registered in other countries?	List the foreign pharmacopeias or other countries in which it is registered.
Has information been submitted about the substance to the USP for consideration of monograph development?	Put yes, no, or unknown. If yes, state the status of the monograph, if known.

[2] For example, if there is a need to compound a drug product from bulk drug substances due to patient sensitivity to a preservative or other excipient in the approved drug product, the supporting data is expected to set forth the number of patients for whom the drug product is prescribed that are allergic or sensitive to that particular excipient.

[3] FDA recognizes that the available safety and efficacy data supporting consideration of a bulk drug substance for inclusion on the list may not be of the same type, amount, or quality as is required to support a new drug application. Note that data regarding safety and efficacy, while relevant, is not indicative of a clinical need for a particular bulk drug substance, and additional information regarding the clinical need must be provided.

[4] As referenced in this document, a list of the substances in this category is available at *http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/PharmacyCompounding/UCM467373.pdf.*

Column A—What information is requested?	Column B—Put data specific to the nominated substance
What medical condition(s) is the drug product compounded with the bulk drug substances intended to treat?	Describe the medical condition(s) that the drug product compounded with the bulk drug substances is intended to treat.
Are there other drug products approved by FDA to treat the same medical condition?	List the other approved treatments.
If there are FDA-approved drug products that address the same medical condition, why is there a clinical need for a compounded drug product?	Provide a justification for clinical need, including an estimate of the size of the population that would need the compounded drug.
Are there safety and efficacy data on compounded drugs using the nominated substance?	Provide a bibliography of safety and efficacy data for the drug compounded using the nominated substance, if available, including any relevant peer-reviewed medical literature.
If there is an FDA-approved drug product that includes the bulk drug substance nominated, is it necessary to compound a drug product from the bulk drug substance rather than from the FDA-approved drug product?	Provide an explanation of why it is necessary to compound from the bulk drug substance.
What dosage form(s) will be compounded using the bulk drug substance?	State the dosage form(s).
What strength(s) will be compounded from the nominated substance?	List the strength(s) of the drug product(s) that will be compounded from the nominated substance, or a range of strengths, if known.
What are the anticipated route(s) of administration of the compounded drug product(s)?	List the route(s) of administration of the compounded drug product(s).
Has the bulk drug substance been used previously to compound drug product(s)?	Describe previous uses of the bulk drug substance in compounding.
Is there any other relevant information?	Provide any other information you would like FDA to consider in evaluating the nomination.

In addition to nominating new substances or renominating substances previously nominated without sufficient supporting information, individuals and organizations will be able to comment via the docket established by this notice on substances nominated for the 503B bulks list that have not yet been addressed in a **Federal Register** document proposing substances for the 503B bulks list. Comments may be submitted regarding nominations submitted to both this docket and nominations previously submitted to Docket No. FDA–2013–N–1524. Comments may provide any relevant information about particular bulk drug substances, including that in support of, or in opposition to, the placement of a nominated bulk drug substance on the 503B bulks list. However, comments submitted should not address the 503B bulks list generally or other matters related to the Agency's regulation of compounding. Comments about nominated substances that have been addressed by the Agency in a **Federal Register** document proposing substances for the 503B bulks list should be submitted to the docket for the document in which the substance is addressed.

Please do not submit comments that have already been submitted to other dockets. Such submissions are duplicative and not helpful to the Agency. If comments on particular documents or issues are submitted to this docket rather than the docket specifically opened for the particular document or issue, the comment might not be considered as the specific documents are being finalized and issues considered. FDA will not respond to questions submitted to this docket.

Information in the docket will be publicly available. Therefore, we remind nominators and commenters not to submit personal or confidential information.

Dated: October 21, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–27270 Filed 10–26–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–3455]

Medical Devices; Exemptions From Premarket Notifications; Class II Devices; Autosomal Recessive Carrier Screening Gene Mutation Detection System; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing its intent to exempt from the premarket notification requirements autosomal recessive carrier screening gene mutation detection systems, subject to certain limitations. These devices are qualitative in vitro molecular diagnostic systems used for genotyping of clinically relevant variants in genomic deoxyribonucleic acid (DNA) isolated from human specimens intended for prescription use or over-the-counter use. These devices are intended for autosomal recessive disease carrier screening in adults of reproductive age. These devices are not intended for copy number variation, cytogenetic, or biochemical testing. FDA is publishing this notice in order to obtain comments regarding the proposed exemption.

DATES: Submit electronic or written comments by November 27, 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–3455 for Medical Devices; Exemptions from Premarket Notifications; Class II Devices; Autosomal Recessive Carrier Screening Gene Mutation Detection System. 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: Steven Tjoe, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4550, Silver Spring, MD 20993–0002, 301–796–5866.

SUPPLEMENTARY INFORMATION:

I. Statutory Background

Section 510(k) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360(k)) and the implementing regulations, 21 CFR part 807 subpart E, require persons who intend to market a device to submit and obtain FDA clearance of a premarket notification (510(k)) containing information that allows FDA to determine whether the new device is ''substantially equivalent'' within the meaning of section 513(i) of the FD&C Act (21 U.S.C. 360c(i)) to a legally marketed device that does not require premarket approval.

On November 21, 1997, the President signed into law the FDA Modernization Act (FDAMA) (Pub. L. 105–115). Section 206 of FDAMA, in part, added a new section 510(m) to the FD&C Act. Section 510(m)(2) of the FD&C Act provides that, 1 day after the date of publication of the list under section 510(m)(1), FDA may exempt a device on its own initiative or upon petition of an interested person, if FDA determines that a 510(k) is not necessary to provide reasonable assurance of the safety and effectiveness of the device. This section requires FDA to publish in the **Federal Register** a notice of intent to exempt a device, or of the petition, and to provide a 30-day comment period. Within 120 days of publication of this document, FDA must publish in the **Federal Register** its final determination regarding the exemption of the device that was the subject of the notice. If FDA fails to respond to a petition under this section within 180 days of receiving it, the petition shall be deemed granted.

II. Factors FDA May Consider for Exemption

There are a number of factors FDA may consider to determine whether a 510(k) is necessary to provide reasonable assurance of the safety and effectiveness of a class II device. These factors are discussed in the January 21, 1998, **Federal Register** notice (63 FR 3142) and subsequently in the guidance the Agency issued on February 19, 1998, entitled ''Procedures for Class II Device Exemptions from Premarket Notification, Guidance for Industry and CDRH Staff'' (referred to herein as the Class II 510(k) Exemption Guidance) (Ref. 1).

III. Proposed Class II Device Exemption

On February 19, 2015, FDA completed its review of a de novo request for classification of the 23andMe Personal Genome Service (PGS) Carrier Screening Test for Bloom Syndrome. FDA classified the 23andMe PGS Carrier Screening Test for Bloom Syndrome, and substantially equivalent devices of this generic type, into class II (special controls) under the generic name ''Autosomal recessive carrier screening gene mutation detection system.'' This type of device is a qualitative in vitro molecular diagnostic system used for genotyping of clinically relevant variants in genomic DNA isolated from human specimens intended for prescription use or over-the-counter use. The device is intended for autosomal recessive disease carrier screening in adults of reproductive age. The device is not intended for copy number variation, cytogenetic, or biochemical testing. Elsewhere in this issue of the **Federal Register**, FDA is publishing an order to codify the classification of the device at 21 CFR 866.5940.

Based on the analysis described in this document, FDA has determined that premarket notification for an autosomal recessive carrier screening gene mutation detection system is not necessary for assurance of the safety and effectiveness of the device, subject to the limitations described in section IV. FDA has assessed the need for 510(k) clearance for an autosomal recessive carrier screening gene mutation detection system against the factors laid out in the Class II 510(k) Exemption Guidance (Ref. 1) and the January 21, 1998, **Federal Register** notice (63 FR 3142) and has determined that the factors weigh in favor of 510(k) exemption, for the following reasons:

A. History of False or Misleading Claims or of Risks Associated With Inherent Characteristics of the Device

FDA has generally considered whether a type of device has had a significant history of false or misleading claims or of risks associated with inherent characteristics of the device,

such as device design or materials when determining whether a 510(k) exemption is appropriate. Given that autosomal recessive carrier screening gene mutation detection systems were initially classified on February 19, 2015, under the de novo process, a process by which FDA evaluates novel devices anew, FDA has considered other related factors, including: (1) The probable frequency, persistence, cause, and seriousness of such claims or risks; and (2) mitigations of risk provided by the special controls, in combination with general controls.

To demonstrate clinical validity for this type of test, one must define an inheritance pattern of genetic disease and demonstrate the appropriate genetic patterns are present in an informative population that includes affected persons. The nature and level of scientific evidence necessary to establish autosomal recessive inheritance patterns makes it easily discernable whether such evidence establishes clinical validity or not. Thus, the special controls requiring that clinical validity be scientifically established and that evidence supporting such must be publicly posted on the manufacturer's Web site render the probability of false or misleading claims for autosomal recessive inheritance very low. Clinical validity must be well-established in peer reviewed journal articles, authoritative summaries of the literature, and/or professional society recommendations. If there is no professional guideline recommending testing of a certain gene or variant in the indicated population, the manufacturer's Web site must warn that no such recommendation currently exists.

When considering the risks associated with the inherent characteristics of tests of this type, FDA has considered the risks of both false positive and false negative results, as well as the applicable mitigations provided by the special controls, in combination with general controls. The probable risks posed by devices of this type are generally similar regardless of the genetic carrier condition to be detected, as explained in this document.

Autosomal recessive carrier screening is a type of genetic testing performed on people who display no symptoms for a recessive genetic disorder but may be at risk for passing it on to their children if they are detected to be a carrier. A carrier for a genetic disorder has inherited one normal and one abnormal allele for a gene associated with a disorder. Autosomal (non-sex chromosome-related) recessive disorders require that two abnormal copies of a gene, one inherited from each parent, be present in order for the disorder to be manifested. Therefore, to have a child with an autosomal recessive disorder, both parents must be carriers of an abnormal gene copy. When both parents are carriers for the abnormal copy, there is an *a priori* 1 in 4 chance (25 percent) that the child will inherit two abnormal copies of the gene and manifest the specific disease or condition.

FDA believes that the risks posed by false positives are relatively low, and sufficiently mitigated by the applicable special controls, including requirements that establish minimum performance specifications, without the need for premarket notification. Although some autosomal recessive genetic diseases are more common in certain ethnic, racial, or geographically-bounded groups, even in these groups disease frequencies tend to be low. Most autosomal recessive genetic diseases are very rare with frequencies much less than 1 percent in the general population, and the respective carrier frequencies are likewise low in most populations. For reference, sickle cell trait (carrier of sickle cell mutation), which has one of the highest known carrier frequencies, is estimated to occur in about 1 of 13 African Americans, and cystic fibrosis carrier status is estimated to occur in about 1 of 25 Caucasians. Persons outside these groups have lower carrier frequencies for sickle cell and cystic fibrosis carrier status. Other autosomal recessive diseases are rarer and their carrier frequencies are correspondingly lower. Carrier screening is only intended to detect heterozygotes (carriers), so false positive results would only suggest that a person was a carrier of a mutation, and would not contain information that could lead to conclusions of disease for the tested person. Further, no conclusion about an individual's future children could be made given that the carrier status of the child's second parent would need to be known to reach such a conclusion, and even where both parents are truly positive the only conclusion that may be drawn is that the child has a 25 percent likelihood of manifesting the disease. The probability of a couple both receiving false positive carrier results from using a device of this type is vastly smaller than for a single false positive.

In this rare scenario, a couple both receiving false positive results could lead to the couple choosing not to get married or not to have children, or the results could lead to unnecessary fetal testing in current or future pregnancies. Fetal testing may consist of amniocentesis or chorionic villus sampling (CVS), neither of which is risk-free, although other risk factors during pregnancy, including age, often warrant such testing regardless of any carrier screening results. A false positive result for an individual may also potentially lead to adverse psychological effects, particularly if that individual does not fully understand the nature of autosomal recessive disorders (*i.e.,* that both the mother and father must be carriers in order to have a 25 percent chance that their child would have the disorder). FDA believes that the applicable special controls are sufficient to mitigate such risks without the need for premarket review, including: (1) The requirement for over-the-counter test manufacturers to provide users information about how to obtain access to the counseling services of a board-certified clinical molecular geneticist or equivalent, and (2) labeling and comprehension study requirements to help ensure that users are able to understand the limitations and context of the testing prior to ordering.

Similarly, the applicable special controls, including labeling requirements and requirements that establish minimum performance specifications, sufficiently mitigate the risks posed by analytical false negatives for autosomal recessive carrier status without the need for premarket notification. Regardless of analytical accuracy, there exists a risk of a clinical false negative result for many carrier tests because not all clinically relevant mutations are known or tested for; therefore there will be a proportion of carriers who will not be detected. The proportion of people who are true carriers who would be detected by any test is known as the test's ''coverage.'' For many carrier conditions, clinical false negative rate due to ''coverage'' less than 100 percent is likely higher than the false negative rate from analytical failure or random error of a test. The clinical risks associated with false negative results generally occur when only one biological parent is tested and experiences a false negative result, since in that case it is unlikely the other biological parent will be tested. The risk of the false negative would only have consequence in the circumstance that the non-tested parent is also a carrier for the condition or disorder. In this case, there is a 25 percent chance that a future child would inherit the condition or disorder.

FDA believes that the special controls requiring certain warnings in the device labeling are sufficient to mitigate such risk without further premarket review. The special controls include requiring a

warning statement accurately disclosing the genetic coverage of the test in lay terms, including, as applicable, information on variants not queried by the test, and the proportion of incident disease that is not related to the gene(s) tested. For example, where applicable, the statement would have to include a warning that the test does not or may not detect all genetic variants related to the genetic disease, and that the absence of a variant tested does not rule out the presence of other genetic variants that may be disease related. Or, where applicable, the statement would have to include a warning that the basis for the disease for which the genetic carrier status is being tested is unknown or believed to be non-heritable in a substantial number of people who have the disease, and that a negative test result cannot rule out the possibility that any offspring may be affected with the disease. The statement would have to include any other warnings needed to accurately convey to consumers the degree to which the test is informative for carrier status. The labeling special controls as a whole help ensure that those individuals for whom the test is conducted have the information available to enable them to understand the limitations of the test results prior to the test being performed and after receiving test results and provide context for the use and further interpretation of any results.

B. Well Established Safe and Effective Performance

FDA has generally considered whether the characteristics of the device necessary for its safe and effective performance are well established. Given that autosomal recessive carrier screening gene mutation detection systems were initially classified on February 19, 2015, under the de novo process, a process by which FDA evaluates novel devices anew, FDA has considered other related factors, including whether the performance characteristics that are necessary for the safe and effective use of the device are addressed by the special controls, in combination with general controls.

Clinical validity is addressed through the special controls without the need for premarket notification. Generally, FDA accepts evidence of clinical validity of each variant queried and reported by a test as supported by peer-reviewed journal articles, authoritative summaries of the literature, and/or professional society recommendations during its premarket review. As discussed previously, given the level and nature of scientific evidence necessary to establish autosomal recessive inheritance patterns and corresponding ease of recognizing false or misleading clinical claims for this type of test, clinical validity is assured through the special controls requiring that clinical validity be scientifically well-established in peer-reviewed journal articles, authoritative summaries of the literature, and/or professional society recommendations and that evidence supporting such be publicly posted on the manufacturer's Web site.

Moreover, as discussed previously, applicable special controls help ensure that individuals for whom the tests are conducted are able to understand the testing prior to the test being performed, as well as provide context, including limitations, regarding the clinical validity of the variants reported. These special controls mitigate the risks posed by incorrect test results and the risk that test results are interpreted incorrectly or are misleading.

The special controls for devices of this type require rigorous analytical performance metrics and parameters to be met, which is what FDA would typically assess in its review of analytical performance in a premarket submission. The special control requiring this analytical performance information to be posted on the manufacturer's public Web site will allow FDA, as well as others, to review this information. Together these special controls, described in more detail in this document, obviate the need for premarket notification.

- First, the special controls provide a detailed listing of the protocol requirements and acceptance criteria for all analytical studies (*e.g.,* precision/reproducibility, accuracy, interference, and cross-reactivity).
- Second, the special controls define how, in some cases, analyses must be performed and presented to the person from whom the tests are conducted.
- Third, a very high level of accuracy is prescribed in the special controls.
- Fourth, the special controls also require that devices of this type only use collection devices that are FDA cleared, FDA approved, or classified as 510(k) exempt, with an indication for in vitro diagnostic use in DNA testing. The use of a lawfully marketed collection device intended for such use provides assurances regarding the safety and effectiveness of that component of the device, which in turn helps to assure the safety and effectiveness of the device as a whole.
- Fifth, the special controls limit the distribution of devices of this type, excluding the collection device, to the manufacturer, manufacturer's subsidiaries, and laboratories subject to regulation under the Clinical Laboratory Improvement Amendments. This limitation mitigates risk through lowering the probability of inaccurate test results by ensuring that testing is performed by qualified individuals and in a manner that provides greater assurance of quality of the testing process.
- Sixth, specific statements regarding the probability of test failure and a description of scenarios in which a test can fail are prescribed in the special controls.
- Lastly, the special controls require warnings in the labeling to help ensure that persons for whom the tests are conducted and users are able to understand the testing prior to the test being performed, as well as provide context, including limitations, regarding the analytical validity of the variants reported.

Taken together, these special controls mitigate the risks through lowering the probability of inaccurate test results and increasing the likelihood of user understanding regarding test limitations and performance. FDA believes that given the unique characteristics of an autosomal recessive carrier screening gene mutation detection system, including that both a mother and father must be carriers in order to have a 25 percent chance that their child would have the disorder, these special controls reasonably assure that a legally marketed device of this type will have the characteristics necessary for its safe and effective performance without the need for premarket notification.

C. Anticipated Changes in the Device That Could Affect Safety and Effectiveness Are Readily Detectable by Users or Would Not Materially Increase Risk

The special controls, in combination with the general controls, assure that anticipated changes in the device that could affect safety and effectiveness will either be readily detectable by users or not materially increase risk.

As discussed previously, the special controls include a detailed outline of clinical and analytical performance information that must be generated or obtained and posted on the manufacturer's Web site. Such special controls provide details on how analytical testing must be performed and provide certain performance criteria that the analytical testing must demonstrate have been met. Any changes to the device that could significantly affect safety or effectiveness would require new data or information in support of such changes, which would also have to be posted on

the manufacturer's Web site. The types of permissible changes are limited by the limitations of exemption at § 866.9 (21 CFR 866.9), as discussed in this document.

D. Changes to the Device Would Not Result in a Change in Classification

Subject to the applicable requirements under the special controls, in combination with general controls, changes to a device of this type would not be likely to result in a change in the device's classification. FDA also considered, in proposing to exempt these devices, that these devices would be subject to the limitations described in section IV.

IV. Limitations of Exemption

FDA's proposal to grant an exemption from the premarket notification for an autosomal recessive carrier screening gene mutation detection system applies only to those devices that have existing or reasonably foreseeable characteristics of commercially distributed devices within that generic type, or, in the case of in vitro diagnostic devices, for which a misdiagnosis, as a result of using the device, would not be associated with high morbidity or mortality. FDA proposes that a manufacturer of an autosomal recessive carrier screening gene mutation detection system would still be required to submit a premarket notification to FDA before introducing a device or delivering it for introduction into commercial distribution when the device meets any of the conditions described in § 866.9, except § 866.9(c)(2) to the extent it may include an autosomal recessive carrier screening gene mutation detection system.

FDA added the limitation of exemption from section 510(k) of the FD&C Act for in vitro devices intended for use in screening or diagnosis of familial or acquired genetic disorders, including inborn errors of metabolism (codified at § 866.9(c)(2)) by notice in the **Federal Register** of January 21, 1998 (63 FR 3142), when FDA exempted 62 types of class II devices from section 510(k) under section 510(m)(1). When FDA later made this limitation of exemption applicable to certain class I devices in 2000, FDA explained that FDA intended that devices used in connection with either familial or acquired genetic disorders be subject to premarket notification requirements because misdiagnosis of either of these disorders would be associated with high morbidity or mortality (65 FR 2296 at 2299). This category of in vitro diagnostic devices is much broader than autosomal recessive carrier screening gene mutation detection, if such a use is included in this category at all. To the extent such a use is included in § 866.9(c)(2), FDA is proposing that this limitation not apply to the exemption of autosomal recessive carrier screening gene mutation detection systems from section 510(k) of the FD&C Act for the reasons that follow.

First, autosomal recessive carrier screening gene mutation detection present very different risks from other tests covered by § 866.9(c)(2), such as tests for screening or diagnosis of genetic disorders in the individuals being tested, as opposed to their offspring. As discussed in detail previously, because carrier screening is only intended to detect heterozygotes (carriers), false positive results would suggest that a person was a carrier of a mutation, but would not contain information that could lead to conclusions of disease for the tested person. Further, no conclusion about an individual's future children could be made given that the carrier status of the child's second parent would need to be known to reach such a conclusion, and even where both parents are truly positive the only conclusion that may be drawn is that the child has a 25 percent likelihood of manifesting the disease. The probability of a both parents receiving false positive carrier results from using a device of this type is vastly smaller than for a single false positive result.

Second, based on FDA's increased understanding of genetic testing and the risks posed by devices of this type, FDA was able to develop special controls to mitigate the risks of false positive and false negative results, as detailed in section III. For example, the special controls requiring demonstration of both analytical and clinical validity, posting of this information on the manufacturer's Web site, consumer comprehension studies, information regarding genetic counseling, and warnings regarding the meaning, context, and limitations of results all reduce the likelihood of false results and of the harms that such may cause. As a result, the risk of false results, as mitigated by the special controls, in combination with general controls, for such device would not be associated with high morbidity or mortality, and FDA is proposing that the limitation of exemption in § 866.9(c)(2) not apply to devices of this type to the extent the limitation includes autosomal recessive carrier screening gene mutation detection.

FDA proposes that an autosomal recessive carrier screening gene mutation detection system is not exempt from the premarket notification requirement if such device: (1) Has an intended use that is different from the intended use of a legally marketed device in that generic type; *e.g.,* the device is intended for a different medical purpose, or the device is intended for lay use where the former intended use was by health care professionals only; or (2) operates using a different fundamental scientific technology than that used by a legally marketed device in that generic type; *e.g.,* a surgical instrument cuts tissue with a laser beam rather than with a sharpened metal blade, or an in vitro diagnostic device detects or identifies infectious agents by using a DNA probe or nucleic acid hybridization or amplification technology rather than culture or immunoassay technology; or (3) is an in vitro device that is intended: for use in the diagnosis, monitoring or screening of neoplastic diseases with the exception of immunohistochemical devices; for measuring an analyte which serves as a surrogate marker for screening, diagnosis, or monitoring of life threatening diseases, such as acquired immune deficiency syndrome (AIDS), chronic or active hepatitis, tuberculosis, or myocardial infarction, or to monitor therapy; for assessing the risk of cardiovascular diseases; for use in diabetes management; for identifying or inferring the identity of a microorganism directly from clinical material; for detection of antibodies to microorganisms other than immunoglobulin G (IgG) and IgG assays when the results are not qualitative, or are used to determine immunity, or the assay is intended for use in matrices other than serum or plasma; for noninvasive testing; or for near-patient testing (point of care).

When a device falls within or ''trips'' any of these limitations, 510(k) clearance is required prior to marketing. Following a determination by FDA, through the premarket notification process, that such a device is substantially equivalent to a legally marketed device in the 510(k)-exempt generic type under 21 CFR 866.5940, and compliance with the special controls, future devices with the same indications and technological characteristics would be exempt from premarket notification. If you have questions regarding whether your device's indication for use constitutes a different intended use requiring 510(k) submission, you may contact the Division of Chemistry and Toxicology Devices in the Office of In Vitro Diagnostics and Radiological Health to request a review of your indication for use and any relevant literature.

Based on FDA's review of current scientific literature, FDA would not consider the determination of carrier status by detection of clinically relevant gene mutations associated with the diseases and conditions listed in Table 1 to constitute a different intended use from that of a legally marketed device in the generic type 21 CFR 866.5940 for purposes of § 866.9(a). Thus such uses would be 510(k)-exempt once there is compliance with special controls. A gene mutation detection system indicated for the determination of carrier status by detection of clinically relevant gene mutations associated with Cystic Fibrosis is not 510(k)-exempt since it is a class II device subject to premarket notification and special controls under 21 CFR 866.5900—*Cystic fibrosis transmembrane conductance regulator (CFTR) gene mutation detection system.*

TABLE 1

Beta Thalassemia
Bloom Syndrome
Canavan Disease
Congenital Disorder of Glycosylation Type 1a (PMM2–CDG)
Autosomal Recessive Connexin 26-Nonsyndromic Hearing Loss
D-Bifunctional Protein Deficiency
Dihydrolipoamide Dehydrogenase Deficiency
Familial Dysautonomia
Familial Mediterranean Fever
Fanconi Anemia Group C
Gaucher Disease
Glycogen Storage Disease Type 1 (1a and 1b)
Gracile Syndrome
Hereditary Fructose Intolerance
Junctional Epidermolysis Bullosa (LAMB3-related)
Leigh Syndrome, French Canadian Type (LSFC)
Autosomal Recessive Limb-girdle Muscular Dystrophy
Maple Syrup Urine Disease
Medium-Chain Acyl-CoA Dehydrogenase (MCAD) Deficiency
Mucolipidosis IV
Autosomal Recessive Neuronal Ceroid Lipofuscinosis (CLN5-related)
Autosomal Recessive Neuronal Ceroid Lipofuscinosis (PPT1-related)
Niemann-Pick Disease—Type A
Nijmegen Breakage Syndrome
Pendred Syndrome
Phenylketonuria
Autosomal Recessive Polycystic Kidney Disease
Primary Hyperoxaluria Type 2 (PH2)
Rhizomelic Chondrodysplasia Punctata Type 1 (RCDP1)
Salla Disease
Sickle Cell Anemia
Sjögren-Larsson Syndrome
Autosomal Recessive Spastic Ataxia of Charlevoix-Saguenay (ARSACS)
Spinal Muscular Atrophy
Tay Sachs Disease
Tyrosinemia Type I
Usher Syndrome Type 1F
Usher Syndrome Type III
Zellweger Syndrome Spectrum

Exemption from the requirement of premarket notification does not exempt a device from other applicable regulatory controls under the FD&C Act, including the applicable general and special controls. Indeed, FDA's decision to propose 510(k) exemption for these devices is based, in part, on the special controls, in combination with general controls, providing sufficiently rigorous mitigations for the risks identified for this generic type.

Subject to the limitations described previously, FDA has determined that the requirement of premarket notification is not necessary to assure the safety and effectiveness of an autosomal recessive carrier screening gene mutation detection system. Accordingly, FDA is announcing its intent to exempt from the premarket notification requirements autosomal recessive carrier screening gene mutation detection systems, subject to the limitations described previously. FDA is publishing this notice in order to obtain comments regarding the proposed exemption.

V. Paperwork Reduction Act of 1995

This notice refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 807, subpart, E have been approved under OMB control number 0910–0120 and the collections of information in 21 CFR parts 801 and 809 have been approved under OMB control number 0910–0485.

VI. Reference

The following reference is on display in the Division of Dockets Management (see **ADDRESSES**) and is available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; it is also available electronically at *http://www.regulations.gov.* FDA has verified the Web site address, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

1. ''Procedures for Class II Device Exemptions from Premarket Notification, Guidance for Industry and CDRH Staff,'' February 1998, available at *http://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/UCM080199.pdf.*

Dated: October 20, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–27198 Filed 10–26–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–3815]

Agency Information Collection Activities; Proposed Collection; Comment Request; Electronic Submission of Medical Device Registration and Listing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

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 the notice. This notice solicits comments on information collection associated with electronic submission of medical device registration and listing.

DATES: Submit either electronic or written comments on the collection of information by December 28, 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–3815 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Electronic Submission of Medical Device Registration and Listing.'' 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 these topics: (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.

Electronic Submission of Medical Device Registration and Listing—21 CFR Part 807, Subparts A Through E; OMB Control Number 0910–0625—Extension

Under section 510 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360) and part 807, subparts A through D (21 CFR part 807, subparts A through D), medical device establishment owners and operators are required to electronically submit establishment registration and device listing information.

Complete and accurate registration and listing information is necessary to accomplish a number of statutory and regulatory objectives, such as: (1) Identification of establishments producing marketed medical devices, (2) identification of establishments producing a specific device when that device is in short supply or is needed for national emergency, (3) facilitation of recalls for devices marketed by owners and operators of device establishments, (4) identification and cataloguing of marketed devices, (5) administering postmarketing surveillance programs for devices, (6) identification of devices marketed in violation of the law, (7) identification and control of devices imported into the country from foreign establishments, (8) and scheduling and planning inspections of registered establishments under section 704 of the FD&C Act (21 U.S.C. 374)

Respondents to this information collection are owners or operators of establishments that engage in the manufacturing, preparation, propagation, compounding, or processing of a device or devices, who must register their establishments and submit listing information for each of their devices in commercial distribution. Notwithstanding certain exceptions, foreign device establishments that manufacture, prepare, propagate, compound, or process a device that is imported or offered for import into the United States must also comply with the registration and listing requirements. The number of respondents is based on data from the FDA Unified Registration and Listing System.

Burden estimates are based on recent experience with the existing medical device registration and listing program, electronic system operating experience, and the economic analysis for the final

rule entitled ''Implementation of Device Registration and Listing Requirements Enacted in the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, the Medical Device User Fee and Modernization Act of 2002, and Title II of the Food and Drug Administration Amendments Act of 2007.''

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	FDA form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
807.20(a)(5) [2]—Submittal of manufacturer information by initial importers	3673	8,594	1	8,594	1.75	15,040
807.20(a)(5) [3]—Submittal of manufacturer information by initial importers	3673	8,594	3	25,782	0.1	2,578
807.21(a) [3]—Creation of electronic system account	3673	3,559	1	3,559	0.5	1,780
807.21(b) [2]—Annual request for waiver from electronic registration & listing	.....	14	1	14	1	14
807.21(b) [3]—Initial request for waiver from electronic registration & listing	.....	4	1	4	1	4
807.22(a) [3]—Initial registration & listing	3673	3,539	1	3,539	0.5	1,770
807.22(b)(1) [3]—Annual registration	3673	20,355	1	20,355	0.75	15,266
807.22(b)(2) [3]—Other updates of registration	3673	4,176	1	4,176	0.5	2,088
807.22(b)(3) [3]—Annual update of listing information	3673	19,875	1	19,875	1	19,875
807.26(e) [3]—Labeling & advertisement submitted at FDA request	.....	71	1	71	1	71
807.34(a) [2]—Initial registration & listing when electronic filing waiver granted	.....	14	1	14	1	14
807.34(a) [3]—Annual registration & listing when electronic filing waiver granted	.....	4	1	4	1	4
807.40(b)(2) [3]—Annual update of US agent information	3673	1,615	1	1,615	0.5	808
807.40(b)(3) [3]—US agent responses to FDA requests for information	3673	1,535	1	1,535	0.25	384
807.41(a) [3]—Identification of initial importers by foreign establishments	3673	10,329	1	10,329	0.5	5,165
807.41(b) [3]—Identification of other parties that facilitate import by foreign establishments	3673	10,329	1	10,329	0.5	5,165
Total on-time burden	.....	.....	.....	.....	.....	15,068
Total recurring burden	.....	.....	.....	.....	.....	54,958

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] One-time burden.
[3] Recurring burden.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
807.25(d) [2]—List of Officers, Directors & Partners	23,806	1	23,806	0.25	5,952
807.26 [2]—Labeling & Advertisements Available for Review	11,746	4	46,984	0.5	23,492
Total	.....	.....	.....	.....	29,444

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Recurring burden.

Dated: October 21, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–27199 Filed 10–26–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–3517]

Interim Policy on Compounding Using Bulk Drug Substances Under Section 503A of the Federal Food, Drug, and Cosmetic Act; Draft Guidance; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance entitled ''Interim Policy on Compounding Using Bulk Drug Substances Under Section 503A of the Federal Food, Drug, and Cosmetic Act.'' The draft guidance describes FDA's interim regulatory policy regarding the use of bulk drug substances by licensed pharmacists in State-licensed pharmacies or Federal facilities and by licensed physicians to compound human drug products while FDA develops the list of bulk drug substances that can be used in compounding under the Federal Food, Drug, and Cosmetic Act (FD&C Act). When final, the guidance will reflect the Agency's current thinking on the issues addressed by the guidance.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency

considers your comment on the draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by December 28, 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–D–3517 for ''Interim Policy on Compounding Using Bulk Drug Substances Under Section 503A of the Federal Food, Drug, and Cosmetic Act; Draft Guidance; Availability.'' 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.

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Sara Rothman, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 5197, Silver Spring, MD 20993–0002, 301–796–3110.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance entitled ''Interim Policy on Compounding Using Bulk Drug Substances Under Sections 503A of the Federal Food, Drug, and Cosmetic Act.'' Section 503A of the FD&C Act describes the conditions that must be satisfied for human drug products compounded by a licensed pharmacist in a State-licensed pharmacy or Federal facility, or by a licensed physician, to be exempt from the following three sections of the FD&C Act: Section 505 (concerning the approval of drugs under new drug applications or abbreviated new drug applications); section 502(f)(1) (concerning the labeling of drugs with adequate directions for use); and section 501(a)(2)(B) (concerning current good manufacturing practice requirements).

One of the conditions that must be met for a compounded drug product to qualify for these exemptions is that a licensed pharmacist or licensed physician compounds the drug product using bulk drug substances that: (1) Comply with the standards of an applicable United States Pharmacopeia (USP) or National Formulary (NF) monograph, if a monograph exists, and the USP chapter on pharmacy compounding; (2) if such a monograph does not exist, are drug substances that are components of drugs approved by the Secretary; or (3) if such a monograph does not exist and the drug substance is not a component of a drug approved by the Secretary, appears on a list developed by the Secretary through regulations issued by the Secretary under subsection (c) of section 503A. (See section 503A(b)(1)(A)(i) of the FD&C Act).

This guidance describes the conditions under which FDA does not intend to take action against a licensed pharmacist or licensed physician for compounding a drug product from a bulk drug substance that is not the subject of an applicable USP or NF monograph, is not a component of an FDA-approved drug, or does not appear on the list of bulk drug substances that can be used in compounding under section 503A(b)(1)(A)(i)(III) of the FD&C Act by a licensed pharmacist or licensed physician while FDA is developing the list.

Elsewhere in this issue of the **Federal Register**, the Agency is making available for public comment a draft guidance entitled ''Interim Policy on Compounding Using Bulk Drug Substances Under Section 503B of the Federal Food, Drug, and Cosmetic Act,'' which describes conditions under

which FDA does not intend to object to the compounding of a drug product from certain bulk drug substances by an outsourcing facility while FDA develops the list of bulk drug substances that can be used in compounding under section 503B(a)(2)(A)(i) of the FD&C Act.

The final guidance ''Pharmacy Compounding of Human Drug Products Under Section 503A of the FD&C Act,'' (503A Final Guidance) published in 2014 (79 FR 37742; July 2, 2014), states, ''Until a bulk drug substances list is published in the **Federal Register** as a final rule, human drug products should be compounded using only bulk drug substances that are components of drugs approved under section 505 of the FD&C Act, or are the subject of USP or NF monographs.'' Because this draft interim guidance proposes to change the Agency's policy relating to compounding with bulk drug substances while FDA develops a list of bulk drug substances that can be used in compounding, FDA is adding a footnote to the 503A Final Guidance referencing this draft interim guidance. Once this draft interim guidance is finalized, FDA intends to remove that footnote from the 503A Final Guidance and cross-reference the final interim guidance as establishing the policy for compounding with bulk drug substances during the development of the 503A bulks list. The footnote is being added to the 503A Final Guidance as a Level 2 change under 21 CFR 10.115 because the final interim guidance, rather than the footnote to the 503A Final Guidance, will set forth the actual change in policy. Accordingly, comments on the proposed change in policy are being solicited as part of this Notice of Availability on the draft interim guidance.

II. Electronic Access

Persons with access to the Internet may obtain the guidance at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: October 21, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–27269 Filed 10–26–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute, Special Emphasis Panel; T32 Training Program for Institutions that Promote Diversity.

Date: November 16, 2015.

Time: 2:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7189, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Stephanie L Constant, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7189, Bethesda, MD 20892, 301–443–8784, *constantsl@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: October 22, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–27325 Filed 10–26–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel; NEI Clinical and Epidemiological Applications: Retina, Glaucoma and Neuro-Ophthalmology.

Date: December 10, 2015.

Time: 8:30 a.m. to 4:00 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: Brian Hoshaw, Ph.D., Scientific Review Officer, National Eye Institute, National Institutes of Health, Division of Extramural Research, 5635 Fishers Lane, Suite 1300, Rockville, MD 20892, 301–451–2020, *hoshawb@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: October 22, 2015.

Natasha Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–27324 Filed 10–26–15; 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 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 Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Implementation Cooperative Agreement (U01).

Date: November 24, 2015.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health Room 3G61, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Jane K. Battles, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID 5601 Fishers Lane, Room 3F30B, Rockville, MD 20852, 240–669–5029, *battlesja@mail.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: October 22, 2015.

Natasha Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–27320 Filed 10–26–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed 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 Institute on Aging Special Emphasis Panel; Drug Development in Alzheimer's Disease.

Date: November 10, 2015.

Time: 5:00 p.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jeannette L. Johnson, Ph.D., National Institutes on Aging, National Institutes of Health, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7705, *JOHNSONJ9@NIA.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. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: October 22, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–27327 Filed 10–26–15; 8:45 am]

BILLING CODE 4140–01P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

In Vitro to *In Vivo* Extrapolation for High Throughput Prioritization and Decision Making; Notice of Webinars and Public Workshop; Registration Information; Amended Notice

SUMMARY: This notice amends **Federal Register** notice 80 FR 56476, published September 18, 2015, announcing the workshop and webinar series ''*In Vitro* to *In Vivo* Extrapolation for High Throughput Prioritization and Decision Making.'' A webinar date has changed from December 2, 2015, to December 3, 2015, at 11:00 a.m. Eastern 0.0.Standard Time (EST). All other information in the original notice has not changed. Preliminary agenda, registration, and other meeting materials are available at *http://ntp.niehs.nih.gov/go/ivive-wksp-2016.*

DATES: Webinars: November 4, 2015; December 3, 2015; and January 6, 2016; at 11:00 a.m. EST.

Dated: October 21, 2015.

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2015–27200 Filed 10–26–15; 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; HIV Vaccine Research & Design (P01).

Date: November 17–18, 2015.

Time: 8:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 4H100, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Jay Bruce Sundstrom, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G11A, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, 240–669–5045, *sundstromj@niaid.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01).

Date: November 17, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 4C100, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: P. Chris Roberts, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G22, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–7616, 240–669–5053, *paul.roberts@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. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 21, 2015.

Natasha Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–27201 Filed 10–26–15; 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; Shared Instrumentation: NMR and X-ray.

Date: November 18, 2015.

Time: 5:00 p.m. to 7:00 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: David R Jollie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7806, Bethesda, MD 20892, (301) 435–1722, *jollieda@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Computational, Modeling, and Biodata Management.

Date: November 19, 2015.

Time: 1:00 p.m. to 3:00 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: Ross D Shonat, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6172, MSC 7892, Bethesda, MD 20892, 301–435–2786, *ross.shonat@nih.hhs.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: October 21, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–27242 Filed 10–26–15; 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: Center for Scientific Review Special Emphasis Panel; Cancer, Heart, and Sleep Epidemiology Panel A.

Date: October 29–30, 2015.

Time: 8:30 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Ave. NW., Washington, DC 20037.

Contact Person: Denise Wiesch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7770, Bethesda, MD 20892, (301) 437–3478, *wieschd@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: October 22, 2015.

Natasha Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–27322 Filed 10–26–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App. 2), notice is hereby given of the joint meeting of the National Cancer Advisory Board (NCAB) and NCI Board of Scientific Advisors (BSA).

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting Web site (*http://videocast.nih.gov*).

A portion of the National Cancer Advisory Board meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C., as amended, for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Advisory Board *Ad Hoc* Subcommittee on Global Cancer Research.

Open: November 30, 2015, 6:30 p.m. to 8:00 p.m.

Agenda: Discussion on Global Cancer Research.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, Maryland 20814.

Contact Person: Dr. Edward Trimble, Executive Secretary, NCAB *Ad Hoc* Subcommittee on Global Cancer Research, National Cancer Institute—Shady Grove, National Institutes of Health, 9609 Medical Center Drive, Room 3W562, Bethesda, MD 20892, (240) 276–5796, *trimblet@mail.nih.gov.*

Name of Committee: National Cancer Advisory Board and Board of Scientific Advisors.

Open: December 1, 2015, 9:00 a.m. to 4:00 p.m.

Agenda: Joint meeting of the National Cancer Advisory Board and NCI Board of Scientific Advisors; NCI Board of Scientific Advisors Concepts Review, NCI Director's report.

Closed: December 1, 2015, 4:00 p.m. to 5:30 p.m.

Agenda: Review of intramural program site visit outcomes and the discussion of confidential personnel issues.

Open: December 2, 2015, 9:00 a.m. to 12:00 p.m.

Agenda: Joint meeting of the National Cancer Advisory Board and NCI Board of Scientific Advisors; and presentations.

Place: National Institutes of Health, Building 31, C-Wing, 6th Floor, Room 10, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Paulette S. Gray, Ph.D., Director, Division of Extramural Activities, National Cancer Institute—Shady Grove, National Institutes of Health, 9609 Medical Center Drive, Room 7W444, Bethesda, MD 20892, 240–276–6340, *grayp@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: NCAB: *http://deainfo.nci.nih.gov/advisory/ncab/ncab.htm,* BSA: *http://deainfo.nci.nih.gov/advisory/bsa/bsa.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: October 22, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–27323 Filed 10–26–15; 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: Respiratory Sciences.

Date: November 3, 2015.

Time: 8:00 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: Lawrence E. Boerboom, Ph.D., Chief, CVRS IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, (301) 435–8367, *boerboom@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business—Hematology.

Date: November 16–17, 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: Bukhtiar H. Shah, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7802, Bethesda, MD 20892, 301–806–7314, *shahb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–14–006: SPF Macaque Colonies.

Date: November 18, 2015.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Shiv A. Prasad, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, 301–443–5779, *prasads@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Epilepsy and Related Diseases.

Date: November 18, 2015.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237–9838, *bhagavas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Kidney, Nutrition, Obesity, and Diabetes Epidemiology.

Date: November 18, 2015.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ellen K. Schwartz, EDD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3144, MSC 7770, Bethesda, MD 20892, 301–828–6146, *schwarel@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cardiovascular Sciences.

Date: November 19–20, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Margaret Chandler, Ph.D. Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7814, Bethesda, MD 20892, (301435–1743, *margaret.chandler@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Respiratory Sciences.

Date: November 19, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Lawrence E. Boerboom, Ph.D., Chief, CVRS IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, (301) 435–8367, *boerboom@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Musculoskeletal Rehabilitation Small Business.

Date: November 19, 2015.

Time: 10:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Maria Nurminskaya, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, Bethesda, MD 20892, (301) 435–1222, *nurminskayam@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: October 22, 2015.

Natasha Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–27321 Filed 10–26–15; 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: December 11, 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.*

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: October 22, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–27326 Filed 10–26–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of November 18, 2015 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: October 8, 2015.

Roy E. Wright,

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

Community	Community map repository address
Highlands County, Florida, and Incorporated Areas Docket No.: FEMA–B–1282	
City of Avon Park	City Hall, 110 East Main Street, Avon Park, FL 33825.
City of Sebring	City Hall, 368 South Commerce Avenue, Sebring, FL 33870.
Town of Lake Placid	Town Hall, 311 West Interlake Boulevard, Lake Placid, FL 33852.
Unincorporated Areas of Highlands County	Highlands County Planning Department, 501 South Commerce Avenue, Sebring, FL 33870.
Washington County, Kansas, and Incorporated Areas Docket No.: FEMA–B–1404	
City of Barnes	City Hall, 202 Railroad Avenue, Barnes, KS 66933.
City of Haddam	City Office, 412 Main Street, Haddam, KS 66944.
City of Hanover	City Hall, 200 North Railroad Avenue, Hanover, KS 66945.
City of Morrowville	City Hall, 111 South Main Street, Morrowville, KS 66958.
City of Palmer	City Hall, 217 North Illinois Street, Palmer, KS 66962.
City of Vining	City Hall, 109 South Scribner Street, Vining, KS 66937.
City of Washington	City Hall, 301 C Street, Washington, KS 66968.

Community	Community map repository address
Unincorporated Areas of Washington	Emergency Management Office, 214 C Street, Washington, KS 66968.
Philadelphia County, Pennsylvania, and Incorporated Areas Docket No.: FEMA–B–1440	
City of Philadelphia	Planning Commission Office, One Parkway, 13th Floor, 1515 Arch Street, Philadelphia, PA 19102.

[FR Doc. 2015–27247 Filed 10–26–15; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–B–1539]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before January 25, 2016.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1539, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: October 8, 2015.

Roy E. Wright,

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

Community	Community map repository address
Clayton County, Georgia, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 12–04–7371S Preliminary Date: May 29, 2015	
City of Atlanta	City Hall, Office of Site Development, 72 Marietta Street, Atlanta, GA 30303.
City of Forest Park	Clayton County Water Authority, 1600 Battle Creek Road, Morrow, GA 30260.
City of Jonesboro	Clayton County Water Authority, 1600 Battle Creek Road, Morrow, GA 30260.
City of Lake City	Clayton County Water Authority, 1600 Battle Creek Road, Morrow, GA 30260.
City of Lovejoy	Clayton County Water Authority, 1600 Battle Creek Road, Morrow, GA 30260.
City of Morrow	Clayton County Water Authority, 1600 Battlecreek Road, Morrow, GA 30260.
City of Riverdale	Clayton County Water Authority, 1600 Battle Creek Road, Morrow, GA 30260.
Unincorporated Areas of Clayton County	Clayton County Water Authority, 1600 Battle Creek Road, Morrow, GA 30260.
Bucks County, Pennsylvania (All Jurisdictions)	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 11–03–1998S Preliminary Date: March 24, 2015	
Borough of Bristol	Municipal Building, 250 Pond Street, Bristol, PA 19007.
Borough of Chalfont	Borough Hall, 40 North Main Street, Chalfont, PA 18914.
Borough of Doylestown	Borough Hall, 57 West Court Street, Doylestown, PA 18901.
Borough of New Britain	Borough Hall, 45 Keeley Avenue, New Britain, PA 18901.
Borough of Newtown	Pickering, Corts & Summerson, 642 Newtown-Yardley Road, Suite 300, Newtown, PA 18940.
Borough of Tullytown	Municipal Building, 500 Main Street, Tullytown, PA 19007.
Township of Bensalem	Township Building, 2400 Byberry Road, Bensalem, PA 19020.
Township of Bristol	Township Hall, 2501 Bath Road, Bristol, PA 19007.
Township of Buckingham	Township Zoning Office, 4613 Hughesian Drive, Buckingham, PA 18912.
Township of Doylestown	Township Administration Building, 425 Wells Road, Doylestown, PA 18901.
Township of Falls	Falls Township Building, 188 Lincoln Highway, Suite 100, Fairless Hills, PA 19030.
Township of Middletown	Middletown Township Municipal Center, 3 Municipal Way, Langhorne, PA 19047.
Township of New Britain	New Britain Township Municipal Building, 207 Park Avenue, Chalfont, PA 18914.
Township of Newtown	Township Building, 100 Municipal Drive, Newtown, PA 18940.
Township of Northampton	Northampton Township Administrative Building, 55 Township Road, Richboro, PA 18954.
Lubbock County, Texas, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 14–06–1556S Preliminary Date: April 16, 2015	
City of Lubbock	City Hall, 1625 Thirteenth Street, Lubbock, TX 79401.
City of Wolfforth	City Hall, 302 Main Street, Wolfforth, TX 79382.
Unincorporated Areas of Lubbock County	Lubbock County Courthouse, 904 Broadway, Suite 101, Lubbock, TX 79401.

[FR Doc. 2015–27248 Filed 10–26–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–B–1544]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with title 44, part 65 of the Code of Federal Regulations (44 CFR part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: October 8, 2015.

Roy E. Wright,

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

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Idaho:						
Ada	City of Kuna (15–10–0775P).	The Honorable W. Greg Nelson, Mayor, City of Kuna, 763 West Avalon Street, Kuna, ID 83634.	329 West Third Street, Kuna, ID 83634.	*http://www.msc.fema.gov/lomc.*	Dec. 24, 2015	160174

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Ada	Unincorporated areas of, Ada County, (15–10–0775P).	The Honorable Dave Case, District Three Commissioner, Ada County, 200 West Front Street, Third Floor, Boise, ID 83702.	200 West Front Street, Boise, ID 83702.	*http://www.msc.fema.gov/lomc.*	Dec. 24, 2015	160001
Illinois:						
DuPage	City of Naperville (15–05–2352P).	The Honorable Steve Chirico, Mayor, City of Naperville, 400 South Eagle Street, Naperville, IL 60540.	City Hall, 400 South Eagle Street, Naperville, IL 60540.	*http://www.msc.fema.gov/lomc.*	Dec. 3, 2015 ..	170213
Kankakee	Village of Manteno (15–05–4922P).	The Honorable Timothy Nugent, Mayor, Village of Manteno, 98 East Third Street, Manteno, IL 60950.	Village Hall, 98 East Third Street, Manteno, IL 60950.	*http://www.msc.fema.gov/lomc.*	Dec. 17, 2015	170878
Kansas:						
Johnson ...	City of Olathe (15–07–1599P).	The Honorable Michael Copeland, Mayor, City of Olathe, P. O. Box 768, Olathe, KS 66051.	City Hall, Olathe Planning Office, 100 West Santa Fe Drive, Olathe, KS 66061.	*http://www.msc.fema.gov/lomc.*	Dec. 4, 2015 ..	200173
Minnesota:						
McLeod	City of Winsted (15–05–4471P).	The Honorable Steve Stotko, Mayor, City of Winsted, City Hall, 2015 1st Street North, Winsted, MN 55395.	McLeod County Sheriff's Office, 801 10th Street East, Glencoe, MN 55336.	*http://www.msc.fema.gov/lomc.*	Dec. 10, 2015	270614
McLeod	Unincorporated areas of McLeod County (15–05–4471P).	The Honorable Paul Wright, Chair, Board of Commissioners McLeod County, McLeod County Courthouse, 830 East 11th Street, Glencoe, MN 55336.	McLeod County Sheriff's Office, 801 10th Street East, Glencoe, MN 55336.	*http://www.msc.fema.gov/lomc.*	Dec. 10, 2015	270616
Ohio:						
Franklin	City of Columbus (15–05–2037P).	The Honorable Michael B. Coleman, Mayor, City of Columbus, City Hall 2nd Floor, 90 West Broad Street, Columbus, OH 43215.	Department of Development, 757 Carolyn Avenue, Columbus, OH 43224.	*http://www.msc.fema.gov/lomc.*	Dec. 18, 2015	390170
Franklin	City of Grandview Heights (15–05–2037P).	The Honorable Ray DeGraw, Mayor, City of Grandview Heights, City Hall, 1016 Grandview Avenue, Grandview Heights, OH 43212.	Development Office, 1525 West Goodale Boulevard, Grandview Heights, OH 43123.	*http://www.msc.fema.gov/lomc.*	Dec. 18, 2015	390172
Texas:						
Bowie	City of Texarkana (15–06–1450P).	The Honorable Bob Bruggeman, Mayor, City of Texarkana, 220 Texas Boulevard, Texarkana, TX 75501.	220 Texas Boulevard, Texarkana, TX 75501.	http://www.msc.fema.gov/lomc.	Dec. 9, 2015 ..	480060
Tarrant	City of Arlington (15–06–2414P).	The Honorable Jeff Williams, Mayor, City of Arlington, 101 East Abram Street, Arlington, TX 76010.	101 East Abram Street, Arlington, TX 76010.	*http://www.msc.fema.gov/lomc.*	Jan. 6, 2015 ...	485454

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Washington:						
Lewis	City of Napavine (15–10–0078P).	The Honorable John Sayers, Mayor, City of Napavine, 407 Birch Avenue Southwest, P. O. Box 810, Napavine, WA 98565.	City Hall, 214 Second Avenue NE, Napavine, WA 98565.	*http://www.msc.fema.gov/lomc.*	Dec. 18, 2015	530254
Lewis	Unincorporated areas of, Lewis County, (15–10–0078P).	The Honorable Bill Schulte, Lewis County Commissioner, District #2, 351 NW North Street, Chehalis, WA 98532.	Division of Public Services, 350 North Market Boulevard, Chehalis, WA 98532.	*http://www.msc.fema.gov/lomc.*	Dec. 18, 2015	530102
Wisconsin:						
Milwaukee	City of Oak Creek (15–05–2729P).	The Honorable Stephen Scaffidi, Mayor, City of Oak Creek, 8460 South Howell Avenue, P.O. Box 27, Oak Creek, WI 53154.	City Hall, 8640 South Howell Avenue, Oak Creek, WI 53154.	*http://www.msc.fema.gov/lomc.*	Dec. 31, 2015	550279
St. Croix ...	City of River Falls (15–05–3405P).	The Honorable Dan Toland, Mayor, City of River Falls, City Hall, 222 Lewis Street, River Falls, WI 54022.	123 East Elm Street, River Falls, WI 54022.	*http://www.msc.fema.gov/lomc.*	Dec. 31, 2015	550330

[FR Doc. 2015–27246 Filed 10–26–15; 8:45 am]

BILLING CODE 9110–12–

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2015–0060]

Committee Name: Homeland Security Science and Technology Advisory Committee (HSSTAC)

AGENCY: Science and Technology Directorate, DHS

ACTION: Notice; correction.

SUMMARY: The Department of Homeland Security (DHS) Homeland Security Science and Technology Advisory Committee (HSSTAC) published a document in the **Federal Register** of October 19, 2015, concerning the announcement of a meeting in Washington, DC on November 2–3, 2015. The document contained an incorrect date for the deadline for written public comments.

FOR FURTHER INFORMATION CONTACT: Bishop Garrison, *HSSTAC@HQ.DHS.GOV.*

Correction

In the **Federal Register** of October 19, 2015, in FR Doc. 2015–26494, on page 63242, in the third column, second paragraph, second sentence, correct the deadline for ''written comments'' caption to read:

Written comments must be received by October 29, 2015.

Dated: October 19, 2015.

Bishop Garrison,

Executive Director, Homeland Security Science and Technology Advisory Committee.

[FR Doc. 2015–27300 Filed 10–26–15; 8:45 am]

BILLING CODE 9110–9F–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–52]

30-Day Notice of Proposed Information Collection: Promise Zones

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 27, 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 August 17, 2015 at 80 FR 49263.

A. Overview of Information Collection

Title of Information Collection: Promise Zones.

OMB Approval Number: 2506–0209.

Type of Request: Revision of a currently approved collection.

Form Number: None.

Description of the need for the information and proposed use: Under the Promise Zones initiative, the federal government will invest and partner with high-poverty urban, rural, and tribal communities to create jobs, increase economic activity, improve educational opportunities, leverage private investment, and reduce violent crime. Additional information about the Promise Zones initiative can be found at *www.hud.gov/promisezones,* and questions can be addressed to *promisezones@hud.gov.* This notice estimates burden for applying for the designation.

Respondents (*i.e.* affected public): Local or Tribal Governments.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Section I—Executive Summary	300	1	1	3	900	$40	$36,000
Section II—Abstract	300	1	1	3	900	40	36,000
Section II—Community Eligibility Criteria and Local Leadership Support Documentation	300	1	1	4	1200	40	48,000
Section III—Need	300	1	1	1	300	40	12,000
Section IV—Strategy Part A (Needs and Assets Assessment)	300	1	1	3	900	40	36,000
Section IV—Strategy Part B (Plan)	300	1	1	6	1800	40	72,000
Section IV—Strategy Part C (Sustainability and Financial Feasibility)	300	1	1	3	900	40	36,000
Section IV—Strategy Part D (Resident Engagement Strategy)	300	1	1	3	900	40	36,000
Section V—Capacity and Local Commitment Part A (Partnership Structure and Commitment)	300	1	1	6	1800	40	72,000
Section V—Capacity and Local Commitment Part B (Capacity of Lead Applicant)	300	1	1	6	1800	40	72,000
Section V—Capacity and Local Commitment Part C (Capacity of Implementation Partner Organizations)	300	1	1	6	1800	40	72,000
Section V—Capacity and Local Commitment Part D (Data and Evaluation Capacity)	300	1	1	3	900	40	36,000
Section V—Capacity and Local Commitment Part E (Resident Engagement Capacity)	300	1	1	3	900	40	36,000
Section V—Capacity and Local Commitment Part F (Strength & Extent of Gov. Commitment)	300	1	1	3	900	40	36,000
Goals and Activities Template	300	1	1	9	2700	40	96,000
Total	300	1	1	2	18600	40	744,000

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: October 21, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–27341 Filed 10–26–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2015–N200; FXES11130200000C2–112–FF02ENEH00]

Endangered and Threatened Wildlife and Plants; Gila Chub Draft Recovery Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of our draft recovery plan for the Gila chub, which is listed as endangered under the Endangered Species Act of 1973, as amended (Act). This fish species is currently found in Arizona and New Mexico in the United States, and in northern Mexico. The draft recovery plan includes specific recovery objectives and criteria to be met in order to enable us to remove this species from the list of endangered and threatened wildlife and plants. We request review and comment on this plan from local, State, and Federal agencies; Tribes; and the public. We will also accept any new information on the status of the Gila chub throughout its range to assist in finalizing the recovery plan.

DATES: To ensure consideration, we must receive written comments on or before December 28, 2015. However, we will accept information about any species at any time.

ADDRESSES: If you wish to review the draft recovery plan, you may obtain a copy by any one of the following methods:

Internet: Access the file at *www.fws.gov/southwest/es/Documents/R2ES/GilaChub_DraftRecoveryPlan_Final_October2014.pdf*;

U.S. mail: U.S. Fish and Wildlife Service, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ 85021–4951; or

Telephone: (602) 242–0210.

If you wish to comment on the draft recovery plan, you may submit your comments in writing by any one of the following methods:

- *U.S. mail:* Field Supervisor, at the above address;

- *Hand-delivery:* Arizona Ecological Services Field Office, at the above address;
- *Fax:* (602) 242–2513; or
- *Email: Steve_Spangle@fws.gov*.

For additional information about submitting comments, see the ''Request for Public Comments'' section below.

FOR FURTHER INFORMATION CONTACT: Steve Spangle, Field Supervisor, Arizona Ecological Services Field Office, at the above address and phone number, or by email at *Steve_Spangle@fws.gov*.

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of our endangered species program and the Act (16 U.S.C. 1531 *et seq.*). Recovery means improvement of the status of listed species to the point at which listing is no longer appropriate under the criteria set out in section 4(a)(1) of the Act. The Act requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species.

Species History

Gila chub was listed as endangered throughout its range with critical habitat on November 2, 2005 (effective date December 2, 2005). The species has a recovery priority number of 2C, which is based on a high degree of threat, high potential for recovery, taxonomic classification as a species, and potential for conflict over resources (primarily water) and economic development. Gila chub is included on the Arizona Game and Fish Departments' draft species of concern (1996), and possession of Gila chub in Arizona is prohibited except where such collection is authorized by special permit. The species was listed by the New Mexico Department of Game and Fish as endangered in 1988. Gila chub is listed as endangered by The Republic of Mexico; a recovery plan, or Program de Acción para la Conservación de las Especies (PACE), has not been developed for this species in Mexico.

Gila chub is a member of the roundtail chub (*Gila robusta*) complex in the Gila River basin, which also includes headwater chub (*G. nigra*). Gila chub is a thick-bodied species, chunky in aspect, with females reaching 250 millimeters (mm) (10 inches [in]) in total length, and males rarely exceeding 150 mm (6 in). Body coloration is typically dark overall, with a lighter belly speckled with gray; fins are small. Breeding males, and to a lesser extent females, develop red or orange on lower parts of the head and body and on bases of the pectoral, pelvic, and anal fins.

Gila chub is considered a habitat generalist (Schultz and Bonar 2006), and commonly inhabits pools in smaller (higher order) streams and cienegas throughout its range in the Gila River basin, at elevations between 609 and 1,676 meters (m) (2,000–5,500 feet [ft]) (Miller 1946, Minckley 1973, Rinne 1976, Weedman et al. 1996). Gila chub is a highly secretive species, remaining near cover, including undercut banks, terrestrial vegetation, boulders, root wads, fallen logs, and thick overhanging or aquatic vegetation in deeper waters, especially pools (Minckley and Rinne 1991, Nelson 1993, Weedman et al. 1996).

Historically, Gila chub was recorded from nearly 50 higher order streams throughout the Gila River basin in southwestern New Mexico, central and southeastern Arizona, and northern Sonora, Mexico (Miller and Lowe 1967, Rinne and Minckley 1970, Minckley 1973, Rinne 1976, DeMarais 1986, Sublette et al. 1990, Weedman et al. 1996). Recent literature indicates that approximately 25 of these localities are considered occupied, and most are small and isolated, and face one or more threats (Weedman et al. 1996, USFWS 2005, Clarkson et al. 2012).

It was also estimated that 90 percent of the currently occupied habitat is degraded, due to the presence of nonnative fishes and land management actions. The few remaining small, isolated populations are vulnerable to environmental conditions such as drought, flood events, and wildfire. Primary threats to Gila chub, such as nonnative fish predation and competition, and secondary threats identified as habitat alteration, destruction, and fragmentation, are all factors identified in the final rule that contribute to the consideration that Gila chub is likely to become extinct throughout all or a significant portion of its range (USFWS 2005).

The recovery strategy for Gila chub is to ensure that existing habitat integrity and genetic diversity of the species are adequately protected, represented, and replicated within each of the major subbasins in the greater Gila River watershed, in which the species still resides. This involves protection of remnant populations, through management and regulatory agreements with agencies and partners; captive rearing with appropriate genetic, demographic, and health management for population establishment and supplementation; control of threats of nonnative fish predation and competition, as well as potential hybridization with other chub species; establishment of replicated populations in refuges and selected streams; monitoring of populations under a scientifically based, standardized protocol; and cooperation and education with agencies, partners, Tribes, and Mexico to ensure habitat quantity and quality are maintained and adaptively managed into the future.

The draft recovery plan proposes the delineation of five recovery units (RUs) that represent the major subbasins of the Gila River basin. These RUs cover much of the historical and current habitat for the species in Arizona, New Mexico, and Mexico, and provide a diversity of habitats and represent groupings of Gila chub populations, within which gene flow may have been common historically. Designation of RUs is intended to ensure that the species remains distributed across its historical range in representative ecological settings, and will sustain the remaining genetic, demographic, morphological, behavioral, and other life history elements of the species necessary for the long-term conservation of the entire listed taxon. The strategy to recover Gila chub further relies upon identifying, preserving, and replicating 17 genetic Management Units (MUs) that are distributed among the RUs.

Recovery Plan Goals

The objective of an agency recovery plan is to provide a framework for the recovery of a species so that protection under the Act is no longer necessary. A recovery plan includes scientific information about the species and provides criteria and actions necessary for us to be able to reclassify the species to threatened status or remove it from the List. Recovery plans help guide our recovery efforts by describing actions we consider necessary for the species' conservation, and by estimating time and costs for implementing needed recovery measures. To achieve its goals, this draft recovery plan identifies the following objectives:

1. Maintain and protect all remnant populations in the wild.

2. Ensure representation, resiliency, and redundancy by maintaining genetic diversity and expanding the size and number of populations within Gila chub historical range via replication of remnant populations within each RU.

3. Manage or eliminate nonnative fish predation and competition and associated habitat-related modifications or loss.

4. Improve or develop new State regulations or firm agreements that

conserve or improve quality Gila chub habitat.

5. Work with stakeholders to improve and conserve existing and newly established Gila chub populations and their habitats and ensure that appropriate management plans and agreements are in place post-delisting.

6. Promote conservation of Gila chub in Mexico and on Tribal lands by forming partnerships and supporting research, outreach, and conservation management.

7. Monitor remnant, repatriated, and refuge populations to inform adaptive management strategies.

The draft recovery plan contains recovery criteria based on protecting all available remnant populations and replicating each MU in at least two streams. To achieve recovery criteria, threats of nonnative fish predation and competition, habitat alteration and fragmentation, and decreasing water availability should be controlled to manageable levels in streams occupied by Gila chub such that these threats do not pose imminent or chronic downward pressures on population sizes. When the status of Gila chub meets these criteria, the species will no longer meet the conditions of being endangered throughout a significant portion of its range and will no longer warrant listing.

Request for Public Comments

Section 4(f) of the Act requires us to provide public notice and an opportunity for public review and comment during recovery plan development. It is also our policy to request peer review of recovery plans (July 1, 1994; 59 FR 34270). We will summarize and respond to the issues raised by the public and peer reviewers and post our responses on our Web site. Substantive comments may or may not result in changes to the recovery plan; comments regarding recovery plan implementation will be forwarded as appropriate to Federal or other entities so that they can be taken into account during the course of implementing recovery actions. Responses to individual commenters will not be provided, but we will provide a summary of how we addressed substantive comments in an appendix to the approved recovery plan.

We invite written comments on the draft recovery plan. In particular, we are interested in additional information regarding the current threats to the species and the costs associated with implementing the recommended recovery actions. Suggestions of how to craft recovery criteria addressing threats that are objective and measureable are welcome.

Before we approve our final recovery plan, we will consider all comments we receive by the date specified in **DATES**. Methods of submitting comments are in the **ADDRESSES** section.

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.

Comments and materials we receive will be available, by appointment, for public inspection during normal business hours at our office (see **ADDRESSES**).

References Cited

A complete list of all references cited herein is available upon request from the Arizona Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT** section).

Authority

We developed our draft recovery plan under the authority of section 4(f) of the Act, 16 U.S.C. 1533(f). We publish this notice under section 4(f) Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.).*

Dated: October 15, 2015.

Benjamin N. Tuggle,

Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2015–27259 Filed 10–26–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–R–2015–N189; FXRS282108E8PD0–167–F2013227943]

South Bay Salt Pond Restoration Project, Phase 2; Don Edwards San Francisco Bay National Wildlife Refuge; Draft Environmental Impact Statement/Environmental Impact Report

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reopening of the public comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (USFWS), in coordination with the California State Coastal Conservancy, announce the reopening of the public comment period for the Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR) for Phase 2 of the South Bay Salt Pond (SBSP) Restoration Project at the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge) in Alameda, Santa Clara, and San Mateo Counties, California. The DEIS/EIR, which we prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), describes and analyzes the alternatives identified for Phase 2 of the South Bay Salt Pond Restoration Project.

DATES: We will accept comments received or postmarked on or before October 30, 2015.

ADDRESSES: *Document Availability:* You may obtain copies of the document in the following places:

- *Internet: http://www.southbayrestoration.org/planning/phase2/.*
- *In-Person:*
  - San Francisco Bay National Wildlife Refuge Complex Headquarters, 1 Marshlands Road, Fremont, CA 94555.
  - The following libraries:
    - Alviso Branch Library, 5050 N. First St., San Jose, CA 95002.
    - Biblioteca Latino America, 921 South First St., San Jose, CA 95110.
    - California State University Library, 25800 Carlos Bee Blvd., Hayward, CA 94542.
    - Fremont Main Library, 2400 Stevenson Blvd., Fremont, CA 94538.
    - Menlo Park Library, 800 Alma St., Menlo Park, CA 94025.
    - Mountain View Library, 585 Franklin St., Mountain View, CA 94041.
    - Rinconada Library, 1213 Newell Rd., Palo Alto, CA 94303.
    - King Library, 150 E San Fernando St., San Jose, CA 95112.
    - Redwood City Main Library, 1044 Middlefield Road, Redwood City, CA 94063.
    - San Mateo County East Palo Alto Library, 2415 University Ave., East Palo Alto, CA 94303.
    - Santa Clara County Milpitas Library, 160 N Main St., Milpitas, CA 95035.
    - Santa Clara Public Library, 2635 Homestead Rd., Santa Clara, CA 95051.
    - Sunnyvale Public Library, 665 W Olive Ave., Sunnyvale, CA 94086.
    - Natural Resources Library, U.S. Department of the Interior, 1849 C Street NW., Washington, DC 20240–0001.

For how to view comments on the draft EIS from the Environmental Protection Agency (EPA), or for information on EPA's role in the EIS

process, see EPA's Role in the EIS Process under **SUPPLEMENTARY INFORMATION**.

Submitting Comments: You may submit written comments by one of the following methods:

- *Electronically:* Send comments via email to *phase2comments@southbayrestoration.org.* Your correspondence should indicate which pond complex, alternative, or issue your comments pertain to.
- *By Hard Copy:* Send written comments to Anne Morkill, Project Leader, Don Edwards San Francisco Bay National Wildlife Refuge, 1 Marshlands Road, Fremont, CA 94555, or to Brenda Buxton, Project Manager, State Coastal Conservancy, 1330 Broadway, 13th Floor, Oakland, CA 94612.
- *By Fax:* You may also send comments by facsimile to 510–792–5828.

To have your name added to our mailing list, contact Ariel Ambruster (see **DATES**).

FOR FURTHER INFORMATION CONTACT: Anne Morkill, Project Leader, USFWS, 510–792–0222.

SUPPLEMENTARY INFORMATION: In coordination with the California State Coastal Conservancy, we publish this notice to announce the reopening of the comment period for the DEIS/EIR for Phase 2 of the SBSP Restoration Project at the Don Edwards San Francisco Bay Refuge which originally ran from July 22, 2015, to September 22, 2015 (80 FR 43456). The DEIS/EIR, which we prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), describes and analyzes the alternatives identified for Phase 2 of the SBSP Restoration Project.

EPA's Role in the EIS Process

The EPA is charged under section 309 of the CAA (42 U.S.C. 7401 *et seq.*) to review all Federal agencies' environmental impact statements (EISs) and to comment on the adequacy and the acceptability of the environmental impacts of proposed actions in the EISs.

EPA also serves as the repository (EIS database) for EISs prepared by Federal agencies and provides notice of their availability in the **Federal Register**. The Environmental Impact Statement (EIS) Database provides information about EISs prepared by Federal agencies, as well as EPA's comments concerning the EISs. All EISs are filed with EPA, which publishes a notice of availability on Fridays in the **Federal Register**. You may search for EPA comments on the EIS, along with the EIS itself, at *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.* The DEIS/DEIR is also available at the locations under **ADDRESSES**.

NEPA Compliance

We are conducting environmental review in accordance with the requirements of NEPA, as amended (42 U.S.C. 4321 *et seq.*), its implementing regulations (40 CFR parts 1500–1508), other applicable regulations, and our procedures for compliance with those regulations. The DEIS/EIR discusses the direct, indirect, and cumulative impacts of the alternatives on biological resources, cultural resources, water quality, and other environmental resources. Measures to minimize adverse environmental effects are identified and discussed in the DEIS/EIR.

Public Comments

We request that you send comments only by one of the methods described in **ADDRESSES**. If you submit a comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Authority

We provide this notice in accordance with the requirements of NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Alexandra Pitts,

Acting, Regional Director, Pacific Southwest Region.

[FR Doc. 2015–27256 Filed 10–26–15; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2015–0151; FXES11120100000–156–FF01E00000]

Draft Habitat Conservation Plan and Draft Environmental Assessment; Kaufman Properties, Thurston County, Washington; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments; correction.

SUMMARY: On October 21, 2015, we, the U.S. Fish and Wildlife Service (Service), announced receipt of an application from Kaufman Real Estate LLC, Kaufman Holdings Inc., and Liberty Leasing & Construction, Inc. (applicants), for an incidental take permit (ITP) pursuant to the Endangered Species Act of 1973, as amended (ESA). The notice contained an incorrect comment-period end date. The correct date is December 21, 2015. With this notice, we correct that error. If you sent a comment previously, you need not re-send the comment.

FOR FURTHER INFORMATION CONTACT: Tim Romanski, 360–753–5823. If you use a telecommunications device for the deaf, please call the Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 21, 2015, in FR Doc. 2015–26692, on page 63830, in the third column, correct the **DATES** caption to read:

DATES: To ensure consideration, please submit written comments by December 21, 2015.

Dated: October 21, 2015.

Tina A. Campbell,

Division of Policy, Performance, and Management Programs, U.S. Fish and Wildlife Service.

[FR Doc. 2015–27236 Filed 10–26–15; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[167 A2100DD/AAKC001030/A0A501010.999900]

Renewal of Agency Information Collection for Tribal Self-Governance Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs is seeking comments on the renewal of Office of Management and Budget (OMB) approval for the collection of information for Tribal Self-Governance Program authorized by OMB Control Number 1076–0143. This information collection expires January 31, 2016.

DATES: Submit comments on or before December 28, 2015.

ADDRESSES: You may submit comments on the information collection to Sharee M. Freeman, Director, Office of Self-Governance, 1951 Constitution Avenue NW., Mail Stop 355–G SIB, Washington, DC 20240; telephone: (202) 219–0240, email: *Sharee.Freeman@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Sharee Freeman, (202) 219–0240.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Office of Self-Governance is seeking comments on the information collection entitled ''Tribal Self-Governance Program, 25 CFR 1000,'' as we prepare to renew these collections that are required by the Paperwork Reduction Act of 1995. The information collected will be used to establish requirements for entry into the pool of qualified applicants for Self-Governance and to meet reporting requirements of the Tribal Self-Governance Act.

II. Request for Comments

The BIA requests your comments on this collection concerning: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual may not respond to, a collection of information unless it has a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. Before including your address, phone number, email address or other personally identifiable information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

III. Data

OMB Control Number: 1076–0143.

Title: Tribal Self-Governance program, 25 CFR 1000.

Brief Description of Collection: The Self-Governance program is authorized by the Tribal Self-Governance Act of 1994, Public Law 103–413 (the Act), as amended. Indian tribes interested in entering into Self-Governance must submit certain information as required by the Act. In addition, those tribes and tribal consortia that have entered into Self-Governance funding agreements will be requested to submit certain information as described in 25 CFR 1000. This information will be used to justify a budget request submission on their behalf and to comport with section 405 of the Act that calls for the Secretary to submit an annual report to the Congress. Responses are required to obtain or retain a benefit or are voluntary, depending upon the part of the program being addressed.

Type of Review: Extension without change of currently approved collection.

Respondents: Federally recognized Indian tribes and tribal consortia participating in or wishing to enter into Tribal Self-Governance.

Number of Respondents: 75.

Number of Responses: 84.

Estimated Time per Response: Completion times vary from 30 minutes to 400 hours, with an average of approximately 43 hours.

Frequency of Response: On occasion or annually.

Obligation to Respond: Response required to obtain a benefit.

Estimated Total Annual Hour Burden: 4,443 hours.

Estimated Total Annual Cost: $10,500.

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2015–27211 Filed 10–26–15; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR83550000, 156R5065C6, RX.59389832.1009676]

Quarterly Status Report of Water Service, Repayment, and Other Water-Related Contract Actions

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of contractual actions that have been proposed to the Bureau of Reclamation (Reclamation) and are new, discontinued, or completed since the last publication of this notice. This notice is one of a variety of means used to inform the public about proposed contractual actions for capital recovery and management of project resources and facilities consistent with section 9(f) of the Reclamation Project Act of 1939. Additional announcements of individual contract actions may be published in the **Federal Register** and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action.

ADDRESSES: The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Michelle Kelly, Reclamation Law Administration Division, Bureau of Reclamation, P.O. Box 25007, Denver, Colorado 80225–0007; telephone 303–445–2888.

SUPPLEMENTARY INFORMATION: Consistent with section 9(f) of the Reclamation Project Act of 1939, and the rules and regulations published in 52 FR 11954, April 13, 1987 (43 CFR 426.22), Reclamation will publish notice of proposed or amendatory contract actions for any contract for the delivery of project water for authorized uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Announcement may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation procedures do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of 1 year or less. Either of the contracting parties may invite the public to observe contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act. Pursuant to the ''Final Revised Public Participation Procedures'' for water resource-related contract negotiations, published in 47 FR 7763, February 22, 1982, a tabulation is provided of all proposed contractual actions in each of the five Reclamation regions. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary of the Interior, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the regional directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act, as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate regional officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate regional director or his or her designated public contact as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate regional director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to, (i) the significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. At a minimum, the regional director will furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Definitions of Abbreviations Used in the Reports

ARRA American Recovery and Reinvestment Act of 2009
BCP Boulder Canyon Project
Reclamation Bureau of Reclamation
CAP Central Arizona Project
CUP Central Utah Project
CVP Central Valley Project
CRSP Colorado River Storage Project
FR Federal Register
IDD Irrigation and Drainage District
ID Irrigation District
LCWSP Lower Colorado Water Supply Project
M&I Municipal and Industrial
NMISC New Mexico Interstate Stream Commission
O&M Operation and Maintenance
OM&R Operation, maintenance, and replacement
P–SMBP Pick-Sloan Missouri Basin Program
PPR Present Perfected Right
RRA Reclamation Reform Act of 1982
SOD Safety of Dams
SRPA Small Reclamation Projects Act of 1956
USACE U.S. Army Corps of Engineers
WD Water District

Pacific Northwest Region: Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706–1234, telephone 208–378–5344.

New contract actions:

11. City of Prineville and Ochoco ID, Crooked River Project, Oregon: Long-term contract to provide the city of Prineville with a mitigation water supply from Prineville Reservoir; with the Ochoco ID being a party to the contract, as they are responsible for O&M of the dam and reservoir.

12. Burley and Minidoka IDs, Minidoka Project, Idaho: Supplemental and amendatory contracts to transfer the O&M of the Main South Side Canal Headworks to Burley ID and transfer the O&M of the Main North Side Canal Headworks to the Minidoka ID.

Mid-Pacific Region: Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone 916–978–5250.

The Mid-Pacific Region has no updates to report for this quarter.

Lower Colorado Region: Bureau of Reclamation, P.O. Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006–1470, telephone 702–293–8192.

New contract action:

25. La Paz County and Ehrenberg Improvement Association (EIA), BCP, Arizona: Review and approve a proposed partial assignment to the Association of 150 acre-feet per year of La Paz County's Arizona fourth priority water entitlement amount of 500 acre-feet per year and execute the associated amendments to La Paz County's contract and the Association's contract.

Completed contract action:

11. Flowing Wells ID and the City of Tucson, CAP, Arizona: Execute a proposed partial assignment to the City of 19 acre-feet per year from the District's CAP water entitlement amount of 4,354 acre-feet per year. Contract executed July 20, 2015.

Upper Colorado Region: Bureau of Reclamation, 125 South State Street, Room 8100, Salt Lake City, Utah 84138–1102, telephone 801–524–3864.

New contract actions:

32. Uintah Water Conservancy District; Flaming Gorge Unit, CRSP; Utah: The District has requested a long-term water service contract to remove up to 5,500 acre-feet of water annually from the Green River for irrigation purposes under the authority of Section 9(e) of the Reclamation Project Act of 1939. A short-term contract may be executed until a long-term contract can be completed.

33. Salem Canal and Irrigation Company, Strawberry Valley Project, Utah: The United States intends to enter into an amendatory contract regarding possible lost generation of power revenues generated at the Spanish Fork Power Plant on the Strawberry Valley Project.

34. Weber Basin Water Conservancy District, A.V. Watkins Dam, Utah: The United States intends to enter into an implementation agreement with the District giving the District the authority to modify Federal facilities to raise the crest of AV Watkins Dam.

Completed contract actions:

16. Azalea Oil Company; Flaming Gorge Unit, CRSP; Wyoming: The Company has requested a contract for 1 acre-foot of water for drilling, dust suppression, and other uses for a well. The Company plans on drilling in Southwest Wyoming. Contract executed March 24, 2015.

26. La Plata Water Conservancy District, Animas-La Plata Project, Colorado: The District has requested a 1-year temporary water service contract for the use of Reclamation shares in the Pine Ridge Ditch for the temporary use of up to 262 acre-feet. A contract is currently being drafted which will determine point(s) of delivery and rate and method of water payments. Contract executed June 22, 2015.

Great Plains Region: Bureau of Reclamation, P.O. Box 36900, Federal Building, 2021 4th Avenue North, Billings, Montana 59101, telephone 406–247–7752.

New contract actions:

64. Glen Elder ID No. 8; Glen Elder Unit, P–SMBP; Kansas: Consideration to renew long-term water service contract No. 2–07–60–W0855.

65. Mitchell County Rural Water District No. 2; Glen Elder Unit, P–SMBP; Kansas: Consideration to renew long-term water delivery contract No. 7–07–70–W0108.

Modified contract action:

30. Helena Valley ID; Helena Valley Unit, P–SMBP; Montana: Consideration of a contract to allow for delivery of up to 500 acre-feet of water for M&I purposes within the District boundaries.

Discontinued contract actions:

40. William Rau; Canyon Ferry Unit, P–SMBP; Montana: Renewal of a long-term water service contract.

52. Jeffrey N. Edwards Revocable Trust; Bostwick Division, P–SMBP; Nebraska: Excess capacity contract for the conveyance of nonproject water.

54. Fort Cobb Reservoir Master Conservancy District, Fort Cobb Division, Washita River Basin Project: Reclamation intends to enter into an amendment to contract No. 14–06–500–295 to recognize the previously uncommitted irrigation water allocation as available for M&I use.

Completed contract actions:

58. Sunny Brooks Colony, Inc.; Lower Marias Unit, P–SMBP; Montana: Consideration to enter into a long-term contract for up to 59 acre-feet of M&I water from Lake Elwell. Contract executed June 24, 2015.

59. Devon Water Inc.; Lower Marias Unit, P–SMBP; Montana: Proposed 40-year contract for M&I water. Contract executed July 16, 2015.

60. Tiber County WD; Lower Marias Unit, P–SMBP; Montana: Proposed 40-year contract for M&I water. Contract executed July 31, 2015.

61. Dugout Water Association; Lower Marias Unit, P–SMBP; Montana: Proposed renewal of 40-year contract for M&I water. Contract executed September 10, 2015.

Dated: September 22, 2015.

Roseann Gonzales,

Director, Policy and Administration.

[FR Doc. 2015–27272 Filed 10–26–15; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–948]

Certain Toy Figurines and Toy Sets Containing the Same; Commission's Determination To Terminate the Investigation in Its Entirety Based Upon Consent Order Stipulations and Settlement Agreements; Issuance of Consent Orders

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 investigation as to the remaining respondents, LaRose Industries, LLC d/b/a Cra-Z-Art (''LaRose'') and MEGA Brands, Inc. (''MEGA''), based upon consent order stipulations and settlement agreements. The Commission has entered consent orders with respect to LaRose and MEGA.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2392. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on March 16, 2015, based on a complaint filed by LEGO A/S of Billund, Denmark; LEGO System A/S of Billund, Denmark; and LEGO Systems, Inc. of Enfield, Connecticut. 80 FR 13629–30 (March 16, 2015). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain toy figurines and toy sets containing the same by reason of infringement of four U.S. design patents and four registered U.S. copyrights. The notice of investigation named as respondents LaRose; MEGA; and Best-Lock Construction Toys, Inc., of Miami, Florida (''Best-Lock''). Best-Lock has been terminated from the investigation based on a consent order. *See* Notice of a Commission Determination Not to Review an Initial Determination Terminating the Investigation as to Respondent Best-Lock Construction Toys, Inc., Based on a Consent Order Stipulation and Proposed Consent Order; Issuance of Consent Order (June 19, 2015). The Office of Unfair Import Investigations was also named as a party.

On July 9, 2015, Complainants and LaRose filed a joint motion to terminate LaRose based on a consent order stipulation, a proposed consent order, and a settlement agreement. On July 22, 2015, the investigative attorney filed a response in conditional support of the motion provided that the movants submit a revised version of the public settlement agreement that contained fewer redactions. On July 31, 2015, the ALJ ordered the movants to file a revised version of the public settlement agreement, which the movants complied with on August 24, 2015. *See* Order Nos. 18 and 21. On August 26, 2015, the ALJ granted the joint motion as an initial determination (''ID''). *See* Order No. 21.

On July 28, 2015, Complainants and MEGA filed a renewed joint motion to terminate the investigation as to MEGA based on a consent order stipulation, a proposed consent order, and a settlement agreement. On August 21, 2015, complainants and MEGA jointly submitted a revised consent order stipulation and proposed consent order. The Investigative Attorney did not oppose the renewed motion to terminate based in part on the August 21, 2015, revised consent order stipulation and proposed consent order. On August 26, 2015, the ALJ ordered the movants to file a revised version of the public settlement agreement, which the movants complied with on August 31, 2015. *See* Order Nos. 22 and 23. On September 3, 2015, the ALJ granted the renewed joint motion as an ID. *See* Order No. 23.

The Commission determined to review the IDs on September 18, 2015, and October 1, 2015, respectively, because the consent order stipulations and the proposed consent orders did not comply with Commission Rule 210.21(c). The moving parties were requested to file with the Commission revised versions of the consent order stipulations and proposed consent orders in compliance with that Rule. On October 7, 2015, LaRose and MEGA submitted revised consent order stipulations and revised proposed consent orders in compliance with Rule 210.21(c).

The Commission has determined to terminate the investigation in its entirety, and to issue consent orders with respect to LaRose and MEGA.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: October 21, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–27263 Filed 10–26–15; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0039]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Approval, With Change, of a Previously Approved Collection; Bioterrorism Preparedness Act: Entity/Individual Information

AGENCY: Federal Bureau of Investigation (FBI), Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until December 28, 2015.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to John E. Strovers, Global Operations Section, CJIS Division Intelligence Group, Federal Bureau of Investigation, Criminal Justice Information Services Division, (CJIS), Module D–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–2198.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. 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 of other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) Type of information collection: Extension of current collection.

(2) The title of the form/collection: Federal Bureau of Investigation Bioterrorism Preparedness Act: Entity/Individual Information.

(3) The agency form number, if any, and the applicable component of the department sponsoring the collection: Forms FD–961; Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: City, county, state, federal, individuals, business or other for profit, and not-for-profit institute. This collection is needed to receive names and other identifying information submitted by individuals requesting access to specific agents or toxins, and consult with appropriate officials of the Department of Health and Human Services and the Department of Agriculture as to whether certain individuals specified in the provisions should be denied access to or granted limited access to specific agents.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: There are approximately 4,635 (FY 2015) respondents at 45 minutes for the FD–961 Form.

(6) An estimate of the total public burden (in hours) associated with this collection: There are approximately 3,476 hours, annual burden, associated with this information collection.

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., Room 3E–405B, Washington, DC 20530.

Dated: October 21, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–27209 Filed 10–26–15; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0074]

Agency Information Collection Activities; Proposed eCollection eComments Requested; List of Responsible Persons

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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 proposed information collection was previously published in the **Federal Register** at 80 FR 51312, on August 24, 2015, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until November 27, 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 Christopher Reeves *Christopher.Reeves@atf.gov,* Chief, Federal Explosives Licensing Center. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or send email to *OIRA_submissions@omb.eop.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:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the

information to be collected can be enhanced; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection 1140–0074:

1 *Type of Information Collection:* Extension of an existing collection without change.

2 *The Title of the Form/Collection:* List of Responsible Persons.

3 *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4 *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other: Business or other for-profit.

Abstract: All persons holding ATF explosives licenses or permits must report any change in responsible persons or employees authorized to possess explosive materialsto ATF. Such report must be submitted within 30 days of the change and must include appropriate identifying information for each responsible person.

5 *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 50,000 respondents will take 1 hour twice a year to complete the report.

6 *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 100,000 hours.

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., Room 3E–405B, Washington, DC 20530.

Dated: October 22, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–27308 Filed 10–26–15; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0052]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Strategic Planning Environmental Assessment Outreach

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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 proposed information collection was previously published in the **Federal Register** at 80 FR 51311, on August 24, 2015, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until November 27, 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 Jacqueline Pitts *Jacqueline.Pitts@atf.gov,* Office of Strategic Management, 99 New York Avenue NE., Washington, DC 20226. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or send email to *OIRA_submissions@omb.eop.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:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection 1140–0052:

1. *Type of Information Collection:* Extension of an existing collection without change.

2. *The Title of the Form/Collection:* Strategic Planning Environmental Assessment Outreach.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: Not-for-profit institutions, Federal Government, State, Local, or Tribal Government.

Abstract: The Office of Strategic Management at ATF will use the information to help identify and validate the agency's internal strengths and weaknesses.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 1,500 respondents will take 18 minutes to complete the questionnaire.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 450 hours.

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., Room 3E–405B, Washington, DC 20530.

Dated: October 22, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–27307 Filed 10–26–15; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0097]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Supplemental Information on Water Quality Considerations

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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 proposed information collection was previously published in the **Federal Register** at 80 FR 51313, on August 24, 2015, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until November 27, 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 Christopher Reeves, *Christopher.Reeves@atf.gov,* Chief, Federal Explosives Licensing Center, 99 New York Avenue NE., Washington, DC 20226. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or send email to *OIRA_submissions@omb.eop.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:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection 1140–0097:

1. *Type of Information Collection:* Extension of an existing collection without change.

2. *The Title of the Form/Collection:* Supplemental Information on Water Quality Considerations.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 5000.30.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: None.

Abstract: ATF collects this data for the purpose of identifying waste product(s) generated as a result of explosives operations, the disposal of the products into navigable waters, and if there is any adverse impact on the environment. The information may be disclosed to other Federal, State, and local law enforcement and regulatory personnel to verify information on the form and to aid in the enforcement of environmental laws.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 680 respondents will take 30 minutes to complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 340 hours.

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., Room 3E–405B, Washington, DC 20530.

Dated: October 22, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–27310 Filed 10–26–15; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0028]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of an Approved Collection; Semi-annual Progress Report for Children and Youth Exposed to Violence Program

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Office on Violence Against Women, 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. The proposed information collection was previously published in the **Federal Register** at 80 FR 50871, on August 21, 2015, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until November 27, 2015.

FOR FURTHER INFORMATION CONTACT: If you have 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, Attorney Advisor, Office on Violence Against Women, 145 N Street NE., Washington, DC 20530 (phone: 202–514–5430). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.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:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-annual Progress Report for Children and Youth Exposed to Violence Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0028. 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 approximately 25 grantees under the Consolidated Grant Program to Address Children and Youth Experiencing Domestic and Sexual Assault and Engage Men and Boys as Allies (hereafter referred to as the Consolidated Youth Program) enacted in the FY 2012, 2013, 2014, and 2015 appropriation acts, which consolidated four previously authorized and appropriated programs into one comprehensive program. The four programs included in the FY 2012, FY 2013, FY 2014, and FY 2015 consolidations were: Services to Advocate for and Respond to Youth (Youth Services), Grants to Assist Children and Youth Exposed to Violence (CEV), Engaging Men and Youth in Preventing Domestic Violence (EMY), and Supporting Teens through Education and Prevention (STEP).

The Consolidated Youth Program supports projects designed to provide coordinated community responses that support child, youth and young adult victims through direct services, training, coordination and collaboration, effective intervention, treatment, response, and prevention strategies. The Consolidated Youth Program creates a unique opportunity for communities to increase collaboration among non-profit victim service providers; violence prevention, and children (0–10), youth (11–18), young adult (19–24) and men-serving organizations; tribes and tribal governments; local government agencies; schools; and programs that support men's role in combating sexual assault, domestic violence, dating violence and stalking.

(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 25 respondents (grantees from the Consolidated Youth Program) 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 Consolidated Youth 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 50 hours, that is 25 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., Room 3E.405B, Washington, DC 20530.

Dated: October 22, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–27306 Filed 10–26–15; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0095]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Office of Human Resources and Professional Development Student and Supervisor Training Validation Surveys

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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 proposed information collection was previously published in the **Federal Register** at 80 FR 51310, on August 24, 2015, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until November 27, 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 James Scott *James.Scott@atf.gov,* Talent Planning and Analytics Branch. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or send email to *OIRA_submissions@omb.eop.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:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection 1140–0095:

1. *Type of Information Collection:* Revision of an existing collection.

2. *The Title of the Form/Collection:* Office of Human Resources and Professional Development Student and Supervisor Training Validation Surveys.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: State, Local, or Tribal Government.

Other: Federal Government.

Abstract: Collection of this information will help ATF determine whether the training program is consistently meeting objectives and impacting the performance of the individuals in their work place.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 100 respondents will take 10 minutes to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 17 hours.

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., Room 3E–405B, Washington, DC 20530.

Dated: October 22, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–27309 Filed 10–26–15; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0001]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of an Approved Collection; Certification of Compliance With the Statutory Eligibility Requirements of the Violence Against Women Act as Amended

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Office on Violence Against Women, 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. The proposed information collection was previously published in the **Federal Register** at 80 FR 50873, on August 21, 2015, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until November 27, 2015.

FOR FURTHER INFORMATION CONTACT: If you have 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, Attorney Advisor, Office on Violence Against Women, 145 N Street NE., Washington, DC 20530 (phone: 202–514–5430). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.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:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act as Amended.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0001. 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 STOP formula grantees (50 states, the District of Columbia and five territories (Guam, Puerto Rico, American Samoa, Virgin Islands, Northern Mariana Islands). The STOP Violence Against Women Formula Grant Program was authorized through the Violence Against Women Act of 1994 and reauthorized and amended in 2000, 2005, and 2013. The purpose of the STOP Formula Grant Program is to promote a coordinated, multi-disciplinary approach to improving the criminal justice system's response to violence against women. It envisions a partnership among law enforcement, prosecution, courts, and victim advocacy organizations to enhance victim safety and hold offenders accountable for their crimes of violence against women. The Department of Justice's Office on Violence Against Women (OVW) administers the STOP Formula Grant Program funds which must be distributed by STOP state administrators according to statutory formula (as amended in 2000, 2005 and 2013).

(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 56 respondents (state administrators from the STOP Formula Grant Program) less than one hour to complete a Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act, as Amended.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the Certification is less than 56 hours.

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., Room 3E.405B, Washington, DC 20530.

Dated: October 22, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–27305 Filed 10–26–15; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF LABOR

Child Labor, Forced Labor, and Forced or Indentured Child Labor in the Production of Goods in Foreign Countries and Efforts by Certain Foreign Countries To Eliminate the Worst Forms of Child Labor

AGENCY: The Bureau of International Labor Affairs, United States Department of Labor.

ACTION: Notice: Request for information and invitation to comment.

SUMMARY: This notice is a request for information and/or comment on three reports issued by the Bureau of International Labor Affairs (ILAB) in 2014 and 2015 regarding child labor and forced labor in certain foreign countries. Relevant information submitted by the public will be used by the Department of Labor (DOL) in preparation of its ongoing reporting under Congressional mandates and Presidential directive. The 2014 Findings on the Worst Forms of Child Labor report (TDA report), published on September 30, 2015, assessed efforts by 140 countries to reduce the worst forms of child labor and reported whether countries made significant, moderate, minimal, or no advancement. It also suggested actions foreign countries can take to eliminate the worst forms of child labor through legislation, enforcement, coordination, policies and social programs. The 2014 edition of the List of Goods Produced by Child Labor or Forced Labor (TVPRA List), published on December 1, 2014, made available to the public a list of goods from countries that ILAB has reason to believe are produced by child labor or forced labor in violation of international standards. The List of Products Produced by Forced or Indentured Child Labor (EO List), most recently published on December 1, 2014, provides a list of products, identified by country of origin, that the Department, in consultation and cooperation with the Departments of State (DOS) and Homeland Security (DHS), have a reasonable basis to believe might have been mined, produced or manufactured with forced or indentured child labor. Relevant information submitted by the public will be used by DOL in preparation of the next editions of all three reports, to be published in 2016.

DATES: Submitters of information are requested to provide their submission to the Office of Child Labor, Forced Labor, and Human Trafficking (OCFT) at the email or physical address below by 5 p.m. January 04, 2016.

To Submit Information: Information submitted to DOL should be submitted directly to OCFT, Bureau of International Labor Affairs, U.S. Department of Labor. Comments, identified as ''Docket No. DOL–2015–0009'', may be submitted by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov.

The portal includes instructions for submitting comments. Parties submitting responses electronically are encouraged not to submit paper copies.

Facsimile (fax): OCFT at 202–693–4830.

Mail, Express Delivery, Hand Delivery, and Messenger Service (1 copy): Chanda Uluca and Rachel Rigby at U.S. Department of Labor, OCFT, Bureau of International Labor Affairs, 200 Constitution Avenue NW., Room S–5317, Washington, DC 20210.

Email: Email submissions should be addressed to both Chanda Uluca (*Uluca.Chanda@dol.gov*) and Rachel Rigby (*Rigby.Rachel@dol.gov*).

FOR FURTHER INFORMATION CONTACT: Chanda Uluca and Rachel Rigby. Please see contact information above).

SUPPLEMENTARY INFORMATION: I. Section 105(b)(1) of the Trafficking Victims Protection Reauthorization Act of 2005 (''TVPRA of 2005''), Public Law 109–164 (2006), directed the Secretary of Labor, acting through ILAB, to ''develop and make available to the public a list of goods from countries that the Bureau of International Labor Affairs has reason to believe are produced by forced labor or child labor in violation of international standards'' (TVPRA List).

Pursuant to this mandate, in December 2007 DOL published in the **Federal Register** a set of procedural guidelines that ILAB follows in developing the TVPRA List (72 FR 73374). The guidelines set forth the criteria by which information is evaluated; established procedures for public submission of information to be considered by ILAB; and identified the process ILAB follows in maintaining and updating the List after its initial publication.

ILAB published its first TVPRA List on September 30, 2009, and has issued updates in 2010, 2011, 2012, 2013 and 2014. In 2014, ILAB began publishing the TVPRA List every other year, pursuant to changes in the law. See 22 U.S.C. 7112(b). The next TVPRA List will be published in 2016. For a copy of the 2014 TVPRA List, Frequently Asked Questions, and other materials relating to the TVPRA List, see ILAB's TVPRA Web page at *http://www.dol.gov/ilab/reports/child-labor/list-of-goods/*

II. Executive Order No. 13126 (E.O. 13126) declared that it was ''the policy of the United States Government . . . that the executive agencies shall take appropriate actions to enforce the laws prohibiting the manufacture or importation of goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part by forced or indentured child labor.'' Pursuant to E.O. 13126, and following public notice and comment, the Department of Labor published in the January 18, 2001 **Federal Register**, a final list of products (''EO List''), identified by country of origin, that the Department, in consultation and cooperation with the Departments of State (DOS) and Treasury [relevant responsibilities now within the Department of Homeland Security (DHS)], had a reasonable basis to believe might have been mined, produced or manufactured with forced or indentured child labor (66 FR 5353). In addition to the List, the Department also published on January 18, 2001, ''Procedural Guidelines for Maintenance of the List of Products Requiring Federal Contractor Certification as to Forced or Indentured Child Labor,'' which provide for maintaining, reviewing, and, as appropriate, revising the EO List (66 FR 5351).

Pursuant to Sections D through G of the Procedural Guidelines, the EO List may be updated through consideration of submissions by individuals or through OCFT's own initiative.

DOL has officially revised the EO List four times, most recently on July 23, 2013, each time after public notice and comment as well as consultation with DOS and DHS.

The current EO List, Procedural Guidelines, and related information can be accessed on the Internet at *http://www.dol.gov/ilab/reports/child-labor/list-of-products/index-country.htm.*

III. The Trade and Development Act of 2000 (TDA), Public Law 106–200 (2000), established a new eligibility criterion for receipt of trade benefits under the Generalized System of Preferences (GSP), Caribbean Basin Trade and Partnership Act (CBTPA), and Africa Growth and Opportunity Act (AGOA) and the (now-expired) Andean Trade Preference Act/Andean Trade Promotion and Drug Eradication Act (ATPA/ATPDEA).

The TDA amended the GSP reporting requirements of Section 504 of the Trade Act of 1974, 19 U.S.C. 2464, to require that the President's annual report on the status of internationally recognized worker rights include ''findings by the Secretary of Labor with respect to the beneficiary country's

implementation of its international commitments to eliminate the worst forms of child labor.'' Title II of the TDA and the TDA Conference Report, Joint Explanatory Statement of the Committee of Conference, 106th Cong.2d.Sess. (2000), indicate that the same criterion applies for the receipt of benefits under CBTPA and AGOA, respectively. In addition, the Andean Trade Preference Act, as amended and expanded by the Andean Trade Promotion and Drug Eradication Act, Public Law 107–210, Title XXXI (2002), includes as a criterion for receiving benefits ''[w]hether the country has implemented its commitments to eliminate the worst forms of child labor as defined in section 507(6) of the Trade Act of 1974.''

DOL fulfills these reporting mandates through annual publication of the U.S. Department of Labor's Findings on the Worst Forms of Child Labor with respect to countries eligible for the aforementioned programs. The 2014 report and additional background information are available on the Internet at *http://www.dol.gov/ilab/reports/child-labor/findings/.*

Information Requested and Invitation to Comment: Interested parties are invited to comment and provide information regarding DOL's TVPRA List which may be found on the Internet at *http://www.dol.gov/ilab/reports/child-labor/list-of-goods/,* EO List which may be found at *http://www.dol.gov/ilab/reports/child-labor/list-of-products/index-country.htm,* and TDA Report which may be found at *http://www.dol.gov/ilab/reports/child-labor/findings/* or obtained from OCFT. DOL requests comments or information to maintain and update the TVPRA and EO Lists and to update the findings and suggestions for government action for countries reviewed in the TDA Report, as well as to assess each country's individual advancement toward eliminating the worst forms of child labor during the current reporting period compared to previous years. For more information on the types of issues covered in the TDA Report, please see Appendix II of the report. Materials submitted should be confined to the specific topics of the TVPRA List, EO List, and TDA report. DOL will generally consider sources with dates up to five years old (*i.e.,* data not older than January 1, 2011). DOL appreciates the extent to which submissions clearly indicate the time period to which they apply. In the interest of transparency, classified information will not be accepted. Where applicable, information submitted should indicate its source or sources, and copies of the source material should be provided. If primary sources are utilized, such as research studies, interviews, direct observations, or other sources of quantitative or qualitative data, details on the research or data-gathering methodology should be provided. Please see the TVPRA List, EO List, and TDA Report for a complete explanation of relevant terms, definitions, and reporting guidelines employed by DOL.

This notice is a general solicitation of comments from the public.

Signed at Washington, DC, this 21st day of October 2015.

Carol Pier,

Deputy Undersecretary for International Affairs.

[FR Doc. 2015–27329 Filed 10–26–15; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Definition of Plan Assets—Participant Contributions

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) titled, ''Definition of Plan Assets—Participant Contributions,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before November 27, 2015.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201509-1210-005* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–EBSA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Definition of Plan Assets—Participant Contributions information collection codified in regulations 29 CFR 2520.3–102(d). The regulation concerning plan assets and participant contributions provides guidance for a fiduciary, participant, or beneficiary of an employee benefit plan regarding how a participant contribution to a pension plan must be handled when the contribution is either paid to the employer by the participant or directly withheld by the employer from the employee's wages for transmission to the pension plan. In particular, the regulation sets standards for the timely delivery of such participant contributions, including an outside time limit for the employer's holding of participant contributions. In addition, for an employer who may have difficulty meeting the regulation's outside deadlines for transmitting participant contribution, the regulation provides the opportunity for the employer to obtain an extension of the time limit by providing participants and the Department with a notice that contains specified information. Employee Retirement Income Security Act of 1974 section 404 authorizes this information collection. *See* 29 U.S.C. 1104.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of

law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1210–0100.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on October 31, 2015. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on June 17, 2015 (80 FR 34696).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1210–0100. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–EBSA.

Title of Collection: Definition of Plan Assets—Participant Contributions.

OMB Control Number: 1210–0100.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 1.

Total Estimated Number of Responses: 251.

Total Estimated Annual Time Burden: 8 hours.

Total Estimated Annual Other Costs Burden: $1,464.

Dated: October 21, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–27255 Filed 10–26–15; 8:45 am]

BILLING CODE 4510–29–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0242]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from September 29 to October 9, 2015. The last biweekly notice was published on October 13, 2015.

DATES: Comments must be filed by November 27, 2015. A request for a hearing must be filed by December 28, 2015.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0242. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.*
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Paula Blechman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2242, email: *Paula.Blechman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0242 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0242.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2015–0242, facility name, unit number(s), application date, and subject in your comment submission.

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

comment submissions to remove identifying or contact information.

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

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies and procedures.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it

immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, federally-recognized Indian tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by December 28, 2015. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions for leave to intervene set forth in this section, except that under § 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. A State, local governmental body, Federally-recognized Indian tribe, or agency thereof may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to the proceeding may, in the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by December 28, 2015.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North,

11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, in some instances, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Carolinas, LLC, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: August 28, 2015. A publicly-available version is in ADAMS under Accession No. ML15244B179.

Description of amendment request: The amendment provides a temporary extension to the Completion Time for Technical Specification 3.5.2, ''Emergency Core Cooling Systems (ECCS)—Operating,'' Required Action A.1. The temporary extension will be used to allow the licensee to effect an on-line repair of the Residual Heat Removal (RHR) pump motor air handling unit.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below.

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The ECCS provides a mitigating function, and as such, it does not impact the probability of an accident. The consequences of an accident requiring the ECCS function will continue to be mitigated by the operable 1B RHR system train during the extended period in which the 1A RHR system train is considered inoperable. Each of the two RHR trains are redundant, so the 1B RHR pump is capable of performing the necessary mitigating function.

Additionally, engineering evaluations, as documented in the [Engineering Change (EC)] process, demonstrate that the 1A RHR pump will continue to be capable of performing its mitigating ECCS function using a defense-in-depth measure that establishes alternate forced cooling to the room.

As such, the proposed amendment does not result in an increase in consequences of an accident.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

No new accident causal mechanisms are created as a result of this proposed license amendment request (LAR). No changes are being made to any SSC [structure, system, or component] that will introduce any new accident causal mechanisms. The defense-in-depth measure to install alternate forced cooling to the 1A RHR pump motor during the repair evolution has been analyzed and evaluated using the Duke Energy EC process.

The EC concludes that the installation of alternate forced cooling equipment would not adversely impact other components such that a new or different accident scenario is created.

3. Does the proposed amendment involve a significant reduction in the margin of safety?

Response: No.

Margin of safety is related to the confidence in the ability of the fission product barriers to perform their design functions during and following an accident situation. These barriers include the fuel cladding, the reactor coolant system, and the containment system. The performance of the fuel cladding, reactor coolant and containment systems will not be impacted by the proposed LAR.

The proposed activity only impacts the amount of time that the 1A RHR system can be considered inoperable. The amount of inoperable time still remains small relative to the total operating time, and the 1A RHR train would still be considered available (*i.e.,* capable of performing its ECCS function) during the period of extended inoperability. However, even if the train were considered unavailable, the total hours of unavailability would remain bounded by the limits established by the Maintenance Rule program.

Therefore, it is concluded that the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, Associate General Counsel, Duke Energy Corporation, 526 South Church Street—EC07H, Charlotte, NC 28202.

NRC Branch Chief: Robert J. Pascarelli.

Duke Energy Carolinas, LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of amendment request: May 19, 2015, as supplemented by letter dated August 20, 2015. Publicly-available versions are in ADAMS under Accession Nos. ML15146A056 and ML15239B290, respectively.

Description of amendment request: The proposed amendments add a Reactor Protective System Nuclear Overpower—High Setpoint trip for three (3) reactor coolant pump operation to Technical Specification Table 3.3.1–1, ''Reactor Protective System Instrumentation.'' The existing overpower protection for three (3) reactor coolant pump operation is the Nuclear Overpower Flux/Flow/Imbalance trip function. The new setpoint provides an absolute setpoint that can be actuated regardless of the transient or Reactor Coolant System flow conditions and provides a

significant margin gain for the small steam line break accident.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment adds a high flux trip for three (3) Reactor Coolant Pump (RCP) Operation by modifying the existing Nuclear Overpower-High Setpoint function in Technical Specification (TS) Table 3.3.1–1 to delineate between a setpoint valid for four (4) RCP operation and three (3) RCP operation. TS 3.4.4 is modified to require the Nuclear Overpower—High Setpoint to be reset to less than or equal to the Allowable Value of Table 3.3.1–1 for three (3) RCPs operating. The proposed change provides automatic overpower protection when the plant is operating with three (3) RCPs. The existing overpower protection for three (3) RCP operation is the Nuclear Overpower Flux/Flow/Imbalance trip function. Providing a Nuclear Overpower flux setpoint provides an absolute setpoint that can be actuated regardless of the transient or RCS flow conditions. The proposed TS change does not modify the reactor coolant system pressure boundary, nor make any physical changes to the facility design, material, or construction standards. The probability of any design basis accident (DBA) is not affected by this change, nor are the consequences of any DBA significantly affected by this change. The proposed change does not involve changes to any structures, systems, or components (SSCs) that can alter the probability for initiating a LOCA [loss-of-coolant accident] event. This amendment request includes the adoption of Option A of Technical Specification Task Force (TSTF) TSTF–493–A, Revision 4, ''Clarify Application of Setpoint Methodology for LSSS [Limiting Safety System Setting] Functions,'' for the Nuclear Overpower—High Setpoint trip function of TS Table 3.3.1–1. The TS changes associated with the implementation of TSTF–493–A will provide additional assurance that the instrumentation setpoints for the Nuclear Overpower—High Setpoint trip function are maintained consistent with the setpoint methodology to ensure the required automatic trips and safety feature actuations occur such that the safety limits are not exceeded.

Therefore, the proposed TS changes do not significantly increase the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment adds a high flux trip for three (3) Reactor Coolant Pump Operation by modifying the existing Nuclear Overpower-High Setpoint function in TS Table 3.3.1–1 to delineate between a setpoint valid for four (4) RCP operation and three (3) RCP operation. This proposed change and the implementation of TSTF–493–A do not alter the plant configuration (no new or different type of equipment will be installed) or make changes in methods governing normal plant operation. No new failure modes are identified, nor are any SSCs required to be operated outside the design bases.

Therefore, the possibility of a new or different kind of accident from any kind of accident previously evaluated is not created.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment adds a high flux trip for three (3) Reactor Coolant Pump Operation by modifying the existing Nuclear Overpower-High Setpoint function in TS Table 3.3.1–1 to delineate between a setpoint valid for four (4) RCP operation and three (3) RCP operation. This proposed TS change and the implementation of TSTF–493–A do not involve: (1) A physical alteration of the Oconee Units; (2) the installation of new or different equipment; or (3) any impact on the fission product barriers or safety limits. The proposed change adds a new setpoint, which is more conservative than the existing high flux setpoint that initiates a protective action to provide protection for power excursion events initiated from three (3) RCP operation equivalent to that provided for four (4) RCP operation.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, Deputy General Counsel, Duke Energy Corporation, 550 South Tryon Street—DEC45A, Charlotte, NC 28202–1802.

NRC Branch Chief: Robert J. Pascarelli.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of amendment request: September 2, 2015. A publicly-available version is in ADAMS under Accession No. ML15245A777.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TSs) by adding Limiting Condition for Operation (LCO) 3.0.9 to address the impact of unavailable barriers, not explicitly addressed in the TSs but required for operability of supported systems in TSs. The LCO 3.0.9 establishes conditions under which TS systems would remain operable when required physical barriers are not capable of providing their safety-related function. Also, the proposed amendment would replace the term ''train'' with the term ''division'' in LCO 3.0.8 to be consistent with the terminology proposed in LCO 3.0.9, which is editorial in nature.

The proposed changes to the TS are consistent with the NRC-approved Technical Specification Task Force (TSTF) Standard Technical Specification change traveler TSTF–427, ''Allowance for Non-Technical Specification Barrier Degradation on Supported System OPERABILITY,'' Revision 2 (ADAMS Accession No. ML061240055). The availability of the TS improvement and the model application was published in the **Federal Register** on October 3, 2006 (71 FR 58444), as part of the Consolidated Line Item Improvement Process (CLIIP).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee affirmed the applicability of the model no significant hazards consideration determination, which is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change allows a delay time for entering a supported system technical specification (TS) when the inoperability is due solely to an unavailable barrier if risk is assessed and managed. The postulated initiating events which may require a functional barrier are limited to those with low frequencies of occurrence, and the overall TS system safety function would still be available for the majority of anticipated challenges. Therefore, the probability of an accident previously evaluated is not significantly increased, if at all. The consequences of an accident while relying on the allowance provided by proposed LCO 3.0.9 are no different than the consequences of an accident while relying on the TS required actions in effect without the allowance provided by proposed LCO 3.0.9. Therefore, the consequences of an accident previously evaluated are not significantly affected by this change. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns.

Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From any Previously Evaluated

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed). Allowing delay times for entering supported

system TS when inoperability is due solely to an unavailable barrier, if risk is assessed and managed, will not introduce new failure modes or effects and will not, in the absence of other unrelated failures, lead to an accident whose consequences exceed the consequences of accidents previously evaluated. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns.

Thus, this change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

The proposed change allows a delay time for entering a supported system TS when the inoperability is due solely to an unavailable barrier, if risk is assessed and managed. The postulated initiating events which may require a functional barrier are limited to those with low frequencies of occurrence, and the overall TS system safety function would still be available for the majority of anticipated challenges. The risk impact of the proposed TS changes was assessed following the three-tiered approach recommended in [NRC Regulatory Guide 1.177, ''An Approach for Plant-Specific Risk-Informed Decisionmaking: Technical Specifications,'' August 1998 (ADAMS Accession No. ML003740176)]. A bounding risk assessment was performed to justify the proposed TS changes. This application of LCO 3.0.9 is predicated upon the licensee's performance of a risk assessment and the management of plant risk. The net change to the margin of safety is insignificant as indicated by the anticipated low levels of associated risk (ICCDP [incremental conditional core damage probability] and ICLERP [incremental large early release probability]) as shown in Table 1 of Section 3.1.1 in the Safety Evaluation [published in the **Federal Register** on October 3, 2006 (71 FR 58444)].

Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the above analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William A. Horin, Esq., Winston & Strawn, 1700 K Street NW., Washington, DC 20006–3817.

NRC Branch Chief: Michael T. Markley.

Entergy Nuclear Operations, Inc., Docket No. 50–293, Pilgrim Nuclear Power Station (PNPS), Plymouth County, Massachusetts

Date of amendment request: July 15, 2015. A publicly available version is in ADAMS under Accession No. ML15205A287.

Description of amendment request: The amendment would revise the PNPS Cyber Security Plan (CSP) Implementation Schedule Milestone 8 full implementation date. The amendment would also revise the PNPS Facility Operating License No. DPR–35.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to the CSP Implementation Schedule is administrative in nature. This change does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The proposed change does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents and have no impact on the probability or consequences of an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change to the CSP Implementation Schedule is administrative in nature. This proposed change does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The proposed change does not require any plant modifications which affect the performance capability of the structures, systems, and components relied upon to mitigate the consequences of postulated accidents and do not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Plant safety margins are established through limiting conditions for operation, limiting safety system settings, and safety limits specified in the technical specifications. The proposed change to the CSP Implementation Schedule is administrative in nature. In addition, the milestone date delay for full implementation of the CSP has no substantive impact because other measures have been taken which provide adequate protection during this period of time. Because there is no change to established safety margins as a result of this change, the proposed change does not involve a significant reduction in a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Jeanne Cho, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, NY 10601.

NRC Branch Chief: Benjamin G. Beasley.

Exelon Generation Company, LLC, Docket No. 50–461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of amendment request: August 18, 2015. A publically-available version is in ADAMS under Accession No. ML15231A097.

Description of amendment request: The proposed change would revise the reactor steam dome pressure specified in the technical specification (TS) safety limits.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to the reactor steam dome pressure in the CPS [Clinton Power Station, Unit 1], DNPS [Dresdent Nuclear Power Station, Units 2 and 3], and QCNPS [Quad Cities Nuclear Power Station, Units 1 and 2] Reactor Core Safety Limits TS 2.1.1.1 and 2.1.1.2 does not alter the use of the analytical methods used to determine the safety limits that have been previously reviewed and approved by the NRC. The proposed change is in accordance with an NRC approved critical power correlation

methodology, and as such, maintains required safety margins. The proposed change does not adversely affect accident initiators or precursors, nor does it alter the design assumptions, conditions, or configuration of the facility or the manner in which the plant is operated and maintained.

The proposed change does not alter or prevent the ability of structures, systems, and components (SSCs) from performing their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed change does not require any physical change to any plant SSCs nor does it require any change in systems or plant operations. The proposed change is consistent with the safety analysis assumptions and resultant consequences.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed reduction in the reactor dome pressure safety limit from 785 psig [pounds per square inch gauge] to 685 psig is a change based upon previously approved documents and does not involve changes to the plant hardware or its operating characteristics. As a result, no new failure modes are being introduced. There are no hardware changes nor are there any changes in the method by which any plant systems perform a safety function. No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of the proposed change.

The proposed change does not introduce any new accident precursors, nor does it involve any physical plant alterations or changes in the methods governing normal plant operation. Also, the change does not impose any new or different requirements or eliminate any existing requirements. The change does not alter assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is established through the design of the plant structures, systems, and components, and through the parameters for safe operation and setpoints for the actuation of equipment relied upon to respond to transients and design basis accidents. Evaluation of the 10 CFR part 21 condition by General Electric determined that since the Minimum Critical Power Ratio improves during the PRFO [pressure regulator failure maximum demand (open)] transient, there is no decrease in the safety margin and therefore there is not a threat to fuel cladding integrity. The proposed change in reactor dome pressure supports the current safety margin, which protects the fuel cladding integrity during a depressurization transient, but does not change the requirements governing operation or availability of safety equipment assumed to operate to preserve the margin of safety. The change does not alter the behavior of plant equipment, which remains unchanged.

The proposed change to Reactor Core Safety Limits 2.1.1.1 and 2.1.1.2 is consistent with and within the capabilities of the applicable NRC approved critical power correlation for the fuel designs in use at CPS, DNPS, and QCNPS. No setpoints at which protective actions are initiated are altered by the proposed change. The proposed change does not alter the manner in which the safety limits are determined. This change is consistent with plant design and does not change the TS operability requirements; thus, previously evaluated accidents are not affected by this proposed change.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Bradley Fewell, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Travis L. Tate.

Florida Power & Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Nuclear Generating Unit Nos. 3 and 4, Miami-Dade County, Florida

Date of amendment request: July 2, 2015. A publicly-available version is in ADAMS under Accession No. ML15198A153.

Description of amendment request: The amendments would revise the technical specifications (TSs) related to communications and manipulator crane requirements. The licensee requested that these requirements be relocated to the Updated Final Safety Analysis Report (UFSAR) and related procedures and be controlled in accordance with 10 CFR 50.59, ''Changes, tests, and experiments.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes remove [from the TSs] the current necessity of establishing and maintaining communications between the control room and the refueling station and the minimum load capacities and load limit controls required for the manipulator crane limits and relocate the requirements to the UFSAR and related procedures, which will have no impact on any safety related structures, systems or components. Once relocated to the UFSAR and related procedures, changes to establishing and maintaining communications between the control room and the refueling station and the minimum load capacities and load limit controls required for the manipulator crane limits will be controlled in accordance with 10 CFR 50.59.

The probability of occurrence of a previously evaluated accident is not increased because these changes do not introduce any new potential accident initiating conditions. The consequences of accidents previously evaluated in the UFSAR are not affected because the ability of the components to perform their required functions is not affected.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes remove [from the TSs] the current necessity of establishing and maintaining communications between the control room and the refueling station and the minimum load capacities and load limit controls required for the manipulator crane limits and relocate the requirements to the UFSAR and related procedures, which will have no impact on any safety related structures, systems or components. Once relocated to the UFSAR and related procedures, changes to establishing and maintaining communications between the control room and the refueling station and the minimum load capacities and load limit controls required for the manipulator crane limits will be controlled in accordance with 10 CFR 50.59.

The proposed changes do not introduce new modes of plant operation and do not involve physical modifications to the plant (no new or different type of equipment will be installed). There are no changes in the method by which any safety related plant structure, system, or component (SSC) performs its specified safety function. As such, the plant conditions for which the design basis accident analyses were performed remain valid.

No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures will be introduced as a result of the proposed change. There will be no adverse effect or challenges imposed on any SSC as a result of the proposed changes.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is related to confidence in the ability of the fission product barriers to

perform their accident mitigation functions. The proposed changes remove [from the TSs] the current necessity of establishing and maintaining communications between the control room and the refueling station and the minimum load capacities and load limit controls required for the manipulator crane limits and relocate the requirements to the UFSAR and related procedures, which will have no impact on any safety related structures, systems or components. Once relocated to the UFSAR and related procedures, changes to establishing and maintaining communications between the control room and the refueling station and the minimum load capacities and load limit controls required for the manipulator crane limits will be controlled in accordance with 10 CFR 50.59. The proposed changes do not physically alter any SSC. There will be no effect on those SSCs necessary to assure the accomplishment of protection functions. There will be no impact on the overpower limit, departure from nucleate boiling ratio (DNBR) limits, loss of cooling accident peak cladding temperature (LOCA PCT), or any other margin of safety. The applicable radiological dose consequence acceptance criteria will continue to be met.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William S. Blair, Managing Attorney—Nuclear, Florida Power & Light Company, 700 Universe Blvd., MS LAW/JB, Juno Beach, FL 33408–0420.

NRC Branch Chief: Shana R. Helton.

NextEra Energy Duane Arnold, LLC, Docket No. 50–331, Duane Arnold Energy Center (DAEC), Linn County, Iowa

Date of amendment request: August 18, 2015. A publicly-available version is in ADAMS under Accession No. ML15246A445.

Description of amendment request: The proposed amendment would revise the technical specifications (TSs) Section 5.5.12, ''Primary Containment Leakage Rate Testing Program,'' by replacing the reference to the NRC Regulatory Guide 1.163, ''Performance-Based Containment Leak-Test Program,'' with a reference to the Nuclear Energy Institute (NEI) topical report NEI 94–01, Revision 3–A, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR part 50, appendix J,'' and conditions and limitations specified in NEI 94–01, Revision 2–A, as the implementation document used by DAEC to implement the performance-based containment leakage rate testing program.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment adopts the NRC-accepted guidelines of NEI 94–01, Revision 3–A, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR part 50, Appendix J,'' for development of the DAEC performance-based containment testing program. NEI 94–01 allows, based on risk and performance, an extension of Type A and Type C containment leak test intervals. Implementation of these guidelines continues to provide adequate assurance that during design basis accidents, the primary containment and its components will limit leakage rates to less than the values assumed in the plant safety analyses.

The findings of the DAEC risk assessment confirm the general findings of previous studies that the risk impact with extending the containment leak rate is small. Per the guidance provided in Regulatory Guide 1.174, an extension of the leak test interval in accordance with NEI 94–01, Revision 3–A results in an estimated change within the very small change region.

Since the change is implementing a performance-based containment testing program, the proposed amendment does not involve either a physical change to the plant or a change in the manner in which the plant is operated or controlled. The requirement for containment leakage rate acceptance will not be changed by this amendment. Therefore, the containment will continue to perform its design function as a barrier to fission product releases.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change to implement a performance-based containment testing program, associated with integrated leakage rate test frequency, does not change the design or operation of structures, systems, or components of the plant.

The proposed changes would continue to ensure containment integrity and would ensure operation within the bounds of existing accident analyses. There are no accident initiators created or affected by these changes. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is related to confidence in the ability of the fission product barriers (fuel cladding, reactor coolant system, and primary containment) to perform their design functions during and following postulated accidents. The proposed change to implement a performance-based containment testing program, associated with integrated leakage rate test frequency, does not affect plant operations, design functions, or any analysis that verifies the capability of a structure, system, or component of the plant to perform a design function. In addition, this change does not affect safety limits, limiting safety system setpoints, or limiting conditions for operation.

The specific requirements and conditions of the TS Primary Containment Leakage Rate Testing Program exist to ensure that the degree of containment structural integrity and leak-tightness that is considered in the plant safety analysis is maintained. The overall containment leak rate limit specified by TS is maintained. This ensures that the margin of safety in the plant safety analysis is maintained. The design, operation, testing methods and acceptance criteria for Type A, B, and C containment leakage tests specified in applicable codes and standards would continue to be met, with the acceptance of this proposed change, since these are not affected by implementation of a performance-based containment testing program.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. James Petro, P.O. Box 14000 Juno Beach, FL 33408–0420.

NRC Branch Chief: David L. Pelton.

South Carolina Electric and Gas Company, Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station, Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: May 4, 2015. A publicly-available version is in ADAMS under Accession No. ML15124A911.

Description of amendment request: The proposed amendment and exemption identify portions of the licensing basis that would more appropriately be classified as Tier 2, specifically the Tier 2* information on Fire Area Figures 9A–1, 9A–2, 9A–3, 9A–4, 9A–5, and 9A–201 in the Virgil C. Summer Nuclear Station Units 2 and

3 Updated Final Safety Analysis Report. With the reclassification, prior NRC approval would continue to be required for any safety significant changes to the Fire Area Figures because any revisions to that information would follow the Tier 2 change process provided in 10 CFR part 52, appendix D, Section VIII.B.5.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment would reclassify Fire Area Figures Tier 2* information. The proposed amendment does not modify the design, construction, or operation of any plant structures, systems, or components (SSCs), nor does it change any procedures or method of control for any SSCs. Because the proposed amendment does not change the design, construction, or operation of any SSCs, it does not adversely affect any design function as described in the Updated Final Safety Analysis Report.

Therefore, the proposed amendment does not affect the probability of an accident previously evaluated. Similarly, because the proposed amendment does not alter the design or operation of the nuclear plant or any plant SSCs, the proposed amendment does not represent a change to the radiological effects of an accident, and therefore, does not involve an increase in the consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment would reclassify Fire Area Figures Tier 2* information. The proposed amendment is not a modification, addition to, or removal of any plant SSCs. Furthermore, the proposed amendment is not a change to procedures or method of control of the nuclear plant or any plant SSCs. The only impact of this activity is the reclassification of information in the Updated Final Safety Analysis Report.

Because the proposed amendment only reclassifies information and does not change the design, construction, or operation of the nuclear plant or any plant operations, the amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment would reclassify Fire Area Figures Tier 2* information. The proposed amendment is not a modification, addition to, or removal of any plant SSCs. Furthermore, the proposed amendment is not a change to procedures or method of control of the nuclear plant or any plant SSCs. The only impact of this activity is the reclassification of information in the Updated Final Safety Analysis Report.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Kathryn M. Sutton, Morgan, Lewis & Bockius LLC, 1111 Pennsylvania Avenue NW., Washington, DC 20004–2514.

NRC Branch Chief: Lawrence J. Burkhart.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendment request: August 31, 2015. A publicly-available version is in ADAMS under Accession No. ML15261A673.

Description of amendment request: The proposed change would eliminate the current requirement to perform the Residual Heat Removal (RHR) autoclosure interlock Surveillance Requirement (SR) 3.4.14.2 and revise Action Condition C to eliminate the RHR autoclosure interlock from the Action Condition.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The two motor-operated gate valves located in each RHR System suction line are normally-closed to maintain the low pressure RHR System (design pressure of 600 psig) isolated from the high pressure [reactor coolant system] RCS (normal operating pressure of 2235 psig). An [autoclosure interlock] ACI was provided to isolate the low pressure RHR System from the RCS when the pressure increases above the ACI setpoint. However, spurious ACI actuation has resulted in RHR System isolation and subsequent loss of decay heat removal capability. The removal of the ACI feature will preclude this inadvertent isolation, thus increasing the likelihood that RHR will be available to remove decay heat. The addition of a control room alarm to alert the operator that a suction/isolation valve(s) is not fully closed when the RCS pressure is above the alarm setpoint and administrative procedures will ensure that the RHR System will be isolated from the RCS, if the RCS pressure increases above the alarm setpoint, which will decrease the likelihood of an interfacing system [Loss-of-Coolant Accident] LOCA. Therefore, the performance of the RHR System would not be adversely affected by the ACI deletion and the RHR suction isolation valve alarm installation.

The RHR ACI provides automatic closure to the RHR System suction isolation valves on high RCS pressure; however, rapid overpressure protection of the RHR System is provided by the RHR relief valves and not by the slow acting suction isolation valves. This RHR System overpressure protection is not affected by the removal of the ACI, this feature also serves to decrease the likelihood of an interfacing system LOCA. Thus, the RHR System integrity will not be affected by the removal of the ACI feature. In addition, the removal of the ACI feature does not adversely affect any fission barrier, alter any assumptions made in the radiological consequences evaluations, or affect the mitigation of radiological consequences.

The impact of ACI removal on RHR shutdown cooling, low temperature overpressure protection, and interfacing system LOCA initiating event frequency was assessed. For each of these areas that were assessed, it was concluded that the removal of ACI and the accompanying plant changes provides a benefit to plant safety.

With the deletion of the ACI, there is no longer any potential for spurious automatic closure of a RHR System suction isolation valve resulting in inadvertent RHR System isolation and loss of shutdown cooling.

Therefore, it is concluded that the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The removal of the RHR System ACI, and corresponding TS requirements, does not result in the initiation of any accident nor create any new credible limiting single failures.

The removal of the ACI eliminates the potential for spurious circuitry actuation causing isolation of the RHR system. Furthermore, the addition of an alarm to alert the operator that a suction valve is not fully closed when RCS pressure is above the alarm setpoint reduces the likelihood that the RHR system will be exposed to high pressure conditions. These modifications and the resulting elimination of the ACI TS Surveillance Requirement will not result in the RHR system being operated in any unanalyzed modes, either during normal or accident conditions. Also, the AHA system will continue to be maintained and surveilled as it is currently.

No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of the proposed changes. The proposed change does not

challenge the performance or integrity of any safety-related system.

Therefore, it is concluded that the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Removal of the ACI interlock, and its corresponding TS Surveillance Requirement, does not alter or prevent any plant response such that the margin of safety to any applicable acceptance criteria is significantly decreased. In fact, the addition of a control room alarm that identifies that the suction valve is not fully open, together with the existing overpressure alarm, ensures that the margin of safety to an AHA overpressure condition is not significantly reduced.

Furthermore, the actuation of safety-related components and the response of plant systems to accident scenarios are not affected, and thus will remain as assumed in the safety analysis.

Therefore, the proposed change will not adversely affect the operation or safety function of equipment assumed in the safety analysis.

For the reasons noted above, it is concluded that the proposed change does not involves a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Leigh D. Perry, SVP & General Counsel of Operations and Nuclear, Southern Nuclear Operating Company, 40 Iverness Center Parkway, Birmingham, AL 35201.

NRC Branch Chief: Robert J. Pascarelli.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP) Units 3 and 4, Burke County, Georgia

Date of amendment request: September 1, 2015. A publicly-available version is in ADAMS under Accession No. ML15244A602).

Description of amendment request: The proposed change would amend Combined License (COL) Nos. NPF–91 and NPF–92 for the VEGP Units 3 and 4. The requested amendment proposes to revise the VEGP Units 3 and 4 plant-specific emergency planning inspections, tests, analyses, and acceptance criteria in Appendix C of the VEGP Units 3 and 4 COLs, to remove the copy of Updated Final Safety Analysis Report (UFSAR) Table 7.5–1, ''Post-Accident Monitoring System,'' from Appendix C of the VEGP Units 3 and 4 COLs.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The VEGP [Units] 3 and 4 emergency planning inspections, tests, analyses, and acceptance criteria (ITAAC) provide assurance that the facility has been constructed and will be operated in conformity with the license, the provisions of the Act, and the Commission's rules and regulations. The proposed change to remove the copy of UFSAR Table 7.5–1 from Appendix C of the VEGP [Units 3 and 4] COLs does not affect the design of a system, structure, or component (SSC) used to meet the design bases of the nuclear plant. Nor do the changes affect the construction or operation of the nuclear plant itself, so there is no change to the probability or consequences of an accident previously evaluated. Removing the copy of UFSAR Table 7.5–1 from Appendix C of the COLs does not affect prevention and mitigation of abnormal events, *e.g.,* accidents, anticipated operational occurrences, earthquakes, floods and turbine missiles, or their safety or design analyses. No safety-related SSC or function is adversely affected. The changes do not involve nor interface with any SSC accident initiator or initiating sequence of events, and thus, the probabilities of the accidents evaluated in the UFSAR are not affected. Because the changes do not involve any safety-related SSC or function used to mitigate an accident, the consequences of the accidents evaluated in the UFSAR are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The VEGP [Units] 3 and 4 emergency planning ITAAC provide assurance that the facility has been constructed and will be operated in conformity with the license, the provisions of the Act, and the Commission's rules and regulations. The changes do not affect the design of an SSC used to meet the design bases of the nuclear plant, nor do the changes affect the construction or operation of the nuclear plant. Consequently, there is no new or different kind of accident from any accident previously evaluated. The changes do not affect safety-related equipment, nor do they affect equipment which, if it failed, could initiate an accident or a failure of a fission product barrier. In addition, the changes do not result in a new failure mode, malfunction or sequence of events that could affect safety or safety-related equipment.

No analysis is adversely affected. No system or design function or equipment qualification is adversely affected by the changes. This activity will not allow for a new fission product release path, result in a new fission product barrier failure mode, nor create a new sequence of events that would result in significant fuel cladding failures.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The VEGP [Units] 3 and 4 emergency planning ITAAC provide assurance that the facility has been constructed and will be operated in conformity with the license, the provisions of the Act, and the Commission's rules and regulations. The changes do not affect the assessments or the plant itself. The changes do not adversely interface with safety-related equipment or fission product barriers. No safety analysis, design basis limit or acceptance criterion are challenged or exceeded by the proposed change.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Lawrence J. Burkhart.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–424, 50–425, 52–025, 52–026, Vogtle Electric Generating Plant, Units 1, 2, 3, and 4, Burke County, Georgia and Southern Nuclear Operating Company, Inc. (SNC), Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, City of Dalton, GA

Date of amendment request: August 31, 2015. A publicly-available version is in ADAMS under Accession Package No. ML15246A045.

Description of amendment request: The amendments request NRC approval of a standard emergency plan for all Southern Nuclear Operating Company, Inc., sites and site-specific annexes.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes have no effect on normal plant operation or on any accident initiator or precursors, and do not impact the function of plant structures, systems, or components (SSCs). The proposed changes do not alter or prevent the ability of the emergency response organization to perform its intended functions to mitigate the consequences of an accident or event. The ability of the emergency response organization to respond adequately to radiological emergencies has been demonstrated as acceptable through a staffing analysis as required by 10 CFR 50 Appendix E.IV.A.9.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes will not change the design function or operation of SSCs. The changes do not impact the accident analysis. The changes do not involve a physical alteration of the plant, a change in the method of plant operation, or new operator actions. The proposed changes do not introduce failure modes that could result in a new accident, and the changes do not alter assumptions made in the safety analysis. As demonstrated by the SNC staffing analysis performed in accordance with 10 CFR 50 Appendix E.IV.A.9, the proposed changes do not alter or prevent the ability of the emergency response organization to perform its intended functions to mitigate the consequences of an accident or event.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed changes involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is associated with confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant system pressure boundary, and containment structure) to limit the level of radiation dose to the public. The proposed changes are associated with the Emergency Plan and do not impact operation of the plant or its response to transients or accidents. The changes do not affect the Technical Specifications. The changes do not involve a change in the method of plant operation, and no accident analyses will be affected by the proposed changes. Safety analysis acceptance criteria are not affected. The Standard Emergency Plan will continue to provide the necessary response staff for emergencies as demonstrated by staffing and functional analyses including the necessary timeliness of performing major tasks for the functional areas of the Emergency Plan. The proposed changes do not adversely affect SNC's ability to meet the requirements of 10 CFR 50 Appendix E and the emergency planning standards of 10 CFR 50.47.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Leigh D. Perry, SVP & General Counsel of Operations and Nuclear, Southern Nuclear Operating Company, 40 Iverness Center Parkway, Birmingham, AL 35201.

NRC Branch Chief: Robert J. Pascarelli.

III. Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Entergy Operations, Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3 (WF3) St. Charles Parish, Louisiana

Date of amendment request: July 2, 2015, as supplemented by letter dated August 14, 2015. Publicly-available versions are in ADAMS under Accession Nos. ML15197A106 and ML15226A346, respectively.

Brief description of amendment: This notice is being reissued in its entirety to remove information that was inadvertently included in the notice published in the **Federal Register** on September 29, 2015 (80 FR 58520), for WF3. The proposed amendment will modify the Technical Specification (TS) 3.1.3.4, ''Control Element Assembly [CEA] Drop Time'' and Final Safety Analysis Report, Chapter 15, ''Accident Analyses.'' The proposed amendment would change TS 3.1.3.4 to revise the arithmetic average of all CEA drop times to be less than or equal to 3.5 seconds.

Date of publication of individual notice in the ***Federal Register***: September 8, 2015 (80 FR 53892).

Expiration date of individual notice: October 8, 2015 (public comments); and November 9, 2015 (hearing requests).

IV. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commissions related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

DTE Electric Company, Docket No. 50–341, Fermi 2, Monroe County, Michigan

Date of amendment request: October 21, 2014, as supplemented by letters dated June 18, and July 28, 2015.

Description of amendment: The amendment revised the emergency action level scheme for Fermi 2 based

on the Nuclear Energy Institute (NEI) 99–01, Revision 6, ''Development of Emergency Action Levels for Non-Passive Reactors,'' dated November 2012.

Date of issuance: September 29, 2015.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment No.: 202. A publicly-available version is in ADAMS under Accession No. ML15233A084; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–43: Amendment revised the Facility Operating License.

Date of initial notice in ***Federal Register***: December 23, 2014 (79 FR 77045). The supplemental letters dated June 18, and July 28, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 29, 2015.

No significant hazards consideration comments received: None.

Entergy Gulf States Louisiana, LLC and Entergy Operations, Inc., Docket No. 50–458, River Bend Station, Unit 1, West Feliciana Parish, Louisiana

Date of amendment request: June 10, 2014, as supplemented by letters dated October 9, and December 31, 2014, and January 30, 2015.

Brief description of amendment: By order dated August 14, 2015, as published in the **Federal Register** on August 24, 2015 (80 FR 51329), the NRC approved a direct license transfer for Facility Operating License No. NPF–47 for the River Bend Station, Unit 1. This amendment reflects the direct transfer of the license to Entergy Louisiana, LLC.

Date of issuance: October 1, 2015.

Effective date: As of the date of issuance and shall be implemented 30 days from the date of issuance.

Amendment No.: 189. A publicly-available version of the amendment and the order are in ADAMS under Accession Nos. ML15265A116 and ML15146A410, respectively; documents related to this amendment are listed in the safety evaluation (SE) enclosed with the order dated August 14, 2015. Subsequent to the issuance of the order, the licensee submitted a letter dated September 23, 2015 (ADAMS Accession No. ML15268A338). This letter provided additional notifications of regulatory approvals and the closing transaction date, as was required by the order.

Facility Operating License No. NPF–47: The amendment revised the Facility Operating License.

Date of initial notice in ***Federal Register***: August 24, 2015 (80 FR 51329). The supplements dated October 9, and December 31, 2014, January 30, and September 23, 2015, contained clarifying information, did not expand the application beyond the scope of the notice as originally published in the **Federal Register**, and did not affect the applicability of the generic no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in an SE dated August 14, 2015.

Comments received: Yes. The comments received on the license transfer request are addressed in the SE dated August 14, 2015.

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: March 28, 2014, as supplemented by letters dated April 24, June 9, June 11, and August 13, 2014; and May 4, 2015.

Brief description of amendment: The amendment revised the renewed facility operating license and the associated technical specifications to be consistent with the permanent cessation of reactor operations and permanent defueling of the reactor.

Date of issuance: October 7, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment No.: 263. A publicly-available version is in ADAMS under Accession No. ML15117A551; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–28: Amendment revised the Renewed Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register***: February 17, 2015 (80 FR 8358). The supplemental letters dated April 24, June 9, June 11, and August 13, 2014; and May 4, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated October 7, 2015.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–289, Three Mile Island Nuclear Station, Unit 1 (TMI–1), Dauphin County, Pennsylvania

Date of amendment request: July 23, 2015, as supplemented by letters dated July 28, 2015, and August 25, 2015.

Brief description of amendment: The amendment modified the technical specifications (TSs) to allow for the temporary operation of the borated water storage tank (BWST) under administrative and design controls while connected to seismic Class II piping. This change would support necessary cleanup and surveillance activities associated with the TMI Fall 2015 Refueling Outage and Fuel Cycle 21 operation.

Date of issuance: October 1, 2015.

Effective date: As of the date of issuance and shall be implemented within 7 days.

Amendment No.: 289. A publicly-available version is in ADAMS under Accession No. ML15225A158; documents related to this amendment are listed in the safety evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–50: Amendment revised the Renewed Facility Operating License and TSs.

Date of Initial Notice in ***Federal Register***: August 7, 2015 (80 FR 47529). The supplemental letter dated August 25, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 1, 2015.

No significant hazards consideration comments received: No.

Florida Power & Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: December 5, 2014.

Brief description of amendments: The amendments revised Technical Specifications (TSs) to adopt Technical Specification Task Force Traveler 439, Revision 2, ''Eliminate Second

Completion Times Limiting Time from Discovery of Failure to Meet an LCO [Limiting Condition for Operation].'' The second completion times associated with TS 3.6.2.1, ''Containment Spray and Cooling Systems,'' were deleted.

Date of Issuance: October 5, 2015.

Effective Date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos. 228 and 178. A publicly-available version is in ADAMS under Accession No. ML15251A094; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–67 and NPF–16: Amendments revised the TSs.

Date of initial notice in ***Federal Register***: February 3, 2015 (80 FR 5801).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 5, 2015.

No significant hazards consideration comments received: No.

Florida Power & Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Nuclear Generating Unit Nos. 3 and 4, Miami-Dade County, Florida

Date of amendment request: October 7, 2014.

Brief description of amendments: The amendments revised the scheduled completion date for Milestone 8 of the Cyber Security Plan implementation schedule and License Condition 3.E in Renewed Facility Operating License Nos. DPR–31 and DPR–41.

Date of issuance: September 28, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 266 and 261. The amendments are in ADAMS under Accession No. ML15233A379; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–31 and DPR–41: Amendments revised the Renewed Facility Operating Licenses.

Date of initial notice in ***Federal Register***: January 6, 2015 (80 FR 535).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 28, 2015.

No significant hazards consideration comments received: No.

NextEra Energy Seabrook, LLC, Docket No.50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: July 13, 2015.

Brief description of amendment: The amendment revised the Technical Specifications (TSs). The amendment added a note to TS Surveillance Requirement 4.4.1.3.4, which requires verification that residual heat removal loop operations susceptible to gas accumulation are sufficiently filled with water in accordance with the Surveillance Frequency Control Program.

Date of issuance: October 6, 2015.

Effective date: As of its date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 150. A publicly-available version is in ADAMS under Accession No. ML15231A144; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–86: Amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register***: August 4, 2015 (80 FR 46350).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 6, 2015.

No significant hazards consideration comments received: No.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant (DCPP), Unit Nos. 1 and 2, San Luis Obispo County, California

Date of amendment request: October 17, 2014, as supplemented by letter dated February 19, 2015.

Brief description of amendments: The amendments revised the DCPP Cyber Security Plan (CSP) Milestone h full implementation schedule as set forth in the CSP implementation schedule.

Date of issuance: September 30, 2015.

Effective date: As of its date of issuance and shall be implemented within 60 days from the date of issuance. All subsequent changes to the NRC-approved CSP implementation schedule as approved by the NRC staff with this license amendment will require prior NRC approval pursuant to 10 CFR 50.90.

Amendment Nos.: Unit 1—220; Unit 2—222. A publicly-available version is in ADAMS under Accession No. ML15245A542; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. DPR–80 and DPR–82: The amendments revised the Facility Operating Licenses.

Date of initial notice in ***Federal Register***: April 7, 2015 (80 FR 18659). The supplemental letter dated February 19, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 30, 2015.

No significant hazards consideration comments received: No.

South Carolina Electric & Gas Company, Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station (VCSNS) Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: May 26, 2015, as supplemented by letter dated May 28, 2015 and as revised by letters dated June 9, and June 29, 2015.

Description of amendment: The amendment authorized changes to the VCSNS Units 2 and 3 Updated Final Safety Analysis Report on the applicability of the American Institute of Steel Construction (AISC) N690–1994, ''Specification for the Design, Fabrication and Erection of Steel Safety-Related Structures for Nuclear Facilities,'' to allow use of the American Welding Society (AWS) D1.1–2000, ''Structural Welding Code-Steel,'' in lieu of the AWS D1.1–1992 edition identified in AISC N690–1994.

Date of issuance: September 1, 2015.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment No.: 30. A publicly-available version is in ADAMS under Accession No. ML15224A750; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Combined Licenses No. NPF–93 and NPF–94: Amendment revised the Facility Combined Licenses.

Date of initial notice in ***Federal Register***: June 8, 2015 (80 FR 32413). However, the June 29, 2015, letter revised the application including the No Significant Hazard Determination. Therefore, the staff issued a revised notice on July 9, 2015, (80 FR 39450).

The Commission's related evaluation of the amendment is contained in the Safety Evaluation dated September 1, 2015.

No significant hazards consideration comments received: Yes. The comments were addressed in the Safety Evaluation.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment request: November 12, 2014, as supplemented by letter dated August 27, 2015.

Brief description of amendments: The amendments revised the completion date for Milestone 8, full implementation, of the Cyber Security Plan from December 31, 2015, to December 31, 2017.

Date of issuance: October 1, 2015.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: Unit 2–231; Unit 3–224. A publicly-available version is in ADAMS under Accession No. ML15209A935; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–10 and NPF–15: The amendments revised the Facility Operating Licenses.

Date of initial notice in ***Federal Register***: April 7, 2015 (80 FR 18659). The supplemental letter dated August 27, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 1, 2015.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP), Units 3 and 4, Burke County, Georgia

Date of amendment request: May 26, 2015, as supplemented by letter dated May 28, 2015, and as revised by letters dated June 9, and June 29, 2015.

Brief description of amendment: The license amendment revised the Combined Licenses (COLs) by revising the VEGP Units 3 and 4 Updated Final Safety Analysis Report on the applicability of the American Institute of Steel Construction (AISC) N690–1994, ''Specification for the Design, Fabrication and Erection of Steel Safety-Related Structures for Nuclear Facilities,'' to allow use of a newer version of the American Welding Society (AWS) D1.1–200, ''Structural Welding Code-Steel,'' in lieu of the AWS D1.1–1992 edition identified in AISC N690–1994. The use of AWS D1.1–2000 applies to future and installed structural welding.

Date of issuance: August 31, 2015.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 37. A publicly-available version is in ADAMS under Accession No. ML15215A288; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Combined Licenses Nos. NPF–91 and NPF–92: Amendment revised the Facility Combined Licenses.

Date of initial notice in ***Federal Register***: June 9, 2015 (80 FR 32624). A revised notice was issued on July 9, 2015 (80 FR 39454) as the June 29, 2015, letter revised the scope of the amendment request and the licensee revised the original no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 31, 2015.

No significant hazards consideration comments received: Yes. The comments were addressed in the Safety Evaluation.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: May 19, 2015.

Brief description of amendments: The amendments revised the minimum indicated nitrogen cover pressure required per the Vogtle Electric Generating Plant Technical Specifications (TS) Surveillance Requirement 3.5.1.3 from the current requirement of 626 pounds per square inch gauge (psig) back to the previous requirement of 617 psig based on installation of updated instrumentation.

Date of issuance: October 5, 2015.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment Nos.: 177 and 158. A publicly-available version is in ADAMS under Accession No. ML15222A753; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–68 and NPF–81: Amendments revised the Renewed Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register***: July 21, 2015 (80 FR 43129).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 5, 2015.

No significant hazards consideration comments received: No.

Susquehanna Nuclear, LLC, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2 (SSES–1 and 2), Luzerne County, Pennsylvania

Date of amendment request: August 11, 2014, as supplemented by letters dated April 6, 2015, and July 16, 2015.

Brief description of amendments: The amendments changed SSES–1 and 2, Technical Specification (TS) 3.4.10, ''RCS [Reactor Coolant System] Pressure and Temperature (P/T) Limits,'' specifically revising the P/T Limits curves. The revision provides P/T Limits curves that extend into the vacuum region (*e.g.,* below 0 pounds per square inch gauge) to mitigate the risk of a level transient during startup, account for updated surveillance material and fluence data for the reactor vessel beltline materials, and replace the current 35.7 and 30.2 effective full power year (EFPY) P/T Limits curves for SSES–1 and 2, respectively, with new curves that are valid for 40 EFPY. This license amendment request was submitted by PPL Susquehanna, LLC; however, on June 1, 2015, the NRC staff issued an amendment changing the name on the SSES license from PPL Susquehanna, LLC to Susquehanna Nuclear, LLC (ADAMS Accession No. ML15054A066). These amendments were issued subsequent to an order issued on April 10, 2015, to SSES, approving an indirect license transfer of the SSES license to Talen Energy Corporation (ADAMS Accession No. ML15058A073).

Date of issuance: September 30, 2015.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment Nos.: 263 (Unit 1) and 244 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML15243A140; documents related to these amendments are listed in the safety evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–14 and NPF–22: Amendments revised the Facility Operating License and TSs.

Date of initial notice in ***Federal Register***: November 25, 2014 (79 FR 70217). The supplemental letters dated April 6, 2015, and July 16, 2015, provided additional information that clarified the application, expanded the scope of the application as originally noticed, and changed the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**. As such, the staff published a subsequent

notice in the **Federal Register** on July 30, 2015 (80 FR 45559).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 30, 2015.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket No. 50–259, Browns Ferry Nuclear Plant, Unit 1, Limestone County, Alabama

Date of amendment request: March 9, 2015, as supplemented by letter dated August 19, 2015.

Brief description of amendment: The amendment revised Technical Specification (TS) 3.1.4, ''Control Rod Scram Times,'' based on Technical Specification Task Force Change Traveler-460, Revision 0, ''Control Rod Scram Time Testing Frequency,'' revising the frequency of Surveillance Requirement 3.1.4.2 regarding control rod scram time testing from ''120 days cumulative operation in MODE 1'' to ''200 days cumulative operation in MODE 1.'' Implementation of this amendment will also include incorporation of the revised acceptance criterion value of 7.5 percent for ''slow'' control rods into the TS Bases.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 289. A publicly-available version is in ADAMS under Accession No. ML15251A540; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–33: Amendment revised the Facility Operating License and TSs.

Date of initial notice in ***Federal Register***: June 9, 2015 (80 FR 32629). The supplemental letter dated August 19, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 29, 2015.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant (SQN), Units 1 and 2, Hamilton County, Tennessee

Date of amendment request: November 22, 2013, as supplemented by letters dated December 16, 2014; June 19, 2015; July 24, 2015; August 5, 2015; and August 31, 2015.

Brief description of amendments: The amendments converted the current technical specifications to the improved technical specifications (ITSs) and relocate certain requirements to other licensee-controlled documents. The ITSs are based on NUREG–1431, Rev. 3.0, ''Standard Technical Specifications, Westinghouse Plants,'' Rev. 3.0; ''NRC Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors,'' dated July 22, 1993 (58 FR 39132); and 10 CFR 50.36, ''Technical Specifications.'' Technical Specification Task Force changes were also incorporated. The purpose of the conversion is to provide clearer and more readily understandable requirements in the technical specifications for SQN to ensure safe operation. In addition, the amendments include a number of issues that were considered beyond the scope of NUREG–1431.

Date of issuance: September 30, 2015.

Effective date: As of its date of issuance and shall be implemented within 30 days of issuance.

Amendment Nos.: 334—Unit 1 and 327—Unit 2. A publicly-available version is in ADAMS under Accession No. ML15238B499; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. DPR–77 and DPR–79. The amendments revised the TSs.

Date of initial notice in ***Federal Register***: June 24, 2014 (79 FR 35807). The supplemental letters dated December 16, 2014, June 19, July 24, August 5, and August 31, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated September 30, 2015.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket No. 50–390, Watts Bar Nuclear Plant, Unit 1, Rhea County, Tennessee

Date of amendment request: August 1, 2013, as supplemented by letters dated April 21, 2014, January 29, 2015, and June 12, 2015.

Brief description of amendment: The amendment revised the Limiting Condition for Operation for the Alternating Current Sources—Operating in Technical Specification 3.8.1 to provide additional time to restore an inoperable offsite circuit, modify Surveillance Requirements, and modify the current licensing basis, as described in the Updated Final Safety Analysis Report for the available maintenance feeder for the Common Station Service Transformers A and B.

Date of issuance: September 29, 2015.

Effective date: As of the date of issuance and shall be implemented after the issuance of the Facility Operating License for Unit 2.

Amendment No.: 103. A publicly-available version is in ADAMS under Accession No. ML15225A094; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–90: Amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register***: October 29, 2013 (78 FR 64547). The supplemental letters dated April 21, 2014, January 29 and June 12, 2015, provided additional information that expanded the scope of the application as originally noticed. A notice published in the **Federal Register** on August 28, 2015, supersedes the original notice in its entirety to update the expanded scope of the amendment description and include the staff's proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated September 29, 2015.

No significant hazards consideration determination comments received: No.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: October 2, 2014, as supplemented by letters dated July 6, July 16, and August 31, 2015.

Brief description of amendment: The amendment adopted the NRC-endorsed Nuclear Energy Institute (NEI) 99–01, Revision 6, ''Methodology for the Development of Emergency Action Levels for Non-Passive Reactors.''

Date of issuance: October 7, 2015.

Effective date: As of its date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: 212. A publicly-available version is in ADAMS under Accession No. ML15251A493; documents related to this amendment

are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–30: The amendment revised the Emergency Action Level Technical Bases Document.

Date of initial notice in ***Federal Register***: February 3, 2015 (80 FR 5813). The supplemental letters dated July 6, July 16, and August 31, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated October 7, 2015.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 19th day of October 2015.

For the Nuclear Regulatory Commission.

Anne T. Boland,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–27042 Filed 10–26–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0001]

Sunshine Act Meeting Notice

DATE: October 26, November 2, 9, 16, 23, 30, 2015.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of October 26, 2015

There are no meetings scheduled for the week of October 26, 2015.

Week of November 2, 2015—Tentative

There are no meetings scheduled for the week of November 2, 2015.

Week of November 9, 2015—Tentative

There are no meetings scheduled for the week of November 9, 2015.

Week of November 16, 2015—Tentative

Tuesday, November 17, 2015

9 a.m. Briefing on the Status of Lessons Learned from the Fukushima Dia-Ichi Accident (Public Meeting) (Contact: Gregory Bowman: 301–415–2939)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, November 19, 2015

9 a.m. Hearing on Combined Licenses for South Texas Project, Units 3 and 4: Section 189a. of the Atomic Energy Act Proceeding (Public Meeting) (Contact: Tom Tai: 301–415–8484)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of November 23, 2015—Tentative

There are no meetings scheduled for the week of November 23, 2015.

Week of November 30, 2015—Tentative

Thursday, December 3, 2015

9:30 a.m. Briefing on equal employment opportunity and civil rights outreach (Public Meeting) (Contact: Larniece McKoy Moore: 301–415–1942)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.*

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The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Brenda.Akstulewicz@nrc.gov* or *Patricia.Jimenez@nrc.gov.*

Dated: October 22, 2015.

Denise McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2015–27434 Filed 10–23–15; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0245]

Performance Review Boards for Senior Executive Service

AGENCY: Nuclear Regulatory Commission.

ACTION: Appointments.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has announced appointments to the NRC Performance Review Board (PRB) responsible for making recommendations on performance appraisal ratings and performance awards for NRC Senior Executives and Senior Level System employees and appointments to the NRC PRB Panel responsible for making recommendations to the appointing and awarding authorities for NRC PRB members.

DATES: October 27, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0245 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–2015–0245. 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.*
- *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: Miriam L. Cohen, Secretary, Executive Resources Board, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: 301–287–0747, email: *Miriam.Cohen@nrc.gov.*

SUPPLEMENTARY INFORMATION: The following individuals appointed as members of the NRC PRB are responsible for making recommendations to the appointing and awarding authorities on performance appraisal ratings and performance awards for Senior Executives and Senior Level System employees:

Victor M. McCree, Executive Director for Operations

Margaret M. Doane, General Counsel

Glenn M. Tracy, Deputy Executive Director for Materials, Waste, Research, State, Tribal, Compliance, Administration, and Human Capital, Office of the Executive Director for Operations

Cynthia A. Carpenter, Director, Office of Administration

Catherine Haney, Director, Office of Nuclear Material Safety and Safeguards

Michael R. Johnson, Deputy Executive Director for Reactor and Preparedness Programs, Office of the Executive Director for Operations

Nader L. Mamish, Director, Office of International Programs

Cynthia D. Pederson, Regional Administrator, Region III

Michael F. Weber, Director, Office of Nuclear Regulatory Research

William M. Dean, Director, Office of Nuclear Reactor Regulation

Maureen E. Wylie, Chief Financial Officer

The following individuals will serve as members of the NRC PRB Panel that was established to review appraisals and make recommendations to the appointing and awarding authorities for NRC PRB members:

Jennifer L. Uhle, Director, Office of New Reactors

Marian L. Zobler, Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel

Brian E. Holian, Director, Office of Nuclear Security and Incident Response

All appointments are made pursuant to Section 4314 of Chapter 43 of Title 5 of the United States Code.

Dated at Rockville, Maryland, this 10th day of October, 2015.

For the U.S. Nuclear Regulatory Commission.

Miriam L. Cohen,

Secretary, Executive Resources Board.

[FR Doc. 2015–27390 Filed 10–26–15; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76211; File No. SR–EDGX–2015–41]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend Rules 1.5(s), 11.1(a)(1), 11.6 and 11.8

October 21, 2015.

On September 3, 2015, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend rules related to the Pre-Opening Session, including revising: (1) Exchange Rule 1.5(s) to state that the Pre-Opening Session will start at 7:00 a.m. rather than 8:00 a.m. Eastern Time and (2) Exchange Rule 11.1(a)(1) regarding the hours of trading and trading days of the Exchange to account for the Pre-Opening Session starting at 7:00 a.m. Eastern Time. The Exchange also proposes to adopt a new order instruction, Effective Start Time, including revising: (1) Exchange Rule 11.6 to define Effective Start Time as an order instruction that would allow Members [3] to indicate a time upon which their order may become eligible for execution and (2) Exchange Rule 11.8 to identify the order types that may utilize an Effective Start Time order instruction. The proposed rule change was published for comment in the **Federal Register** on September 10, 2015.[4]

Section 19(b)(2) of the Act [5] 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.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates December 9, 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–EDGX–2015–41).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Brent J. Fields,

Secretary.

[FR Doc. 2015–27215 Filed 10–26–15; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[4] *See* Securities Exchange Act Release No. 75834 (September 3, 2015), 80 FR 54617 (SR–EDGX–2015–41).

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76206; File No. SR–BYX–2015–38]

Self-Regulatory Organizations; BATS Y-Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend Rules 1.5(r) and 11.1 and Adopt New Rule 11.1(a)(1)

October 21, 2015.

On September 1, 2015, BATS Y-Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend rules related to the Pre-Opening Session, including revising: (1) Exchange Rule 1.5(r) to state that the Pre-Opening Session will start at 7:00 a.m. rather than 8:00 a.m. Eastern Time and (2) Exchange Rule 11.1(a) regarding the hours of trading and trading days of the Exchange to account for the Pre-Opening Session starting at 7:00 a.m. Eastern Time. The Exchange also proposes to adopt new Exchange Rule 11.1(a)(1) to define Effective Start Time, an order instruction that would allow Members [3] to indicate a time upon which their order may become eligible

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

for execution. The proposed rule change was published for comment in the **Federal Register** on September 10, 2015.[4]

Section 19(b)(2) of the Act[5] 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.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates December 9, 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–BYX–2015–38).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Brent J. Fields,

Secretary.

[FR Doc. 2015–27220 Filed 10–26–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76207; File No. SR–BYX–2015–45]

Self-Regulatory Organizations; BATS Y-Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.24, Retail Price Improvement Program

October 21, 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 October 14, 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 and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] 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 the Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 11.24, which governs the Exchange's Retail Price Improvement Program (''Retail Program''), to distinguish between retail orders routed on behalf of other broker-dealers and retail orders that are routed on behalf of introduced retail accounts that are carried on a fully disclosed basis, as further described below.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.24, which governs the Exchange's Retail Program,[5] to distinguish between orders routed on behalf of other broker-dealers and orders routed on behalf of introduced retail accounts that are carried on a fully disclosed basis, as further described below.

The Exchange established the Retail Program in an attempt to attract retail order flow to the Exchange by potentially providing price improvement to such order flow. Under the Retail Program, Retail Member Organizations[6] (''RMOs'') are permitted to submit Retail Orders.[7] All Exchange Users[8] are permitted members to submit Retail Price Improvement Orders (''RPI Orders''),[9] which are designed to provide potential price improvement for Retail Orders in the form of non-displayed interest that is better than the national best bid that is a Protected Quotation (''Protected NBB'') or the national best offer that is a Protected Quotation (''Protected NBO'', and together with the Protected NBB, the ''Protected NBBO'').[10] In addition, RMOs may optionally designate Retail Orders to be identified as Retail on the Exchange's proprietary data feeds.[11]

Exchange Rule 11.24(b)(1) currently states that ''[t]o qualify as a Retail Member Organization, a Member must conduct a retail business or *handle* retail orders on behalf of another broker-dealer.''[12] Rather than stating that one way to qualify as an RMO is to ''handle'' retail orders on behalf of another broker-dealer, the Exchange proposes to state that a Member may qualify as an RMO if it ''routes'' retail orders on behalf of another broker-dealer. The Exchange believes that providing routing services on behalf of other broker-dealers with retail order flow was the intended meaning of the provision and that the term ''handle'' is vague. Thus, the Exchange believes that the description

[4] *See* Securities Exchange Act Release No. 75831 (September 3, 2015), 80 FR 54631 (SR–BYX–2015–38).

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] In November 2012, the Commission approved the RPI Program on a pilot basis. *See* Securities Exchange Act Release No. 68303 (November 27, 2012), 77 FR 71652 (December 3, 2012) (SR–BYX–2012–019).

[6] A Retail Member Organization is a Member (or a division thereof) that has been approved by the Exchange under Rule 11.24 to submit Retail Orders.

[7] A Retail Order is an agency order that originates from a natural person and is submitted to the Exchange by a RMO, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any computerized methodology.

[8] A ''User'' is defined ''as any member or sponsored participant who is authorized to obtain access to the System.'' *See* Rule 1.5(cc).

[9] A ''Retail Price Improvement Order'' is defined in Rule 11.24(a)(3) as an order that consists of non-displayed interest on the Exchange that is priced better than the Protected NBB or Protected NBO by at least $0.001 and that is identified as such. *See* Rule 11.24(a)(3).

[10] The term Protected Quotation is defined in Rule 1.5(t) and has the same meaning as is set forth in Regulation NMS Rule 600(b)(58). The terms Protected NBB and Protected NBO are defined in Rule 1.5(s). The Protected NBB is the best-priced protected bid and the Protected NBO is the best-priced protected offer.

[11] *See* Rule 11.24(i).

[12] Emphasis added.

would be better if it referred to routing services provided to another broker-dealer with retail customers. The Exchange also proposes to distinguish such routing services on behalf of another broker-dealer from services provided by broker-dealers that carry retail customer accounts on a fully disclosed basis, as described below.

As background with respect to the proposed change, the Exchange first would like to describe the terms ''introducing broker'', ''carrying firm'' or ''carrying broker-dealer'', and ''fully disclosed,'' as such terms are commonly used in the securities industry. An ''introducing'' broker-dealer is ''one that has a contractual arrangement with another firm, known as the carrying or clearing firm, under which the carrying firm agrees to perform certain services for the introducing firm. Usually, the introducing firm submits its customer accounts and customer orders to the carrying firm, which executes the orders and carries the account. The carrying firm's duties include the proper disposition of the customer funds and securities after the trade date, the custody of customer securities and funds, and the recordkeeping associated with carrying customer accounts.'' [13]

Further, a ''fully disclosed'' introducing arrangement is ''distinguished from an omnibus clearing arrangement where the clearing firm maintains one account for all the customer transactions of the introducing firm. In an omnibus relationship, the clearing firm does not know the identity of the customers of the introducing firm. In a fully disclosed clearing arrangement, the clearing firm knows the names, addresses, securities positions and other relevant data as to each customer.'' [14]

With respect to a broker-dealer that is routing on behalf of another broker-dealer, the Exchange does not believe that the routing broker-dealer has sufficient information to assess whether orders are truly retail in nature, and thus, requires an RMO routing on behalf of other broker-dealers to maintain additional supervisory procedures and obtain annual attestations, as described below, in order to submit Retail Orders to the Exchange. In contrast, however, if a broker-dealer is carrying a customer account on a fully disclosed basis, then such carrying broker-dealer is required to perform certain diligence regarding such account that the Exchange believes is sufficient to assess whether a customer is a retail customer in order to submit orders on behalf of such a customer to the Exchange as a Retail Order. The carrying broker of an account typically handles orders from its retail customers that are ''introduced'' by an introducing broker. However, as noted above, in contrast to a typical routing relationship on behalf of another broker-dealer, a carrying broker does obtain a significant level of information regarding each customer introduced by the introducing broker. Accordingly, the Exchange proposes to state in Rule 11.24(b)(1) that for purposes of Rule 11.24, ''conducting a retail business shall include carrying retail customer accounts on a fully disclosed basis.''

Rule 11.24(b)(6) currently states, in part, that ''[i]f a Retail Member Organization represents Retail Orders from another broker-dealer customer, the Retail Member Organization's supervisory procedures must be reasonably designed to assure that the orders it receives from such broker-dealer customer that it designates as Retail Orders meet the definition of a Retail Order.'' This includes obtaining attestations from the other broker-dealers for whom the RMO routes. In addition to the proposed changes to Rule 11.24(b)(1) described above, the Exchange proposes to modify the language of Rule 11.24(b)(6) to again distinguish between an RMO that conducts a retail business because it carries accounts on a fully disclosed basis from an RMO that routes orders on behalf of another broker-dealer. As proposed, the additional attestation requirements of Rule 11.24(b)(6) would apply to an RMO that does not itself conduct a retail business but routes Retail Orders on behalf of other broker-dealers. In turn, such attestation requirements would not apply to an RMO that carries retail customer accounts on a fully disclosed basis. In connection with this change, the Exchange is proposing various edits to the existing rule text so that the reference is consistently to ''other broker-dealers'' rather than ''broker-dealer customers.''

The Exchange believes that allowing an RMO that carries retail customer accounts on a fully disclosed basis to submit Retail Orders to the Exchange without obtaining attestations from broker-dealers that might introduce such accounts will encourage participation in the Retail Program. As noted above, the Exchange believes that the carrying broker has sufficient information to itself confirm that orders are Retail Orders without such attestations. The Exchange still believes it is necessary to require the attestation by broker-dealers that route Retail Orders on behalf of other broker-dealers, because, in contrast, such broker-dealers typically do not have a relationship with the retail customer and would not be in position to confirm that such customers are in fact retail customers.

2. Statutory Basis

The Exchange believes the rule change proposed in this submission 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.[15] Specifically, the proposed change is consistent with Section 6(b)(5) of the Act,[16] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices because it highlights the parties for whom additional procedures are required because they do not maintain relationships with the end customer (*i.e.,* routing brokers) and still requires the RMO to follow such procedures to ensure that such orders qualify as Retail Orders. As proposed, however, an RMO would not be required to follow such procedures, including obtaining annual attestations, to the extent such RMO actually knows the end customer and carries the account of such customer and thus can itself confirm that the orders qualify as Retail Orders.

The Exchange believes that the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system because it will allow RMOs that carry retail customer accounts to participate in the Program without imposing additional attestation requirements that the Exchange did not initially intend to impose upon them. By removing impediments to participation in the Program, the proposed change would permit expanded access of retail customers to the Program.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not

[13] *See* Securities Exchange Act Release No. 31511 (Nov. 24, 1992), 57 FR 56973 (December 2, 1992).

[14] *Id.*

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the amendment, by increasing the level of participation in the Program, will increase the level of competition around retail executions. The Exchange believes that the transparency and competitiveness of operating a program such as the Program on an exchange market would result in better prices for retail investors and benefits retail investors by expanding the capabilities of Exchanges to encompass practices currently allowed on non-exchange venues.

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 [17] and paragraph (f)(6) of Rule 19b–4 thereunder.[18] 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.[19]

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–2015–45 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–2015–45. 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 a.m. and 3 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–2015–45, and should be submitted on or before November 17, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Brent J. Fields,

Secretary.

[FR Doc. 2015–27219 Filed 10–26–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76215; File No. SR–NYSEMKT–2015–79]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Modifying the NYSE Amex Options Fee Schedule

October 21, 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 October 15, 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, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to modify the NYSE Amex Options Fee Schedule. The Exchange proposes to implement the fee change effective October 15, 2015. 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,

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4.

[19] The Exchange has satisfied this requirement.

[20] 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.

of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to change the Section I.C.—NYSE Amex Options Market Maker Sliding Scale—Electronic (''Market Maker Sliding Scale'') to reduce the per contract rate for each tier by $0.03 if volume from posted liquidity exceeds a threshold, effective on October 15, 2015.

Section I.C. of the Fee Schedule currently provides a discount to NYSE Amex Options Market Maker transaction fees based on a sliding volume scale.[4] Specifically, an NYSE Amex Options Market Maker that has monthly volume on the Exchange of less than or equal to 0.10% of total industry Customer equity and exchange traded fund (''ETF'') options volume [5] is charged a base rate of $0.23. An NYSE Amex Options Market Maker that reaches higher volume thresholds, or Tiers, receives a reduction of this per contract rate.[6]

The Exchange is proposing to offer Market Makers the ability to reduce the per contract rate charged per Tier of the Market Maker Sliding Scale—Electronic by $0.03. Specifically, a Market Maker would receive the additional $0.03 discount if its monthly volume includes contracts traded as a result of posted trading interest that is in excess of 0.85% of Industry Customer Equity and ETF Option Volume.[7] Accordingly, if a Market Maker meets this additional threshold, the following per contract rates would apply: Tier 1—$0.20; Tier 2—$0.17; Tier 3—$0.07; Tier 4—$0.05; Tier 5—$0.02; Tier 6—$0.00; and for each contract qualifying for Tier 7 the Market Maker will receive a $0.01 credit.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[9] 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.

The Exchange believes that the proposal to offer an additional rebate to Market Makers eligible for the Sliding Scale is reasonable, equitable and not unfairly discriminatory because it would incentivize Market Makers to increase posted liquidity on the Exchange, which would benefit all Exchange participants, including ATP Holders, through increased opportunities to trade as well as enhancing price discovery. In addition, the proposed changes are equitable and not unfairly discriminatory because the credits offered would be based on the amount of business transacted on the Exchange.

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,[10] the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed amendments to the Marker Maker Sliding Scale is pro-competitive as the credits may incentivize Market Makers to increase posted liquidity on the Exchange and any resulting increase in volume and liquidity to the Exchange would benefit all of Exchange participants through increased opportunities to trade as well as enhancing price discovery.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its 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

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [11] of the Act and subparagraph (f)(2) of Rule 19b–4 [12] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

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) [13] 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–2015–79 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–2015–79. This

[4] *See* Fee Schedule, Section I.C.(NYSE Amex Options Market Maker Sliding Scale—Electronic), *available here, https://www.theice.com/publicdocs/nyse/markets/amex-options/NYSE_Amex_Options_Fee_Schedule.pdf.*

[5] The volume thresholds are based on an NYSE Amex Options Market Makers' volume transacted Electronically as a percentage of total industry Customer equity and ETF options volumes as reported by the Options Clearing Corporation (the ''OCC''). Total industry Customer equity and ETF option volume is comprised of those equity and ETF contracts that clear in the Customer account type at OCC and does not include contracts that clear in either the Firm or Market Maker account type at OCC or contracts overlying a security other than an equity or ETF security. *See* OCC Monthly Statistics Reports, *available here, http://www.theocc.com/webapps/monthly-volume-reports.*

[6] In calculating an NYSE Amex Options Market Maker Electronic volumes, the Exchange proposes to exclude any volumes attributable to Mini Options, QCC trades, CUBE Auctions, and Strategy Execution Fee Caps, as these transactions are subject to separate pricing described in proposed [sic] Fee Schedule Sections I.B., I.F., I.G., and I.J, respectively.

[7] The same exclusions apply to posted volumes as set forth *supra* n. 6.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4) and (5).

[10] 15 U.S.C. 78f(b)(8).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(2).

[13] 15 U.S.C. 78s(b)(2)(B).

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–NYSEMKT–2015–79, and should be submitted on or before November 17, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Brent J. Fields,

Secretary.

[FR Doc. 2015–27223 Filed 10–26–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76205; File No. SR–BATS–2015–90]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.25, Retail Order Attribution Program

October 21, 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 October 14, 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 and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] 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 the Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 11.25, which governs the Exchange's Retail Order Attribution Program (''Retail Program''), to distinguish between retail orders routed on behalf of other broker-dealers and retail orders that are routed on behalf of introduced retail accounts that are carried on a fully disclosed basis, as further described below.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.25, which governs the Exchange's Retail Program,[5] to distinguish between orders routed on behalf of other broker-dealers and orders routed on behalf of introduced retail accounts that are carried on a fully disclosed basis, as further described below.

The Exchange established the Retail Program in an attempt to attract retail order flow to the Exchange, primarily by offering pricing incentives. Under the Retail Program, Retail Member Organizations[6] (''RMOs'') are permitted to submit Retail Orders,[7] and receive rebates for added liquidity that are higher than the exchanges standard rebates for added liquidity.[8] In addition, RMOs may optionally designate Retail Orders to be identified as Retail on the Exchange's proprietary data feeds.[9]

Exchange Rule 11.25(b)(1) currently states that ''[t]o qualify as a Retail Member Organization, a Member must conduct a retail business or *handle* retail orders on behalf of another broker-dealer.''[10] Rather than stating that one way to qualify as an RMO is to ''handle'' retail orders on behalf of another broker-dealer, the Exchange proposes to state that a Member may qualify as an RMO if it ''routes'' retail orders on behalf of another broker-dealer. The Exchange believes that providing routing services on behalf of other broker-dealers with retail order flow was the intended meaning of the provision and that the term ''handle'' is vague. Thus, the Exchange believes that the description would be better if it referred to routing services provided to another broker-dealer with retail customers. The Exchange also proposes to distinguish such routing services on behalf of another broker-dealer from services provided by broker-dealers that carry retail customer accounts on a fully disclosed basis, as described below.

As background with respect to the proposed change, the Exchange first would like to describe the terms ''introducing broker'', ''carrying firm'' or ''carrying broker-dealer'', and ''fully disclosed,'' as such terms are commonly used in the securities industry. An ''introducing'' broker-dealer is ''one that

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] The Exchange adopted the Retail Program as Rule 11.24 in 2014. *See* Securities Exchange Act Release No. 73237 (September 26, 2014), 79 FR 59537 (October 2, 2014) (SR–BATS–2014–043). The Retail Program was subsequently re-numbered as 11.25. *See* Securities Exchange Act Release No. 73677 (November 24, 2014), 79 FR 71150 (December 1, 2014) (SR–BATS–2014–058).

[6] A Retail Member Organization is a Member (or a division thereof) that has been approved by the Exchange under Rule 11.25 to submit Retail Orders.

[7] A Retail Order is an agency order that originates from a natural person and is submitted to the Exchange by a RMO, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any computerized methodology.

[8] *See* BZX Exchange Fee Schedule, *available* at *http://batstrading.com/support/fee_schedule/bzx/.*

[9] *See* Rule 11.25(e).

[10] Emphasis added.

has a contractual arrangement with another firm, known as the carrying or clearing firm, under which the carrying firm agrees to perform certain services for the introducing firm. Usually, the introducing firm submits its customer accounts and customer orders to the carrying firm, which executes the orders and carries the account. The carrying firm's duties include the proper disposition of the customer funds and securities after the trade date, the custody of customer securities and funds, and the recordkeeping associated with carrying customer accounts.'' [11]

Further, a ''fully disclosed'' introducing arrangement is ''distinguished from an omnibus clearing arrangement where the clearing firm maintains one account for all the customer transactions of the introducing firm. In an omnibus relationship, the clearing firm does not know the identity of the customers of the introducing firm. In a fully disclosed clearing arrangement, the clearing firm knows the names, addresses, securities positions and other relevant data as to each customer.'' [12]

With respect to a broker-dealer that is routing on behalf of another broker-dealer, the Exchange does not believe that the routing broker-dealer has sufficient information to assess whether orders are truly retail in nature, and thus, requires an RMO routing on behalf of other broker-dealers to maintain additional supervisory procedures and obtain annual attestations, as described below, in order to submit Retail Orders to the Exchange. In contrast, however, if a broker-dealer is carrying a customer account on a fully disclosed basis, then such carrying broker-dealer is required to perform certain diligence regarding such account that the Exchange believes is sufficient to assess whether a customer is a retail customer in order to submit orders on behalf of such a customer to the Exchange as a Retail Order. The carrying broker of an account typically handles orders from its retail customers that are ''introduced'' by an introducing broker. However, as noted above, in contrast to a typical routing relationship on behalf of another broker-dealer, a carrying broker does obtain a significant level of information regarding each customer introduced by the introducing broker. Accordingly, the Exchange proposes to state in Rule 11.25(b)(1) that for purposes of Rule 11.25, ''conducting a retail business shall include carrying retail customer accounts on a fully disclosed basis.''

Rule 11.25(b)(6) currently states, in part, that ''[i]f a Retail Member Organization represents Retail Orders from another broker-dealer customer, the Retail Member Organization's supervisory procedures must be reasonably designed to assure that the orders it receives from such broker-dealer customer that it designates as Retail Orders meet the definition of a Retail Order.'' This includes obtaining attestations from the other broker-dealers for whom the RMO routes. In addition to the proposed changes to Rule 11.25(b)(1) described above, the Exchange proposes to modify the language of Rule 11.25(b)(6) to again distinguish between an RMO that conducts a retail business because it carries accounts on a fully disclosed basis from an RMO that routes orders on behalf of another broker-dealer. As proposed, the additional attestation requirements of Rule 11.25(b)(6) would apply to an RMO that does not itself conduct a retail business but routes Retail Orders on behalf of other broker-dealers. In turn, such attestation requirements would not apply to an RMO that carries retail customer accounts on a fully disclosed basis. In connection with this change, the Exchange is proposing various edits to the existing rule text so that the reference is consistently to ''other broker-dealers'' rather than ''broker-dealer customers.''

The Exchange believes that allowing an RMO that carries retail customer accounts on a fully disclosed basis to submit Retail Orders to the Exchange without obtaining attestations from broker-dealers that might introduce such accounts will encourage participation in the Retail Program. As noted above, the Exchange believes that the carrying broker has sufficient information to itself confirm that orders are Retail Orders without such attestations. The Exchange still believes it is necessary to require the attestation by broker-dealers that route Retail Orders on behalf of other broker-dealers, because, in contrast, such broker-dealers typically do not have a relationship with the retail customer and would not be in position to confirm that such customers are in fact retail customers.

2. Statutory Basis

The Exchange believes the rule change proposed in this submission 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] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices because it highlights the parties for whom additional procedures are required because they do not maintain relationships with the end customer (*i.e.,* routing brokers) and still requires the RMO to follow such procedures to ensure that such orders qualify as Retail Orders. As proposed, however, an RMO would not be required to follow such procedures, including obtaining annual attestations, to the extent such RMO actually knows the end customer and carries the account of such customer and thus can itself confirm that the orders qualify as Retail Orders.

The Exchange believes that the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system because it will allow RMOs that carry retail customer accounts to participate in the Program without imposing additional attestation requirements that the Exchange did not initially intend to impose upon them. By removing impediments to participation in the Program, the proposed change would permit expanded access of retail customers to the Program.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the amendment, by increasing the level of participation in the Program, will increase the level of competition around retail executions. The Exchange believes that the transparency and competitiveness of operating a program such as the Program on an exchange market would result in better prices for retail investors and benefits retail investors by expanding the capabilities of Exchanges to encompass practices currently allowed on non-exchange venues.

[11] *See* Securities Exchange Act Release No. 31511 (Nov. 24, 1992), 57 FR 56973 (December 2, 1992).

[12] *Id.*

[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.[17]

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–2015–90 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–2015–90. 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–BATS–2015–90, and should be submitted on or before November 16, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Brent J. Fields,

Secretary.

[FR Doc. 2015–27221 Filed 10–26–15; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4.

[17] The Exchange has satisfied this requirement.

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76214; File No. SR–ISEGemini–2015–21]

Self-Regulatory Organizations; ISE Gemini, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees

October 21, 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 October 7, 2015, ISE Gemini, LLC (the ''Exchange'' or ''ISE Gemini'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change, as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

ISE Gemini proposes to amend the Schedule of Fees to adjust the maker rebates provided to Non-ISE Gemini Market Maker, Firm Proprietary/Broker-Dealer, and Professional Customer orders by adopting a new Performance Routing Program as described in more detail below. The text of the proposed rule change is available on the Exchange's Internet Web site at *http://www.ise.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, the Exchange provides maker rebates to Firm Proprietary [3]/ Broker-Dealer [4] and Professional Customer [5] orders in four tiers based on the member's maker average daily volume (''ADV'') in Firm Proprietary/ Broker-Dealer and Professional Customer orders. Members must execute an ADV of 9,999 contracts or fewer for Tier 1, from 10,000–24,999 contracts for Tier 2, from 25,000–39,999 contracts for Tier 3, and 40,000 or more contracts for Tier 4. Based on the tier achieved, Firm Proprietary/Broker-Dealer and Professional Customer orders in Penny Symbols [6] are entitled to a maker rebate of $0.25 per contract for Tier 1, $0.30 per contract for Tier 2, $0.35 per contract for Tier 3, and $0.40 per contract for Tier 4. In Non-Penny Symbols,[7] this maker rebate is $0.35 per contract for Tier 1, $0.45 per contract for Tier 2, $0.55 per contract for Tier 3, and $0.65 per contract for Tier 4. In order to attract additional order flow, Exchange proposes to eliminate the current tiers, and replace them with a new Performance Routing Program (''PRP'') that the Exchange believes will be more attractive to members.

The proposed rebates under the PRP will be based on each member's maker ADV in Non-ISE Gemini Market Maker,[8] Firm Proprietary/Broker-Dealer and Professional Customer orders that improve the national best bid or offer (''NBBO'') in a series at the time of order entry (''PRP eligible contracts''). As proposed, members that execute an ADV of 9,999 PRP eligible contracts or fewer will be entitled to a maker rebate of $0.25 per contract in both Penny Symbols and Non-Penny Symbols for their Non-ISE Gemini Market Maker, Firm Proprietary/Broker-Dealer and Professional Customer orders. Members that execute an ADV of 10,000 or more PRP eligible contracts will be entitled to a maker rebate of $0.47 per contract in Penny Symbols and $0.71 per contract in Non-Penny Symbols for the above market participant types if the order improves the NBBO in the series at the time it is entered.[9] As an additional incentive, members that qualify for the higher tier of PRP rebates by executing an ADV of 10,000 or more PRP eligible contracts will also be entitled to a maker rebate of $0.40 per contract in Penny Symbols and $0.65 per contract in Non-Penny Symbols for their Non-ISE Gemini Market Maker, Firm Proprietary/ Broker-Dealer, and Professional Customer orders that do not improve the NBBO at the time of order entry.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[10] in general, and Section 6(b)(4) of the Act,[11] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

The Exchange believes that it is reasonable and equitable to eliminate the current standalone tiers for Firm Proprietary/Broker-Dealer and Professional Customer orders as this rebate program being replaced with a new rebate program that is designed to be more attractive to members. The PRP is similar to a program offered on the BATS Options Exchange (''BATS''),[12] and will benefit the members that qualify for enhanced rebates as well as other members that can trade in a tighter and more liquid market. With the proposed changes, Non-ISE Gemini Market Maker, Firm Proprietary/Broker-Dealer, and Professional Customer orders in the lowest tier will be entitled to a maker rebate in Penny and Non-Penny Symbols that is the same as the rebate currently provided as a ''Tier 1'' rebate for Firm Proprietary/Broker-Dealer and Professional Customer orders in Penny Symbols as well as the flat rebate provided to Non-ISE Gemini Market Maker orders in both Penny and Non-Penny Symbols. Members that execute a larger volume of PRP eligible contracts will receive higher rebates that compare favorably to the rebates provided on the Exchange today. In particular, the proposed maker rebates for non-NBBO setting orders in Penny and Non-Penny Symbols executed by members that meet the volume requirements for the higher PRP tier are equivalent to the rebates provided today based on the highest volume tier of Firm Proprietary/Broker-Dealer and Professional Customer orders, and significantly higher than the current flat maker rebate for Non-ISE Gemini Market Maker orders.[13] For orders executed by these members that improve the NBBO, the proposed maker rebate is higher than anything offered on the Exchange today for these market participants. The Exchange believes that introducing a PRP rebate program will encourage members to enter orders that improve the NBBO, which will create more trading opportunities at better prices for all market participants that trade on the Exchange.

The Exchange further believes that the proposed fee change is not unfairly discriminatory as it provides equal rebates to Non-ISE Gemini Market Maker, Firm Proprietary/Broker-Dealer, and Professional Customer orders. The Exchange notes that, with the proposed fee change, Non-ISE Gemini Market Makers will now be entitled to tiered rebates similar to other market participants. Priority Customer [14] and Market Maker [15] rebates, which have been successful in attracting that order flow to the Exchange, will remain at current levels. The Exchange does not believe that it is unfairly discriminatory to provide higher rebates to Priority Customer orders. As has historically been the case, Priority Customer orders remain entitled to more favorable fees and rebates than other market participants in order to encourage this order flow. A Priority Customer is by

[3] A ''Firm Proprietary'' order is an order submitted by a member for its own proprietary account.

[4] A ''Broker-Dealer'' order is an order submitted by a member for a broker-dealer account that is not its own proprietary account.

[5] A ''Professional Customer'' is a person or entity that is not a broker/dealer and is not a Priority Customer.

[6] ''Penny Symbols'' are options overlying all symbols listed on ISE Gemini that are in the Penny Pilot Program.

[7] ''Non-Penny Symbols'' are options overlying all symbols excluding Penny Symbols.

[8] A ''Non-ISE Gemini Market Maker'' is a market maker as defined in Section 3(a)(38) of the Securities Exchange Act of 1934, as amended, registered in the same options class on another options exchange. Non-ISE Gemini Market Makers currently earn a flat maker rebate of $0.25 per contract for all tiers in Penny and Non-Penny Symbols. The PRP introduces tiered maker rebates for Non-ISE Gemini Market Makers for the first time.

[9] As is the case today, all eligible volume from affiliated members will be aggregated in determining applicable tiers, provided there is at least 75% common ownership between the members as reflected on each member's Form BD, Schedule A. Members that achieve the higher tier threshold will be eligible for the enhanced rebates for all eligible orders executed during the month.

[10] 15 U.S.C. 78f.

[11] 15 U.S.C. 78f(b)(4).

[12] *See* BATS Fee Schedule, NBBO Setter Tiers.

[13] The Exchange notes that members that achieve the PRP volume threshold will be entitled to enhanced rebates on all orders, not just orders that improve the NBBO. The Exchange believes that it is reasonable and equitable to provide enhanced rebates on all orders as this creates an added incentive for members to qualify for PRP. However, the Exchange believes that it is important to offer the highest level of rebate specifically to those orders that improve the NBBO.

[14] A ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in Rule 100(a)(37A).

[15] The term Market Maker refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. *See* Rule 100(a)(25).

definition not a broker or dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). This limitation does not apply to participants whose behavior is substantially similar to that of market professionals, including Professional Customers, who will generally submit a higher number of orders (many of which do not result in executions) than Priority Customers. Similarly, while Market Maker orders may receive higher or lower rebates depending on the tier achieved, the Exchange does not believe that this is unfairly discriminatory as it reflects the different mix of benefits and obligations applicable to Market Makers that trade on the Exchange. Market Makers currently receive tiered rebates based on their volume executed on the Exchange, without the additional requirement that those orders improve the NBBO. As such, the Exchange believes that it is not unfairly discriminatory to provide potentially higher rebates to other market participants that have demonstrated a high level of commitment to the Exchange by entering orders that improve the NBBO.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[16] the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed fee change is designed to provide more attractive rebates to ISE Gemini members, and will compete with rebate programs offered by competitor exchanges such as BATS. The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[17] and subparagraph (f)(2) of Rule 19b–4 thereunder,[18] because it establishes a due, fee, or other charge imposed by ISE Gemini.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISEGemini–2015–21 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–ISEGemini–2015–21. 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–ISEGemini–2015–21, and should be submitted on or before November 17, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Brent J. Fields,

Secretary.

[FR Doc. 2015–27224 Filed 10–26–15; 8:45 am]

BILLING CODE 8011–01–P

[16] 15 U.S.C. 78f(b)(8).

[17] 15 U.S.C. 78s(b)(3)(A)(ii).

[18] 17 CFR 240.19b–4(f)(2).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76204; File No. SR–BATS–2015–69]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend Rules 1.5(r), 11.1(a), 11.23, 14.6, 14.11, and 14.12 and Adopt Rule 11.1(a)(1)

October 21, 2015.

On September 1, 2015, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend rules related to the Pre-Opening Session, including revising: (1) Exchange Rule 1.5(r) to state that the Pre-Opening Session will start at 7 a.m. rather than 8 a.m. Eastern Time; (2) Exchange Rule 11.1(a) regarding the hours of trading and trading days of the Exchange to account for the Pre-Opening Session starting at 7 a.m. Eastern Time; and (3) Exchange Rules 11.23, 14.6, 14.11, and 14.12 to make related changes. The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Exchange also proposes to adopt new Exchange Rule 11.1(a)(1) to define Effective Start Time, an order instruction that would allow Members [3] to indicate a time upon which their order may become eligible for execution. The proposed rule change was published for comment in the **Federal Register** on September 10, 2015.[4]

Section 19(b)(2) of the Act [5] 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.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates December 9, 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–2015–69).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Brent J. Fields,

Secretary.

[FR Doc. 2015–27222 Filed 10–26–15; 8:45 am]

BILLING CODE 8011–01–P

[3] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[4] *See* Securities Exchange Act Release No. 75832 (September 3, 2015), 80 FR 54614 (SR–BATS–2015–69).

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76208; File No. SR–NYSEMKT–2015–78]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Modifying the NYSE Amex Options Fee Schedule Related to the Amex Customer Engagement Program

October 21, 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 October 15, 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, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to modify the NYSE Amex Options Fee Schedule (''Fee Schedule'') related to the Amex Customer Engagement (''ACE'') Program. The Exchange proposes to implement the fee change effective October 15, 2015. 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to increase the credits available to participants that achieve Tier 2 of the ACE Program as described below.

Section I.E. of the Fee Schedule describes the ACE Program,[4] which features five tiers expressed as a percentage of total industry Customer equity and ETF option average daily volume (''ADV'').[5] Order Flow Providers (''OFPs'') receive per contract credits solely for Electronic Customer volume that the OFP, as agent, submits to the Exchange.[6] The ACE Program offers the following two methods for OFPs to receive credits:

1. By calculating, on a monthly basis, the average daily Customer contract volume an OFP executes Electronically on the Exchange as a percentage of total average daily industry Customer equity and ETF options volume; [7] or

2. By calculating, on a monthly basis, the average daily contract volume an OFP executes Electronically in all participant types (*i.e.,* Customer, Firm, Broker-Dealer, NYSE Amex Options Market Maker, Non-NYSE Amex Options Market Maker, and Professional Customer) on the Exchange, as a percentage of total average daily industry Customer equity and ETF option volume,[8] with the further requirement that a specified percentage of the minimum volume required to qualify for the Tier must be Customer volume.

Upon reaching a higher tier, an OFP would receive for all eligible Customer

[4] *See* NYSE Amex Options Fee Schedule, *available here, https://www.theice.com/publicdocs/nyse/markets/amex-options/NYSE_Amex_Options_Fee_Schedule.pdf.*

[5] In calculating ADV, the Exchange utilizes monthly reports published by the OCC for equity options and ETF options that show cleared volume by account type. *See* OCC Monthly Statistics Reports, *available here, http://www.theocc.com/webapps/monthly-volume-reports* (including for equity options and ETF options volume, subtotaled by exchange, along with OCC total industry volume). The Exchange calculates the total OCC volume for equity and ETF options that clear in the Customer account type and divide this total by the number of trading days for that month (*i.e.,* any day the Exchange is open for business). For example, in a month having 21 trading days where there were 252,000,000 equity option and ETF option contracts that cleared in the Customer account type, the calculated ADV would be 12,000,000 (252,000,000/21 = 12,000,000).

[6] Electronic Customer volume is volume executed electronically through the Exchange System, on behalf of an individual or organization that is not a Broker-Dealer and who does not meet the definition of a Professional Customer.

[7] *See supra* n. 5

[8] *Id.*

volume the per contract credit associated with the highest tier achieved, retroactive to the first contract traded each month, regardless of which of the two calculation methods the OFP qualifies under.[9]

The Exchange proposes to modify the ACE Program by increasing the credits available for Tier 2 as illustrated in the table below, with proposed additions appearing italicized and proposed deletions appearing in brackets:

* * * * *

Tier	ACE program—standard options			Credits payable on customer volume only		
	Customer electronic ADV as a % of industry customer equity and ETF Options ADV	OR	Total electronic ADV (of which 20% or greater of the minimum qualifying volume for each tier must be customer) as a % of industry customer equity and ETF options ADV	Customer volume credits	1 Year enhanced customer volume credits	3 Year enhanced customer volume credits
1	0.00% to 0.60%	.....	N/A	$0.00	$0.00	$0.00
2	>0.60% to 0.80%	.....	N/A	($0.13)	[($0.13)] ($0.15)	[($0.13)] ($0.16)
3	>0.80% to 1.25%	.....	1.50% to 2.50% of which 20% or greater of 1.50% must be Customer.	($0.14)	($0.16)	($0.18)
4	>1.25 to 1.75%	.....	>2.50% to 3.50% of which 20% or greater of 2.50% must be Customer.	($0.17)	($0.19)	($0.21)
5	>1.75%	.....	>3.50% of which 20% or greater of 3.5% must be Customer.	($0.19)	($0.21)	($0.23)

The proposed amendments to the ACE Program are designed to enhance the rebates, which the Exchange believes would attract more volume and liquidity to the Exchange to the benefit of Exchange participants through increased opportunities to trade as well as enhancing price discovery.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[11] 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.

The Exchange believes that the proposed changes to the ACE Program are reasonable, equitable and not unfairly discriminatory because the credits offered are based on the amount of business transacted on the Exchange. In addition, the Exchange believes that the proposed amendments to the ACE Program are reasonable, equitable and not unfairly discriminatory because they would enhance the incentives to OFPs to transact Customer orders on the Exchange, which would benefit all market participants by providing more trading opportunities and tighter spreads, even to those market participants that do not participate in the ACE Program. Additionally, the Exchange believes the proposed changes to the ACE Program are consistent with the Act because they may attract greater volume and liquidity to the Exchange, which would benefit all market participants by providing tighter quoting and better prices, all of which perfects the mechanism for a free and open market and national market system.

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,[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 Exchange believes the proposed amendments to the ACE Program are pro-competitive as the proposed increased rebates may encourage OFPs to direct Customer order flow to the Exchange and any resulting increase in volume and liquidity to the Exchange would benefit all of Exchange participants through increased opportunities to trade as well as enhancing price discovery.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its 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

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [13] of the Act and subparagraph (f)(2) of Rule 19b–4 [14] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

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) [15] of the Act to determine whether the proposed rule

[9] In the event that an OFP is eligible for credits under both calculation methods, the OFP would benefit from whichever criterion results in the highest per contract credit for all the OFP's eligible ADV. In calculating an OFP's Electronic volume, certain volumes are excluded (*e.g.,* QCC trades). *See* Fee Schedule (Section I.E.), *supra* n. 4.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

[12] 15 U.S.C. 78f(b)(8).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(2).

[15] 15 U.S.C. 78s(b)(2)(B).

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–2015–78 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–2015–78. 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–NYSEMKT–2015–78, and should be submitted on or before November 17, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Brent J. Fields,

Secretary.

[FR Doc. 2015–27218 Filed 10–26–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, October 29, 2015 at 12:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Stein, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Adjudicatory matters;

Opinion;

Post argument discussion; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: October 22, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–27394 Filed 10–23–15; 11:15 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76210; File No. SR–EDGA–2015–36]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend Rules 1.5(s), 11.1(a)(1), 11.6 and 11.8

October 21, 2015.

On September 3, 2015, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend rules related to the Pre-Opening Session, including revising: (1) Exchange Rule 1.5(s) to state that the Pre-Opening Session will start at 7:00 a.m. rather than 8:00 a.m. Eastern Time and (2) Exchange Rule 11.1(a)(1) regarding the hours of trading and trading days of the Exchange to account for the Pre-Opening Session starting at 7:00 a.m. Eastern Time. The Exchange also proposes to adopt a new order instruction, Effective Start Time, including revising: (1) Exchange Rule 11.6 to define Effective Start Time as an order instruction that would allow Members [3] to indicate a time upon which their order may become eligible for execution and (2) Exchange Rule 11.8 to identify the order types that may utilize an Effective Start Time order instruction. The proposed rule change was published for comment in the **Federal Register** on September 10, 2015.[4]

Section 19(b)(2) of the Act [5] 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[4] *See* Securities Exchange Act Release No. 75835 (September 3, 2015), 80 FR 54635 (SR–EDGA–2015–36).

[5] 15 U.S.C. 78s(b)(2).

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.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates December 9, 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–EDGA–2015–36).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Brent J. Fields,

Secretary.

[FR Doc. 2015–27216 Filed 10–26–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76212; File No. SR–EDGX–2015–46)]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.11, Routing to Away Trading Centers

October 21, 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 October 13, 2015, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') 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 Exchange. 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 19–4(f)(6) 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 filed a proposal to amend Rule 11.11, Routing to Away Trading Centers, to: (i) Enable Users[6] to designate their orders for participation in the re-opening (following a halt, suspension, or pause) of a primary listing market (BATS, NYSE, Nasdaq, NYSE MKT, or NYSE Arca) if received before the re-opening time of such market; and (ii) amend the ROOC routing option to remove a provision regarding not routing orders in BATS listed securities designated for participation in the re-opening process on BATS following a halt, suspension, or pause.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 11.11, Routing to Away Trading Centers, to: (i) Enable Users[7] to designate their orders for participation in the re-opening (following a halt, suspension, or pause) of a primary listing market (BATS, NYSE, Nasdaq, NYSE MKT, or NYSE Arca); and (ii) amend the ROOC routing option to remove a provision regarding not routing orders in BATS listed securities designated for participation in the re-opening process on BATS following a halt, suspension, or pause. The Exchange currently offers the ROOC routing option, under which Users may designate their orders for participation in the opening or closing process, in addition to the re-opening (following a halt, suspension, or pause), of a primary listing market, if received before the opening/re-opening/closing time of such market.[8] However, some Users only wish that their orders be routed to participate in the primary market's re-opening process, and not its opening or closing processes. Therefore, the Exchange proposes to enable Users to designate their orders for participation in the re-opening of a primary listing market.

The proposed optionality would operate like the current ROOC routing option, but for routing to the primary listing market's opening or closing process. Lastly, like the ROOC routing option, any remaining shares will either be posted to the EDGX Book, executed, or routed to destinations on the System routing table.[9] Should no halt, suspension, or pause occur on the primary listing market, such orders would remain on the EDGX Book, executed, or routed to destinations on the System routing table.

In addition, the Exchange proposes to amend the ROOC routing option to remove a provision regarding not routing orders in BATS listed securities designated for participation in the re-opening process on BATS following a halt, suspension, or pause. Previously, due to system limitations, the Exchange was unable to route orders in BATS listed securities to participate in the re-opening process on BATS following a halt, suspension or pause. In such case, the orders remained on the EDGX Book[10] and became eligible for execution once the halt, suspension, or pause has been lifted. The Exchange has since performed the necessary system modifications and removed this restriction from its system. The Exchange is now able to route orders in BATS listed securities to BATS to participate in the reopening following a halt, suspension or pause pursuant to the ROOC routing option. Therefore, the Exchange proposes to remove this

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19–4.

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19–4(f)(6).

[6] The term ''User'' is defined as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(ee).

[7] The term ''User'' is defined as ''any Member or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.3.'' *See* Exchange Rule 1.5(ee).

[8] *See* Exchange Rule 11.11(g)(8).

[9] The term ''System routing table'' refers to the proprietary process for determining the specific options exchanges to which the System routes orders and the order in which it routes them. *See* Exchange Rule 11.11(g).

[10] The term ''EDGX Book'' is defined as ''the System's electronic file of orders.'' *See* Exchange Rule 1.5(d).

restriction from the description of the ROOC routing option under Rule 11.11.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [11] in general, and furthers the objectives of Section 6(b)(5) of the Act [12] in particular, in that it is designed 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. Certain Users whose orders are resting on the EDGX Book may wish that their order only be routed to the primary market's re-opening process following a halt, suspension or pause, and not the primary market's opening or closing processes. The proposed rule change promotes just and equitable principles of trade because it would provide such Users with additional flexibility where they wish that their order only be eligible to route to the primary listing market to participate in the re-opening process following a halt, suspension or pause. In addition, and as discussed above, the proposed rule change is similar to the Exchange's current ROOC routing option.

The Exchange also believes its proposal to remove a provision from the description of the ROOC routing option regarding not routing orders in BATS listed securities designated for participation in the re-opening process on BATS following a halt, suspension, or pause is consistent with Section 6(b)(5) of the Act [13] in that it intended [sic] to make the Exchange's rules clearer and less confusing for investors by eliminating a provision that is no longer necessary. Previously, due to system limitations, the Exchange was unable to route orders in BATS listed securities to participate in the re-opening process on BATS following a halt, suspension or pause. The Exchange has since removed this restriction from its system. The proposed change updates the description of the ROOC routing option to remove this restriction for BATS listed securities as the Exchange is now able to route such orders to BATS to participate in the opening process following a halt, suspension or pause. Therefore, the Exchange believes the proposal removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general, protects investors and the public interest because it would enable the Exchange to treat orders in BATS listed securities that are subject to the ROOC routing option like NYSE and Nasdaq listed securities and route such order [sic] to the re-opening process on BATS following a halt, suspension or pause.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposal will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that its proposal would increase competition because it offers Users an alternative means to route orders to the primary listing market to participate in the re-opening following a halt, suspension, or pause as if they entered orders on that market directly. In addition, the proposed rule change amendment to the ROOC routing option is not designed to address any competitive issues but rather avoid investor confusion by updating the rule text to reflect current system functionality.

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

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate 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 [14] and Rule 19b–4(f)(6) thereunder.[15]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange stated that waiver of the operative delay will allow the ROOC routing option to be used to route orders in BATS listed securities to BATS to participate in the re-opening process on BATS. The Exchange also stated that the proposal would enable orders in BATS listed securities to be treated like orders in NYSE and Nasdaq listed securities when using the ROOC routing option. Moreover, the Exchange stated that the proposed new routing functionality would operate like its current ROOC routing option and would provide Users with additional flexibility to have their orders routed only to the primary market's re-opening process. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGX–2015–46 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.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *Id.*

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[16] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

All submissions should refer to File Number SR–EDGX–2015–46. 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–EDGX–2015–46, and should be submitted on or before November 17, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Brent J. Fields,

Secretary.

[FR Doc. 2015–27214 Filed 10–26–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76213; File No. SR–FINRA–2015–043]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Reporting of OTC Transactions in Exchange-Traded Managed Fund Shares (NextShares) to FINRA

October 21, 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 October 15, 2015, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by 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 the Substance of the Proposed Rule Change

FINRA is proposing to adopt Rule 6184 (Transactions in Exchange-Traded Managed Fund Shares (''NextShares'')) relating to the reporting of over-the-counter (''OTC'') transactions in exchange-traded managed fund shares, which have been approved by the SEC for listing and trading on the Nasdaq Stock Market LLC (''Nasdaq''). Exchange-traded managed fund shares are referred to under Nasdaq rules and herein as ''NextShares.''

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA 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, FINRA 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. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

In November 2014, the SEC approved a proposed rule change filed by Nasdaq to adopt Nasdaq Rule 5745 governing the listing and trading of NextShares.[4] As described more fully in Nasdaq's filing, NextShares will trade in the secondary market using a new trading protocol called ''NAV-Based Trading.'' In NAV-Based Trading, all bids, offers and execution prices will be expressed as a premium or discount (which may be zero) to the fund's next-determined net asset value per share (''NAV''), *e.g.,* NAV − $0.01 or NAV+$0.01. A NextShares Fund's NAV will be determined each business day after the close of trading. All trades will be binding at the time of execution, with the transaction prices contingent upon the determination of the NAV at the end of the trading day.[5] Pursuant to Nasdaq Rule 5745, trading in NextShares is limited to Nasdaq's Regular Market Session through 4:00 p.m.[6]

In its filing with the SEC, Nasdaq explained that, because existing order transmission and processing systems commonly used by exchanges and firms are generally not designed to accommodate pricing arrangements such as NAV-Based Trading, the prices of NextShares trades and quotes will be represented intraday using a ''proxy price'' format. In proxy price format, a NextShares Fund's next-determined NAV will be represented as 100.00. A premium or discount of a stated amount to the next-determined NAV will be represented by the same increment or decrement from 100, *e.g.,* NAV − $0.01 will be represented as 99.99, and NAV+$0.01 will be represented as 100.01. Nasdaq will report intraday bids, offers and trades for NextShares in real-time to the consolidated tape using the proxy price format. However, the trade will not clear and settle at the price expressed in the proxy price format. After a NextShares Fund's NAV has been calculated at the end of the trading day, Nasdaq will price each

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] *See* Securities Exchange Act Release No. 73562 (November 7, 2014), 79 FR 68309 (November 14, 2014) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of File No. SR–NASDAQ–2014–020). In SR–NASDAQ–2014–020, Nasdaq used the terms ''ETMF'' and ''ETMF Shares.'' On October 13, 2015, Nasdaq filed a proposed rule change to amend Nasdaq Rule 5745 to replace these terms with ''NextShares Fund'' and ''NextShares,'' respectively. *See* SR–NASDAQ–2015–121, available at *nasdaq.cchwallstreet.com/NASDAQ/pdf/nasdaq-filings/2015/SR-NASDAQ-2015-121.pdf.*

[5] Thus, because in NAV-Based Trading, prices of executed trades are not determined until the reference NAV is calculated, buyers and sellers of NextShares will not know the final value of their purchases and sales until the end of the trading day.

[6] As explained in SR–NASDAQ–2014–020, Nasdaq Rule 4120(b)(4) defines ''Regular Market Session'' as the trading session from 9:30 a.m. to 4:00 p.m. or 4:15 p.m.; NextShares will trade until 4:00 p.m.

trade executed on the exchange at the NAV (plus or minus any premium or discount) and will send the final pricing information to the National Securities Clearing Corporation (''NSCC'') for clearance and settlement.

Under Nasdaq Rule 5745, the Intraday Indicative Value (''IIV'') of a NextShares Fund is the estimated intraday value of a fund share based on current information regarding the value of the securities and other assets held by the fund. Nasdaq's rule requires that IIVs for each NextShares Fund be widely disseminated by one or more major market data vendors at intervals of not more than 15 minutes throughout Nasdaq's Regular Market Session.

On July 21, 2015, the SEC approved Nasdaq's filing proposing to list and trade the shares of 18 NextShares Funds, each of which is registered as an open-end investment company.[7] Nasdaq recently announced that it has completed systems development to support the listing and trading of NextShares and will announce the exact listing and trading date soon.[8] As noted above, it is anticipated that this date will be on or about February 1, 2016.

Proposed FINRA Rule 6184

Because NextShares are NMS stocks, FINRA, as the self-regulatory organization (''SRO'') with responsibility for the OTC market, must support OTC trading in NextShares, and FINRA members that trade NextShares OTC will be required to report such transactions to FINRA. Thus, existing trade reporting requirements applicable to OTC transactions in NMS stocks will apply to OTC transactions in NextShares, including, for example, the requirement to report the trade as soon as practicable, but no later than 10 seconds, following execution.[9]

Pursuant to paragraph (a) of proposed Rule 6184, members that execute secondary market transactions in NextShares OTC must report such transactions for public dissemination or regulatory purposes to the FINRA/Nasdaq Trade Reporting Facility (''FINRA/Nasdaq TRF'') or the Alternative Display Facility (''ADF'') in accordance with the proposed Rule and the rules applicable to the trade reporting facility used by the reporting member.[10] NYSE, as the Business Member under its TRF Limited Liability Company agreement with FINRA, has determined that the FINRA/NYSE Trade Reporting Facility will not support the reporting of these transactions at this time. In addition, pursuant to paragraph (d)(1) of proposed Rule 6184, OTC transactions in NextShares can only be designated for submission by FINRA to NSCC for clearance and settlement through the FINRA/Nasdaq TRF; otherwise, members that execute such transactions must have an alternative means of clearing (*e.g.,* via direct Qualified Special Representative or ''QSR'' submission to NSCC).[11]

Given the unique nature of NAV-Based Trading, FINRA is proposing the following specific requirements for reporting OTC transactions in NextShares to FINRA under proposed Rule 6184. First, as noted above, Nasdaq Rule 5745 limits trading in NextShares to Nasdaq's Regular Market Session. Accordingly, pursuant to paragraph (b) of proposed Rule 6184, trades in NextShares reported with an execution time outside of Regular Market Session hours will be rejected by the FINRA trade reporting facility.

Second, pursuant to paragraph (c) of the proposed Rule, except as otherwise expressly provided, members must use the above-described proxy price format on all reports of transactions in NextShares submitted to FINRA, including all tape and non-tape reports, intraday clearing reports, as/of reports and reports of reversals.

Third, pursuant to paragraph (d)(2)(A) of the proposed Rule, members that report transactions in NextShares for submission by the FINRA/Nasdaq TRF to NSCC for clearance and settlement must submit two clearing reports: (1) The member must submit a clearing report intraday in the proxy price format in accordance with paragraph (c);[12] and (2) following publication of the NextShares Fund's NAV at the end of the day, the member also must submit a ''Clearing Copy'' report to reflect the final NAV-based trade price, in accordance with the following requirements set forth in paragraph (d)(2)(B) of the proposed Rule.

First, the Clearing Copy report must be submitted before the close of the FINRA/Nasdaq TRF on the same day as submission of the transaction in the proxy price format to ensure that the transaction is included in NSCC's end of day processing. Second, consistent with current FINRA rules,[13] a Clearing Copy report should only be submitted to the FINRA/Nasdaq TRF if the transaction was originally reported to the FINRA/Nasdaq TRF in the proxy price format. In other words, a member cannot report a trade for dissemination purposes to the ADF and for clearing purposes to the FINRA/Nasdaq TRF. Third, the Clearing Copy report must contain (1) the unique indicator specified by FINRA to denote a Clearing Copy report, and (2) the control number of the original trade report assigned by the FINRA/Nasdaq TRF. Such information will allow FINRA to link the Clearing Copy report to the associated trade report in the proxy price format. Fourth, members are expressly prohibited from aggregating multiple OTC transactions in NextShares in a single Clearing Copy report. In other words, members must submit a separate Clearing Copy report for each transaction originally reported in the proxy price format. Fifth, the proposed Rule clarifies that following submission of the Clearing Copy report, the member is not required to cancel the initial clearing submission for the same transaction in the proxy price format.

Finally, pursuant to paragraph (d)(2)(C) of the proposed Rule, clearing reports for the purpose of transferring a position related to a previously executed trade, such as step-outs,[14] must reflect the final NAV-based trade price, if submitted after publication of the NAV. In this instance, two clearing reports would not be required, and members would submit only a single clearing report (which would not be a Clearing Copy report) at the final trade price.

The proposed Supplementary Material provides additional guidance for members on reporting in the proxy price format, as well as the process for the submission of OTC transactions in NextShares to NSCC intraday before the final trade price is known. Specifically, in accordance with NSCC requirements, the FINRA/Nasdaq TRF will calculate

[7] *See* Securities Exchange Act Release No. 75499 (July 21, 2015), 80 FR 44406 (July 27, 2015) (Order Approving File No. SR–NASDAQ–2015–036).

[8] *See* Equity Trader Alert #2015–144: Nasdaq Completes Proprietary Platform Development to Support NextShares ETMFs (September 14, 2015), available at *www.nasdaqtrader.com/TraderNews.aspx?id=ETA2015-144.* In its announcement, Nasdaq indicated that the initial product listing and introduction is subject to FINRA, DTCC and broker-dealer readiness.

[9] *See, e.g.,* Rules 6282(a) and 6380A(a).

[10] *See, e.g.,* the Rule 6200 and 7100 Series applicable to the ADF and the Rule 6300A and 7200A Series applicable to the FINRA/Nasdaq TRF.

[11] The ADF will not support the clearing of such transactions at this time.

[12] Members must not wait until the NAV is published to submit transactions for clearing, because, as explained below and in the proposed Supplementary Material, all clearing submissions will be sent intraday to NSCC for risk management purposes.

[13] *See, e.g.,* Rule 7230A(i).

[14] A step-out allows a member firm to allocate all or part of a client's position from a previously executed trade to the client's account at another broker-dealer. In other words, a step-out functions as a client's position transfer, rather than a trade; there is no exchange of shares and funds and no change in beneficial ownership. *See, e.g.,* Trade Reporting FAQ 301.1, available at *www.finra.org/industry/trade-reporting-faq#301.*

the contract price of the trade based on the last published IIV and submit the transaction in real-time to NSCC for purposes of intraday risk management. The transaction will not clear and settle at the IIV-based price, but instead at the final NAV-based trade price submitted by the reporting member in accordance with paragraph (d)(2)(B) described above.

The proposed Supplementary Material also clarifies that members that clear directly at NSCC (and do not elect to have the FINRA/Nasdaq TRF submit trades on their behalf for clearance and settlement) must provide final pricing information for their executed trades to NSCC after the NAV is published, in accordance with NSCC requirements. FINRA will not do so on behalf of the member.

FINRA notes that the staff discussed the proposed trade reporting requirements with two of its industry advisory committees, which generally indicated that the proposed approach to OTC trade reporting was reasonable. Committee members also acknowledged that firms would be required to make some systems changes for both trading and trade reporting purposes due to the unique nature of the NAV-Based Trading protocol. While some committee members indicated that they may not accept customer orders in NextShares due to the complexity of the product, other members felt that if there was customer demand, they would have to support trading in NextShares. However, FINRA notes that firms would not necessarily have to execute trades OTC, but could route to an exchange or another FINRA member for execution, and in that instance, would not be responsible for reporting the trade to FINRA.

As noted in Item 2 of this filing, FINRA has filed the proposed rule change for immediate effectiveness and proposes that the operative date will be the date announced by Nasdaq for commencement of listing and trading of NextShares on the Nasdaq exchange under Nasdaq rules, which is currently anticipated to be on or about February 1, 2016. FINRA believes that the FINRA/Nasdaq TRF and members alike will have sufficient time to make and test the necessary systems changes to ensure systems readiness by the operative date.[15]

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[16] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change is consistent with the Act because it requires that OTC transactions in NextShares, which are NMS stocks approved by the Commission, be reported to FINRA, in furtherance of FINRA's obligations as the SRO with responsibility for the OTC market. The proposed rule change will ensure that OTC transactions in NextShares are reported to FINRA in a uniform manner, consistent with current trade reporting rules applicable to OTC transactions in other NMS stocks. Among other things, the proposed rule change will ensure that trade data relating to OTC transactions in NextShares is disseminated to the consolidated tape and incorporated in FINRA's audit trail, and will facilitate the clearance and settlement of OTC transactions in NextShares.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The proposed rule change proposes specific trade reporting requirements for OTC transactions in NextShares, which are NMS stocks that have been approved and determined by the Commission to be consistent with the requirements of the Exchange Act.[17] FINRA believes that the proposed rule change will have no impact on many members. As an initial matter, on average, only several hundred firms execute and report OTC equity trades to FINRA on a regular basis.[18] Many firms, including smaller firms, route their order flow to another firm, *e.g.,* their clearing firm, for execution, and as the routing firm, they do not have the trade reporting obligation. Thus, the universe of FINRA members that report OTC trades today is a small fraction of overall FINRA members.[19] Moreover, members will not be required to trade in NextShares and could elect not to accept a customer order for NextShares. Alternatively, firms could route orders for NextShares to the Nasdaq exchange or another FINRA member for execution and reporting.

Nonetheless, members that choose to execute OTC transactions in NextShares will need to make systems changes to comply with the proposed amendments, including coding changes to accommodate the submission of Clearing Copy reports for firms that elect to clear through the FINRA/Nasdaq TRF. In addition, firms will need to adopt policies and procedures relating to the trading and reporting of such transactions. Firms will incur costs to implement and test these changes. While these costs may vary by firm (depending, for example, on the level of sophistication of a firm's technology and trading and reporting platforms), as noted above, firms will not be required to trade in NextShares. Therefore, each firm can determine for itself whether the costs of implementing the changes necessary to support OTC trading in NextShares are warranted. Additionally, as noted above, two of FINRA's industry advisory committees indicated that they believe the proposed trade reporting requirements are reasonable. As such, FINRA does not believe that the proposed rule change would impose significant or differential costs on similarly situated firms.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect

[15] FINRA notes that currently there are no participants on the ADF, and FINRA does not anticipate there being an active ADF participant by the current NextShares implementation date of February 1, 2016, given the steps and timeframes required for the on-boarding of a new ADF participant. *See, e.g.,* Securities Exchange Act Release No. 71407 (January 27, 2014), 79 FR 5472 (January 31, 2014) (Order Approving File No. SR–FINRA–2013–031 relating to participation on the ADF).

[16] 15 U.S.C. 78*o*–3(b)(6).

[17] In approving SR–NASDAQ–2014–020, the Commission stated that it considered the proposed rule's impact on efficiency, competition and capital formation. *See* 79 FR at 68315, fn 72.

[18] FINRA trade reporting rules require that for transactions between members, the ''executing party'' report the trade to FINRA. For transactions between a member and a non-member or customer, the member must report the trade. ''Executing party'' is defined under FINRA rules as the member that receives an order for handling or execution or is presented an order against its quote, does not subsequently re-route the order, and executes the transaction.

[19] FINRA notes that in its filings, Nasdaq did not provide an estimate of the number of firms that would be likely to trade NextShares on the exchange or the anticipated trading volume in NextShares. Accordingly, FINRA has no benchmark on which to base any reasonable estimates of the likely number of FINRA members that may elect to execute OTC transactions in NextShares (and would therefore be required to report those transactions pursuant to this proposed rule change) or the likely OTC volume in these products.

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 [20] and Rule 19b–4(f)(6) thereunder.[21] FINRA believes that the filing is appropriately designated as ''non-controversial'' because the proposed rule change would adopt trade reporting requirements for OTC transactions in NextShares, which have been approved by the Commission for listing and trading on the Nasdaq exchange. FINRA believes that the proposed rule change proposes reasonable trade reporting requirements for OTC transactions in these securities and that firms would not find compliance with such requirements to be burdensome. Moreover, the proposed requirements would apply only to members that choose to trade NextShares OTC. As such, each firm can determine for itself whether the costs of implementing the changes necessary to support OTC trading in NextShares are warranted.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2015–043 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–FINRA–2015–043. 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 FINRA. 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–FINRA–2015–043, and should be submitted on or before November 17, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Brent J. Fields,

Secretary.

[FR Doc. 2015–27225 Filed 10–26–15; 8:45 am]

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[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(6).

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–76209; File No. SR–CBOE–2015–090]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fees Schedule

October 21, 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 October 8, 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, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule. 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, 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 amend its Fees Schedule [4]. On May 11, 2015, the Exchange launched an updated version of the Floor Broker Workstation (''FBW''), (*i.e.,* ''FBW2''). Currently, the Fees Schedule provides that for every FBW login a TPH has, the FBW2 monthly fee [5] is waived for the months of July 2015 through September 2015 on a one-to-one basis.[6] The Exchange

[4] The Exchange initially filed the proposed fee change on September 30, 2015 (SR–CBOE–2015–082). On October 8, 2015, the Exchange withdrew that filing and submitted this filing.

[5] The monthly fee for FBW2 is the same as the FBW fee (*i.e.,* $400 per month (per login ID)).

[6] For example, if a TPH has two FBW logins and two FBW2 logins, the total monthly fee would be $800 ($400 for each FBW login). Another example is if a TPH has two FBW logins and three FBW2

Continued

waived the FBW2 fee on a one-to-one basis because it had anticipated new features being launched on FBW2 in August 2015 and the Exchange wanted to encourage FBW users to begin (or continue) transitioning to FBW2 logins while waiting for the new features. Additionally, the Exchange wanted to provide additional time to become acclimated to FBW2 while at the same time being able to use FBW login IDs. The Exchange notes that certain new features on FBW2 have still not be launched and the Exchange anticipates launching such features by the end of the year. As such, the Exchange wishes to extend the FBW2 monthly fee waiver on a one-to-one basis through December 31, 2015. The Exchange therefore proposes to delete now outdated language and provide that for every FBW login a TPH has, the FBW2 fee will be waived for the months of October 2015 through December 2015 on a one-to-one basis.

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 facilitation 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 Section 6(b)(4) of the Act,[9] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

In particular, the Exchange believes it is reasonable to provide a waiver of FBW2 fees for each FBW login a TPH has through December 2015 because it encourages users to use and become familiar with the updated FBW2 login IDs while waiting for certain features to be implemented on FBW2. Additionally, the Exchange notes the proposed rule change provides users additional time to become familiar with and fully acclimated to the new FBW functionality. The Exchange believes the proposed changes are equitable and not unfairly discriminatory because it applies to all users of FBW2.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, because it applies to all users of FBW2 and because the Exchange wants to encourage the use of FBW2 login IDs while users wait for new features to be added. The Exchange believes this proposal will not cause an unnecessary burden on intermarket competition because the proposal only affects trading on CBOE. To the extent that the proposed changes make CBOE a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become CBOE market participants.

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 foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and paragraph (f) of Rule 19b–4 [11] thereunder. At any time within 60 days of the filing of such rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2015–090 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–2015–090. 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 a.m. and 3 p.m. Copies of the filing will also 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–CBOE–2015–090 and should be submitted on or before November 17, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Brent J. Fields,

Secretary.

[FR Doc. 2015–27217 Filed 10–26–15; 8:45 am]

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logins, the total monthly fee would be $1200 ($400 for each FBW login and $400 for the additional FBW2 login).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78f(b)(4).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f).

[12] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Privacy Act of 1974: New System of Records

AGENCY: U.S. Small Business Administration.

ACTION: Notice of new Privacy Act system of records.

SUMMARY: The Small Business Administration (SBA) proposes to add a new system of records titled, Veteran Programs Training and Counseling Records, to its inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. Publication of this notice complies with the Privacy Act and the Office of Management and Budget (OMB) Circular A–130 requirement for agencies to publish a notice in the **Federal Register** whenever the agency establishes a new system of records.

DATES: This action will be effective without further notice on December 11, 2015 unless comments are received that would result in a contrary determination.

ADDRESSES: Submit written comments to Linda Di Giandomenico, Acting Chief, Freedom of Information/Privacy Acts Office, U.S. Small Business Administration, 409 3rd Street SW., 8th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Linda Di Giandomenico, Acting Chief, Freedom of Information/Privacy Acts Office, (202) 401–8203.

SUPPLEMENTARY INFORMATION: A system of records is a group of any records under the control of a Federal agency from which information is retrieved by the name of an individual or by a number, symbol or other identifier assigned to the individual. The Privacy Act, 5 U.S.C. 552a, requires each Federal agency to publish in the **Federal Register** a system of records notice (SORN) identifying and describing each system of records the agency maintains, the purposes for which the agency uses the personally identifiable information (PII) in the system, the routine uses for which the agency discloses such information outside the agency, and how individuals can exercise their rights related to their PII information.

The SBA's Office of Veterans Business Development (OVBD) provides counseling and training services to veterans, transitioning service members and their dependents. These services include the Boots to Business program, an entrepreneurial education initiative offered as a two part program and the Veterans Business Outreach Center program designed to provide entrepreneurial development services nationwide. VBOCs and other resource partners, established through cooperative agreements, implement SBA's veterans programs and initiatives as authorized by section 32 of the Small Business Act (15 U.S.C. 657b). In order to measure program performance, implement standardized outreach efforts and register participants for training/counseling, information is collected through various methods. These methods include registration forms, participant/client surveys, interviews, resource partner surveys, and data obtained through data sharing agreements with other Federal agencies. Collected information is used to analyze the population of veterans who are seeking entrepreneurial training, identify trends among participants, facilitate communication between the Office of Veterans Business Development and training/counseling participants and to evaluate the performance of the OVBD programs.

SYSTEM NAME:

Veteran Programs Training and Counseling Records

SYSTEM LOCATION:

SBA headquarters (HQ) and all SBA field offices

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM INCLUDE:

Eligible service members, veterans and dependents who participate in the veteran training and counseling services provided by the Small Business Administration including services provided in conjunction with other agencies such as the Department of Defense.

CATEGORIES OF RECORDS IN THE SYSTEM:

There records in this system include:

1. Course data
2. Personal Data (*i.e.* Name, email address, phone number)
3. Military service data
4. Demographics
5. Previous business ownership experience data
6. Transition Assistance Program data
7. Course/counseling/training survey data

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

1. 15 U.S.C. 657b
2. 44 U.S.C. 3101
3. E.O. 9397

PURPOSE(S):

These records are used by program personnel for the following reasons:

a. To determine basic program eligibility and to register individuals for veteran counseling and training programs.

b. For program evaluation functions to determine the effectiveness of the program and to improve program operations.

c. To facilitate interaction and communication regarding the effectiveness of the SBA veteran and training programs between the Office of Veterans Business Development and veteran training and counseling participants.

d. To schedule and track participation in veteran counseling and training programs.

e. To maintain contact information of individuals who complete veteran training and counseling programs for continued follow-up services.

f. To disseminate program information to resource partner instructors.

g. To reduce duplication of collections of information through approved data sharing agreements with other agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside SBA as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. For Congressional Inquiry—To provide information to a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the request of that individual.

2. For National Archives and Records Administration—To provide information to the National Archives and Records Administration for use in records management inspections.

3. For Non-Federal Personnel—To provide information to SBA volunteers, contractors, interns, grantees, experts and others who have been engaged by SBA to perform or assist in the performance of a service related to this system of records and who need access to the records in order to perform such service. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

4. To the Department of Justice (DOJ) when any of the following is a party to litigation or has an interest in such litigation, and the use of such records by DOJ is deemed by SBA to be relevant and necessary to the litigation, provided, however, that in each case,

SBA determines the disclosure of the records to DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected: SBA, or any component thereof; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or the United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

5. In a proceeding before a court, or adjudicative body, or a dispute resolution body before which SBA is authorized to appear or before which any of the following is a party to litigation or has an interest in litigation, provided, however, that SBA determines that the use of such records is relevant and necessary to the litigation, and that, in each case, SBA determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a compatible purpose for which the records were collected: SBA, or any SBA component; any SBA employee in their official capacity; any SBA employee in their individual capacity where DOJ has agreed to represent the employee; or the United States Government, where SBA determines that litigation is likely to affect SBA or any of its components.

6. To appropriate agencies, entities, and persons when: SBA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; SBA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identify theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Agency or entity) that rely upon the compromised information; and the disclosure made to such agencies, entities and persons as reasonably necessary to assist in connection with SBA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and electronic files.

Data initially stored outside the SBA network due to contract requirements will be stored on secure servers and transferred to SBA upon completion of the contract. Transfers will be conducted in accordance with established security agreements.

RETRIEVABILITY:

Data sharing files are retrieved by:

1. Service, race, level of education, gender; or

2. Pay grade, civilian address city, civilian address state code, civilian address zip code, Guard/Reserve status.

SBA files are retrieved by:

1. Name
2. Gender
3. Race
4. Ethnicity
5. Service
6. Pay grade

SAFEGUARDS:

Access and use is limited to persons with official need to know; computers are protected by password and user identification codes. Users are evaluated on a recurring basis to ensure need-to-know still exists.

RETENTION AND DISPOSAL:

Records are maintained in accordance with SBA SOP 00 41 2, schedules 65:02 through 65:06. Records maintained as part of the General Records Schedules (GRS) are disposed of accordingly.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Administrators for SBA program offices carrying out Veteran Programs Training and Counseling, and Privacy Act Officer, 409 Third Street SW., Washington, DC 20416.

NOTIFICATION PROCEDURE:

Individuals may make record inquiries in person or in writing to the Systems Manager or SBA Privacy Act Officer.

ACCESS PROCEDURES:

Systems Manager or Privacy Act Officer will determine procedures.

CONTESTING PROCEDURES:

Notify officials listed above and state reason(s) for contesting any information and provide proposed amendment(s) sought.

RECORD SOURCE CATEGORIES:

Information contained within this system is obtained from:

1. Individuals covered by this system of records (*e.g.,* transitioning service member, veterans, dependents)
2. SBA Resource Partners
3. DOD/DMDC

Linda Di Giandomenico

Acting Chief, Freedom of Information/Privacy Acts Office.

[FR Doc. 2015–27257 Filed 10–26–15; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 9329]

Imposition of Nonproliferation Measures Against Foreign Persons, Including a Ban on U.S. Government Procurement; Correction

AGENCY: Bureau of International Security and Nonproliferation, Department of State.

ACTION: Notice; correction.

SUMMARY: The Department of State published a **Federal Register** notice on September 2, 2015, providing notice of a determination that a number of foreign persons had engaged in activities that warrant the imposition of measures pursuant to Section 3 of the Iran, North Korea, and Syria Nonproliferation Act. The document contains an incorrect effective date. This document corrects the notice by changing the effective date to August 28, 2015.

FOR FURTHER INFORMATION CONTACT: On general issues: Pam Durham, Office of Missile, Biological, and Chemical Nonproliferation, Bureau of International Security and Nonproliferation, Department of State, Telephone (202) 647–4930. For U.S. Government procurement ban issues: Eric Moore, Office of the Procurement Executive, Department of State, Telephone: (703) 875–4079.

SUPPLEMENTARY INFORMATION: Section 3 of the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106–178, as amended by Public Laws 109–112 and 109–353) (the Act), provides that the application of measures to a foreign person pursuant to subsection 3(a) of the Act shall be announced by notice published in the **Federal Register**. Subsection 3(c)(3) further provides that, under certain circumstances, such measures are effective on the date the report identifying the foreign person or persons is submitted to Congress (which occurred on August 28, 2015). The relevant circumstances are present with respect to these measures. Therefore, the effective date reflected in the Notice should have been August 28, 2015, not the date of publication.

Correction

In the **Federal Register** of September 2, 2015, in FR Doc 2015–21778, appearing on page 53222 of Volume 80, in the first column, the **DATES** section is corrected to read: ''Effective Date: August 28, 2015.''

Dated: October 21, 2015.

Thomas M. Countryman,

Assistant Secretary of State for International, Security and Nonproliferation.

[FR Doc. 2015–27386 Filed 10–26–15; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice: 9331]

60-Day Notice of Proposed Information Collection: ECA Exchange Student Surveys

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to December 28, 2015.

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

- *Web:* Persons with access to the Internet may use the Federal Docket Management System (FDMS) to comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Public Notice DOS–2015–0055'' in the Search bar. If necessary, use the Narrow by Agency filter option on the Results page.
- *Email: robertsonet@state.gov.*
- *Mail:* 2200 C Street NW., Washington, DC 20037.

You must include the DS form number (if applicable), information collection title, and the OMB control number (if any) in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Andrej Kolaja who may be reached on (202) 632–6412 or at *robertsonet@state.gov*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* ECA Exchange Student Surveys.
- *OMB Control Number:* 1405–0210.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Educational and Cultural Affairs (ECA/PE/C/PY).
- *Form Number:* SV2012–0007 (Foreign Exchange students) and SV2012–0010 (U.S. Exchange students).
- *Respondents:* Exchange students from foreign countries and the United States participating in Department of State sponsored programs from 2015–2018.
- *Estimated Number of Respondents:* 1800 annually—(1500 exchange students from foreign countries and 300 US students studying in foreign countries).
- *Estimated Number of Responses:* 1800 annually—(1500 exchange students from foreign countries and 300 US students studying in foreign countries).
- *Average Time per Response:* 15 minutes.
- *Total Estimated Burden Time:* 450 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

This collection of information is under the provisions of the Mutual Educational and Cultural Exchange Act, as amended, and the Exchange Visitor Program regulations (22 CFR part 62), as applicable. The information collected will be used by the Department to ascertain whether there are any issues that would affect the safety and well-being of exchange program participants.

Methodology

The survey will be sent electronically via the Survey Monkey tool and responses collected electronically. If a respondent requests a paper version of the survey it will be provided.

Dated: October 9, 2015.

Bruce Armstrong,

Director, Office of Citizen Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2015–27387 Filed 10–26–15; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9328]

60-Day Notice of Proposed Information Collection: Special Immigrant Visa Biodata Form

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to December 28, 2015.

ADDRESSES: Direct any comments on this request to Sumitra Siram, Program Officer, Department of State, Bureau of Population, Refugees and Migration, Office of Admissions, 2025 E Street NW., Washington, DC 20522.

You may submit comments by any of the following methods:

- *Web:* Persons with access to the Internet may comment on this notice by going to *www.Regulations.gov.* You can search for the document by entering ''Docket Number: DOS–2015–0043'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: SiramS@state.gov.*
- *Regular Mail:* Send written comments to: PRM/Office of Admissions, 2025 E Street NW 8th Floor, Washington, DC 20255–0908.
- *Fax:* (202) 453–9393, Attention: Sumitra Siram.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Sumitra Siram, Program Officer,

PRM/Office of Admissions, 2025 E Street NW., Washington, DC 20522–0908, who may be reached on 202–453–9250 or at *SiramS@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Special Immigrant Visa Biodata Form.
- *OMB Control Number:* 1405–0203.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Office of Admissions, Bureau of Population, Refugees and Migration (PRM/A).
- *Form Number:* DS—0234.
- *Respondents:* Iraqi and Afghan immigrant visa applicants.
- *Estimated Number of Respondents:* 12,000.
- *Estimated Number of Responses:* 12,000.
- *Average Time per Response:* 20 minutes.
- *Total Estimated Burden Time:* 4000 hours.
- *Frequency:* Once per applicant.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

Form DS–234 is being added to this collection to elicit information used to determine the eligibility of Iraqis and Afghan nationals applying for special immigrant visas.

Methodology

The SIV Biodata information form (DS–234) is submitted electronically by the applicant to the National Visa Center, which will forward the forms to the Refugee Processing Center of the Bureau of Population, Refugees and Migration.

Simon Henshaw,

Principal Deputy Assistant Secretary, Bureau of Population, Refugees and Migration.

[FR Doc. 2015–27382 Filed 10–26–15; 8:45 am]

BILLING CODE 4710–33–P

DEPARTMENT OF STATE

[Public Notice: 9326]

Department of State Performance Review Board Members

In accordance with section 4314(c)(4) of 5 United States Code, the Department of State has appointed the following individuals to the Department of State Performance Review Board for Senior Executive Service members:

Philippe A. Lussier, Chairperson, Deputy Assistant Secretary, Bureau of Human Resources, Department of State;
Luis E. Arreaga, Principal Deputy Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs, Department of State;
Lawrence E. Bartlett, Deputy Director, Office of Assistance for Asia and the Near East, Bureau of Population, Refugees, and Migration, Department of State;
Suzanne McCormick, Office Director, Office of Terrorism, Narcotics, and Crime, Bureau of Intelligence and Research, Department of State; and,
Katherine D. McManus, Deputy Legal Advisor, Office of the Legal Advisor, Department of State.

Dated: October 7, 2015.

Arnold Chacon,

Director General of the Foreign Service and Director of Human Resources, Department of State.

[FR Doc. 2015–27375 Filed 10–26–15; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 9330]

30-Day Notice of Proposed Information Collection: Petition to Classify Special Immigrant Under INA 203(b)(4) as Employee or Former Employee of the U.S. Government Abroad

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to November 27, 2015.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Taylor Mauck, who may be reached on 202–485–7635 or at *PRA_BurdenComments@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Petition to Classify Special Immigrant as an Employee or Former Employee of the U.S. Government Abroad.
- *OMB Control Number:* 1405–0082.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* CA/VO/L/R.
- *Form Number:* DS–1884.
- *Respondents:* Aliens petitioning for immigrant visas under INA 203(b)(4) as a special immigrant described in INA section 101(a)(27)(D).
- *Estimated Number of Respondents:* 300.
- *Estimated Number of Responses:* 300.
- *Average Time per Response:* 10 minutes.
- *Total Estimated Burden Time:* 50 hours.
- *Frequency:* Once per petition.
- *Obligation to Respond:* Required to obtain benefits.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the

use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection:

DS–1884 solicits information from petitioners claiming employment-based immigrant visa preference under section 203(b)(4) of the Immigration and Nationality Act on the basis of qualification as a special immigrant described in INA section 101(a)(27)(D). A petitioner may file the DS–1884 petition within one year of notification by the Department of State that the Secretary has approved a recommendation that such special immigrant status be accorded to the alien. DS–1884 solicits information that will assist the consular officer in ensuring that the petitioner is statutorily qualified to receive such status, including meeting the years of service and exceptional service requirements.

Methodology:

The form can be obtained from posts abroad or through the Department's eForms intranet site. The application available through eForms allows the applicant to complete the application online and then print the application. Most applicants are current federal government employees abroad and have access to the internet system. Once the form is printed, it is submitted to post.

Dated: October 16, 2015.

Ed Ramotowski,

Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2015–27388 Filed 10–26–15; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice: 9323]

Foreign Affairs Policy Board Meeting Notice

Closed Meeting

In accordance with the Federal Advisory Committee Act, 5 U.S.C. App., the Department of State announces a meeting of the Foreign Affairs Policy Board to take place on October 28, 2015, at the Department of State, Washington, DC.

The Foreign Affairs Policy Board reviews and assesses: (1) Global threats and opportunities; (2) trends that implicate core national security interests; (3) tools and capacities of the civilian foreign affairs agencies; and (4) priorities and strategic frameworks for U.S. foreign policy. Pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App § 10(d), and 5 U.S.C. 552b(c)(1), it has been determined that this meeting will be closed to the public as the Board will be reviewing and discussing matters properly classified in accordance with Executive Order 13526.

This Notice will publish with less than 15 calendar days' notice. The Department of State finds exceptional circumstances, in that the Secretary of State must address this meeting of the Foreign Affairs Policy Board and his schedule, including his travel schedule, does not permit rescheduling this meeting to a later date.

For more information, contact Gloria Lee at (202) 647–1965.

Dated: October 16, 2015.

Adam Lusin,

Designated Federal Officer.

[FR Doc. 2015–27383 Filed 10–26–15; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0332]

Agency Information Collection Activities; Extension of a Currently-Approved Information Collection Request: Information Technology Services Survey Portal Customer Satisfaction Assessment (Formerly COMPASS Portal Consumer Satisfaction Assessment)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. The collection involves an extension to a currently-approved ICR, and includes the assessment of FMCSA's strategic decision to integrate its Information Technology (IT) with its business processes using portal technology to consolidate its systems and databases through the FMCSA Information Technology Services Survey modernization initiative. The information to be collected will be used to assess the satisfaction of Federal, State, and industry customers with the FMCSA Information Technology Services Survey Portal. The name of the ''COMPASS Portal Customer Satisfaction Assessment,'' ICR was previously changed to ''Information Technology Services Survey Portal Customer Satisfaction Assessment,'' to reflect the need for a broader term than ''COMPASS'' for the portal.

DATES: We must receive your comments on or before December 28, 2015.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Docket Number FMCSA–2015–0332 using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Fax*: 1–202–493–2251.
- *Mail*: Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, 20590–0001.
- *Hand Delivery or Courier*: West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the Public Participation heading below. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov*, and follow the online instructions for accessing the dockets, or go to the street address listed above.

Privacy Act: 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.). You may review DOT's complete Privacy Act Statement for the Federal Docket Management System published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdfE8-794.pdf*.

Public Participation: The Federal eRulemaking Portal is available 24

hours each day, 365 days each year. You can obtain electronic submission and retrieval help and guidelines under the ''help'' section of the Federal eRulemaking Portal Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket and will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Ms. Katherine Cooper, Department of Transportation, Federal Motor Carrier Safety Administration, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202–366–3843 email: *katherine.cooper@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

Title II, section 207 of the E-Government Act of 2002 requires Government agencies to improve the methods by which government information, including information on the Internet, is organized, preserved, and made accessible to the public. To meet this goal, FMCSA plans to provide a survey on the FMCSA Portal, allowing users to assess its functionality. This functionality includes the capability for Federal, State, and industry users to access the Agency's existing safety IT systems with a single set of credentials and have easy access to safety data about the companies that do business with FMCSA. The Information Technology program will also focus on improving the accuracy of data to help ensure information, such as carrier name and address, is valid and reliable.

FMCSA's legacy information systems are currently operational. However, having this many stand-alone systems has led to data quality concerns, a need for excessive IDs and passwords, and significant operational and maintenance costs. Integrating our information technologies with our business processes will, in turn, improve our operations considerably, particularly in terms of data quality, ease of use, and reduction of maintenance costs.

In early 2007, FMCSA's Information Technology program launched a series of releases of a new FMCSA Portal to its Federal, State and industry customers. Over the coming years, more than 15 releases are planned. These releases will use portal technology to fuse and provide numerous services and functions via a single user interface and provide tailored services that seek to meet the needs of specific constituencies within our customer universe.

The FMCSA Information Technology Services Survey Portal will entail considerable expenditure of Federal Government dollars over the years and will fundamentally impact the nature of the relationship between the Agency and its Federal, State, and industry customers. Consequently, the Agency intends to conduct regular and ongoing assessments of customer satisfaction with the Information Technology Services Survey.

The primary purposes of this assessment are to:

- Determine the extent to which the FMCSA Portal functionality continues to meet the needs of Agency customers;
- Identify and prioritize additional modifications; and
- Determine the extent that the FMCSA Portal has impacted FMCSA's relationships with its main customer groups.

The assessment will address:

- Overall customer satisfaction;
- Customer satisfaction against specific items;
- Performance of systems integrator against agreed objectives;
- Desired adjustments and modifications to systems;
- Demonstrated value of investment to FMCSA and DOT;
- Items about the FMCSA Portal that customers like best; and
- Customer ideas for making the FMCSA Portal better.

Title: Information Technology Services Survey Portal Customer Satisfaction Assessment.

OMB Control Number: 2126–0042.

Type of Request: Extension of the currently-approved information collection request.

Respondents: Federal, State, and industry customers/users.

Estimated Number of Respondents: 3,392.

Estimated Time per Response: Five (5) minutes.

Expiration Date: 05/31/2016.

Frequency of Response: 4 times per year.

Estimated Total Annual Burden: 283 hours [91 hours (273 industry user respondents × 5 minutes/60 minutes to complete survey × 4 times per year) + 192 hours (575 Federal and State government respondents × 5 minutes/60 minutes to complete survey × 4 times per year) = 283].

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the agency to perform its mission; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued under the authority of 49 CFR 1.87 on: October 20, 2015.

G. Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2015–27205 Filed 10–26–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2015–0007–N–27]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the renewal Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collections of information was published on August 5, 2015.

DATES: Comments must be submitted on or before November 27, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Safety Regulatory Analysis Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 25, Washington, DC 20590 (Telephone: (202) 493–6292), or Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (Telephone: (202) 493–6132). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, sec. 2, 109

Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), and 1320.12. On August 5, 2015, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICR that the agency is seeking OMB approval. *See* 80 FR 35712. FRA received one comment in response to this notice.

The Association of American Railroads submitted a comment on October 5 on behalf of its member railroads and itself. In its letter, AAR recommended four changes to the PTC Implementation Status Update Questionnaire. First, AAR recommended that FRA adjust its estimate of the amount of time required to fill out each questionnaire/form (Form FRA F 6180.162).

Second, AAR/its members recommended that FRA ''clarify the second survey question,'' which relates to the ''current number of full mission capable PTC equipped locomotives completely implemented under the regulation.'' In particular, ''the railroads recommend that FRA specify that this question pertains to the locomotives which have been fully equipped with PTC hardware.''

Third, AAR/its members recommended that ''FRA clarify the fourth survey question,'' which relates to the ''. . . current number of fully mission capable PTC equipped track segments completely implemented under the regulations. The railroads recommend that FRA refer to track miles instead of the unclear reference to 'track segment.' ''

Last, AAR stated ''the railroads request that FRA ensures that the comment box for the fourteenth question be large enough to accept substantial comments regarding the status of each individual railroad's PTC implementation status.''

Regarding AAR's first recommendation, FRA based its estimate on the average amount of time that it would take all railroads—Class Is, Class IIs, Class IIIs, and passenger railroads—to complete the questionnaire each month on an ongoing basis. FRA realizes that it might take some railroads longer than the estimated average amount of time to complete the questionnaire. However, FRA does not agree with AAR's comment that it will take all affected railroads an average of three hours each month to complete the questionnaire. FRA believes that 30 minutes is a more accurate estimate of the average amount of time that it will take railroads to complete the questionnaire on a recurring monthly basis. Accordingly, FRA is modifying its estimate to reflect this higher number.

Regarding AAR's second recommendation relating to the second survey question, FRA is modifying footnote number 2 of the questionnaire to make clear that this question pertains to locomotives fully equipped with PTC hardware and software.

Regarding AAR's third recommendation, FRA is taking a flexible approach and is modifying footnote number 3 of the questionnaire to state that railroads use a uniform unit of measurement that is consistent for the fourth survey question. Thus, track miles would be fine as a uniform unit of measurement.

Last, regarding AAR's recommendation about enlarging the comment box for the fourteenth question, FRA is expanding the comment box to the maximum number of characters permitted on the electronic version of the questionnaire/form.

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30 day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30 day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summary below describes the nature of the information collection request (ICR) and the expected burden. The revised request is being submitted for clearance by OMB as required by the PRA.

Title: PTC Implementation Status Update Questionnaire.

OMB Control Number: 2130–0612.

Abstract: The statutory and regulatory deadline for Positive Train Control (PTC) system implementation is December 31, 2015. Congress and FRA are concerned that the railroads will not make the mandated deadline. To date, the vast majority of railroads have not submitted, in accordance with 49 CFR 236.1009 and 236.1015, a PTC Safety Plan (PTCSP) and have not submitted, in accordance with 49 CFR 236.1035, a request for testing approval to support a PTCSP, which is necessary to achieve PTC System Certification and operate in revenue service. So that Congress and FRA may better understand the status of each railroad's implementation efforts and be able to monitor affected railroads progress on a continuing basis until full implementation is achieved, FRA is seeking accurate and up-to-date information under its investigative authority pursuant to 49 U.S.C. 20103, 20107, and 20902, and 49 CFR 236.1009(h). The railroads' responses will also be used for compliance purposes.

On July 24, 2015, OMB granted Emergency Processing approval for the PTC Implementation Status Update Questionnaire information collection for a period of 180 days. This approval currently expires on January 31, 2016. FRA is now seeking a three-year approval under Regular Clearance Procedures from the Office of Management and Budget (OMB).

Type of Request: Extension with Change of an Approved Information Collection previously approved under Emergency Processing Procedures.

Affected Public: Businesses (Railroads).

Form(s): FRA F 6180.162.

Total Annual Estimated Responses: 456.

Total Annual Estimated Burden: 228 hours.

Addressee: Send comments regarding these information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street NW., Washington, DC 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: *oira_submissions@omb.eop.gov.*

Comments are invited on the following: Whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it

within 30 days of publication of this notice in the **Federal Register**.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC, on October 20, 2015.

Corey Hill,

Acting Executive Director.

[FR Doc. 2015–27195 Filed 10–26–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 1236X]

New York & Atlantic Railway Company—Discontinuance of Service Exemption—in Queens County, N.Y.

On October 7, 2015, New York & Atlantic Railway Company (NYA) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to discontinue freight operations over the following two segments of rail line: (1) An approximately 0.69-mile segment located between milepost 0.0 and milepost 0.69, in Long Island City, N.Y., and traversing through United States Postal Service Zip Code 11101 and (2) an approximately 0.38-mile segment located between milepost 0.82 and milepost 1.2, in Long Island City, N.Y., and traversing through United States Postal Service Zip Code 11101 (collectively, the Subject Segments).

NYA is not the owner of the Subject Segments. Long Island Railroad Company (LIRR), is the owner of the Subject Segments, and has advised NYA that, based on information in LIRR's possession, the Subject Segments do not contain federally granted rights-of-way. Any documentation in NYA's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

Because this is a discontinuance proceeding and not an abandonment proceeding, trail use/rail banking and public use conditions are not appropriate.

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by January 25, 2016.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) to subsidize continued rail service will be due no later than February 4, 2016, or 10 days after service of a decision granting the petition for exemption, whichever occurs first. Each OFA must be accompanied by a $1,600 filing fee. *See* 49 CFR 1002.2(f)(25).

All filings in response to this notice must refer to Docket No. AB 1236X and must be sent to: (1) Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001; and (2) Rose-Michele Nardi, Transport Counsel, PC, 1701 Pennsylvania Ave. NW., Suite 300, Washington, DC 20006. Replies to the petition are due on or before November 16, 2015.

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis (OEA) at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV.*''

Decided: October 22, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Andrea Pope-Matheson,

Clearance Clerk.

[FR Doc. 2015–27395 Filed 10–26–15; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 303 (Sub-No. 47X)]

Wisconsin Central Ltd.—Abandonment Exemption—in Lincoln County, Wis.

Wisconsin Central Ltd. (WCL), a wholly owned subsidiary of Canadian National Railway Company has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F—*Exempt Abandonments* to abandon approximately 0.49 miles of railroad line (the Line). The Line extends between mileposts 132.89 and 133.38, in Tomahawk, Lincoln County, Wis., and traverses United States Postal Service Zip Code 54487.

WCL has certified that: (1) No local traffic has moved over the Line for at least two years; (2) there is no overhead traffic on the Line that would have to be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will become effective on November 26, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by November 6, 2015. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 16, 2015, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to WCL's representative: Audrey L. Brodrick, Fletcher & Sippel LLC, 29 N. Wacker Dr., Suite 920, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void ab initio.

WCL has filed a combined environmental and historic report that addresses the effects, if any, of the

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. *See* 49 CFR 1002.2(f)(25).

abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by October 30, 2015. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or interim trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), WCL shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by WCL's filing of a notice of consummation by October 27, 2016, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV*.''

Decided: October 22, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2015–27282 Filed 10–26–15; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Quarterly Publication of Individuals, Who Have Chosen To Expatriate, as Required by Section 6039G

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This notice is provided in accordance with IRC section 6039G of the Health Insurance Portability and Accountability Act (HIPAA) of 1996, as amended. This listing contains the name of each individual losing United States citizenship (within the meaning of section 877(a) or 877A) with respect to whom the Secretary received information during the quarter ending September 30, 2015. For purposes of this listing, long-term residents, as defined in section 877(e)(2), are treated as if they were citizens of the United States who lost citizenship.

Last name	First name	Middle name/initials
AAL-HUSSAIN	HUSSAIN	ABDULQADER
ABBOTT	BREANNE	
ABNEY	BJORN	CHRISTOPHER
ABRAHAMS	VIVIAN	HARRIET
ABRAMS	DARYN	MELISSA
ABRAMS	JAYCEE	
ABT	NIELS	ALEXANDER
ACCOLAD DE ANGELIS	CHRISTINA	
ACHESON	NICHOLAS	HILL
AEBISCHER	DAVID	
AELLIG	DANIEL	KRISTIAN
AERNI	ERNST	
AESCHLIMANN	TAMMY	LEE
AGUIRRE	MIKITO	MICHAEL MIRASOL
AGUIRRE	MORIKO	MARTIN MIRASOL
AHN	BRADLEY	
AILSBY	RONALD	LLOYD
AL GHANNAM	MOHAMMED	IBRAHIM
AL SAUD	SULTAN	FAISAL
AL SHEHA	ABDULLAH	FAISAL
AL-AHMED	DAN	ABDULAZIZ
AL-ANSARI	AFNAN	A
AL-ANSARI	SALSABEEL	
AL-ATHEL	FELWAH	FAHAD
AL-ATHEL	RABIAH	FAHAD
AL-ATHEL	SAUD	ABDULAZIZ
AL-ATHEL	TURKI	
AL-BALLAA	THAMMER	SALEH
ALBINGER	SARA	MEGAN
ALBRECHTSEN	FREDERIK	
ALEXANDER	DANIEL	
ALFAISAL	LOULOUAH	BANDAR
AL-GHAZALI	HAMED	SALAH
ALGORASHI	ESSAM	AHMED
ALHAJRI	SARAH	ABDULLAH
AL-HAMMAD	RAID	MOHAMMAD
ALHUSAINI	ABDULLAH	ABDULRAHMAN
AL-HUSAINI	MUADH	ABDULRAHMAN
ALI	AQEEB	YAZID
ALI	CHRISTINE	KAMINEE
ALKASSABI	ABDULAZIZ	
ALLARD	ALAN	PIERRE
ALLENBACH	DAVID	EMMANUEL
ALMA	ELVA	BERNICE

Last name	First name	Middle name/initials
ALMUTAIRI	MARZOUG	MOHAMMED
AL-OMAIR	SAHAR	ABDULAZIZ
AL-RASHED	MISHAL	ABDUL MOHSIN
AL-RASHID	SALMA	RASHID
ALREFAI	MURWAN	BADIR
AL-RODHAN	ZIAD	N
AL-ROOMI	BADER	HUMOOD
AL-SAHHAF	HUDA	TAHER
ALSAUD	HAYA	KHALED
ALSAUD	KHALID	BANDAR ALFAISAL
ALSAUD	SULTAN	KHALID
AL-SAUD	MAHA	TURKI
AL-SAUD	MISHAEL	TURKI
ALTENA	PIM	RUDOLF HERMAN
ALTRO	BONNIE	
ALWARD	DAVID	NATHAN
AL-YAHYA	KHULOOD	OTHMAN
ALZABEN	ABDULRAHMAN	YOSEF
ALZAMIL	GHASSAN	HAMED
AL-ZAMIL	YASSER	H
AMMANN	HANNA	ELISABETH
ANDERSON	PAUL	I
ANDREADIS	EVANGELOS	C
ANDRIUK	ZACKARY	ROBERT
ANG	AUDREY	WEN-HUI
APPLEBY	SEAN	
ARAMBATZIS-DOLDER	KATHERINE	
ARIARAJAH	CHRISTINE	S
ARIYAMA	TOMOYO	
ARMSTRONG	BARBARA	ANNE
ASAKA	HIDEAKI	
ASALS, JR	FREDERICK	JOHN
ATIN	MARK	DAVID
ATKINSON	WILLIAM	ARTHUR
ATWOOD	RICHARD	A
AUER	PETER	WERNER
AYALA	BEATRICE	KATERINA
AYRES	TARA	PATRICE
BAAYEN	ROLF	HARALD
BACH	ANDRE	ERIC
BAECHLER-AELLIG	KAREN	AMY
BAFFES	TRIANTAFILLIA	R
BAFFES AKA BAFES	ANTHONY	
BAILEY	MICHAEL	HUGH SHELDON
BAILEY-HOWELL	CRYSTAL	JEAN
BAKER	AMANDA	LYNN
BAKKE	ELLEN	JOHANNE
BALL	BRIANNA	OLIVIA VALLIS
BALMA	EDDY	ALLAN
BANFI	CAMILLO	KURT HARRY
BANKES	ROSANNA	ELIZABETH
BAO	GANG	
BARAJAKLY	MOHAMMED	RASHAD
BARANGE	NATHALIE	
BARMAN	PHILIPPE	LUC EMILE
BARRY	SAMUEL	JAMES
BARTHOLDY	SAVANI	
BARTON	JOHN	C
BASCH	EVA	MARIE
BAUER	CARLA	DARLENE
BAUMANN	HANSJUERG	
BAUMANN	MARCUS	R
BEAR	JOHN	CHARLES
BECHELER-ROBERT	JOELLE	ANNE MARIE JOSEPH
BECKER	UTE	
BECKERMANN	CLAIRE	MARGARET
BEER-PFISTER	ERIKA	
BEERS-VOGEL	MARK	WILLIAM
BEHR	SUSAN	HELENE
BELDING	ADRIAN	PAUL EBBE CARL
BELL	FRANKLIN	DAVID
BELL	SAMUEL	GEORGE
BELTRAMETTI	GIULIANA	JEAN
BELTRAMETTI	LISA	ELIZABETH

Last name	First name	Middle name/initials
BENNETT	ELANNA	AVIVA
BENSBERG	INGOMAR	CLEMENS
BEN-YOSEF	AVRAHAM	SIMCHA
BERGEN	LISA	
BERGEN	PATRICK	
BERGER	LINDA	VERA
BERGERON, JR	BARRY	DAVID
BERNAL	SARITA	ISABEL NUNEZ
BERNASCONI	MARCO	ENRICO
BERNASCONI	MAX	
BERNHARD	URS	
BERUBE	LAURIE	CARROLL
BERUBE	PIERRE	RICHARD
BHANOT	ADITI	CHANDAVARKAR
BHARTIA	ARJUN	SHANKER
BHATT	SIMON	SHANTANU
BHUCHROEN	VANTANA	
BHUPAL	SHRIYA	
BIETENHOLZ	ALAN	P
BIRCHALL	CAROLYN	RUTH
BIRCHER	BETTINA	MAGDALENA
BIRD	PAUL	MILLER
BISHOP	DIANE	ALLISON
BISHOP	ROBERT	LANE
BLADH	MAGNUS	R
BLAIS	MICHEL	JEAN
BLARER	STEPHEN	JURG
BLASER	CHRISTIANE	MICHAELA
BLATTER	ERNST	K
BLATTER-RIEDER	ALINE	
BLISS	BONNIE	JEAN
BLUM	SEBASTIEN	BERNARD
BODDEN	PATRICK	NORMAN
BODDY	ADRIAN	FRANKLIN
BODENHAUSEN	BARBARA	ALEXANDRA LUCIE
BOILARD	DANIELLE	
BOILARD	MICHELE	SYLVIE
BOISVERT	MICHEL	S
BOLANDER	BROOK	WOODWARD RUTHVEN
BOLLER-HUBER	DANIELLE	MARIE BOLLER
BOLLETER	PETER	URS
BONVIN	CAROL	LEE
BOOTHMAN	ALEXI	MARIE
BOSISIO	MARIE	BEATRICE GINA
BOSSARD	PHILIPPE	FEI WEN
BOULOS	RUDOLP	HENRY
BOURK	CLAUDE	
BOURRET	HELENE	
BOVET	MARC	E
BOXEL	FRANCES	ALICE VAN
BRADNEY	KATHRYN	CECELIA
BRADSHAW	KAREN	STEPHANIE FULLER
BRAMLETT	SHOSHANNAH	LYNN
BRANTLY	CHARLES	FRANCIS
BRASEY	CHARLEEN	
BRATT	YOEL	YAKOB
BREEN	BETHEL	LESLIE
BREM	MARIUS	JOSEPH
BRENNAN	BRIAN	MATTHEW
BREWERTON	RAYMOND	GEORGE
BREWIS	CLIVE	STEPHENSON
BRIGGS	NANCY	LAURA
BRIN	STEVE	RAPHAEL
BROMLEY	ANN	LENORE
BRONNER	MAURICE	
BROWN	CAROL	LYNN
BROWN	DAVID	ALLEN
BROWN	FRANK	ROBERT
BROWN	RICHARD	JAMES
BROWN	ROBERTA	LOUISE
BRUCKHARDT	DANIEL	PETER
BRUNNER SCHMOCKER	JESSICA	RUTH
BUCHI	LIONEL	SIMOM ALVIN
BUDIMAN	ALEXANDER	ANDREW

Last name	First name	Middle name/initials
BURCKHARDT-DUFOUR	JEANNE	LOUISE
BURGER	PETER	
BURGI	STEPHANIE	ANDREA
BURKHARD	FIONA	C
BURSTEN	AMY	E
BURT	DAVID	LYNVAL ANDRUE
BUSCH	DENNIS	SCOTT
BUSCH	JAMES	WILLIAM ANLABY
BUSCH	PHILLIP	ALEXANDER
BUSH	KEVIN	JEROME
BUTEL	CAROLE	
BUTEL	JEAN-LUC	
BUTIKOFER	MAYA	S
BUXTON	ANNA	
BUXTON	FRANCIS	
CALDWELL	RICHARD	LEE
CALLENDER	SARA	ELIZABETH
CAMERON	BRIAN	DOUGLAS
CAMPOS	BEATRIZ	SARMIENTO
CARAVAVATNA	PAIRAT	
CAREY	ROBERTA	ELIZABETH
CARNES	JON	CLEMENS
CARON	NICHOLAS	PAUL ARTHUR
CARROLL	JUDITH	A
CASTELL	VICTORIA	ALBIOL
CASTILLO	ANA	CAROLINA
CASTRO-NETO	ANTONIO	HELIO
CATER	ADRIEN	S
CATTIN	CHRISTEL	RAPHAELA
CAYTAN	EILEEN	LAURA
CENDRA	NICOLAS	YANNICK
CHAI	PING	AN
CHAI	SONG	YI
CHAKRAVARTHI	RANGANATH	
CHALAMET	MEGAN	ANNA
CHAMPIGNY	FRANCIS	HENRY
CHAN	ALBERT	
CHAN	BILL	VAN
CHAN	BRIAN	HAUKIN
CHAN	DAVID	JIH HAO
CHAN	DENISE	KIMBERLEY
CHAN	JANET	SEI MIN
CHAN	JOHN	HOW MING
CHAN	KWAI	LUNG
CHAN	LOUISA	FUNG
CHAN	PETER	WAN-KONG
CHAN	RAYMOND	WAIMING
CHAN	SUSAN	
CHAN	TANIA	
CHANDLER	DANIEL	LOUIS
CHANDLER	MARTIN	ROWELL
CHANDLER	SONJA	KAY BERGE
CHANG	CHAE	SIM
CHANG	DANIEL	MINK
CHANG	JACK	
CHANG	PAMELA	YI-HUEY
CHANG	TAU	KAI
CHANT	JANET	ROBBINS
CHAO	PACEY	CHUAN-PING
CHAO	STEVE	YUH
CHAPPUIS-WALKER	DOROTHY	GAY
CHARLESWORTH	KATHLEEN	MARIE
CHARLTON	LOUIS	SCOTT
CHAU	FANNY	KIT YEE
CHAU	YVONNE	
CHEE	JACINDA	
CHEETI	SAJJAN	RAO
CHEN	BING	NAN
CHEN	CAROLINE	
CHEN	ELMER	YUE HSING
CHEN	ERIC	Y
CHEN	HASTING	GENAN
CHEN	LI	HUA CHUANG
CHEN	PIN	

Last name	First name	Middle name/initials
CHEN	ROBERT	
CHEN	STEVE	SHIANG-FENG
CHEN	SUCHAW	L
CHEN	WEI	HON
CHEN	YUNG-CHI	
CHENG	JAMES	VINCENT
CHENG	POLLY	PAI
CHENG	SABRINA	CHUNG WEI
CHENG	SIK	LING ELIZABETH
CHEUNG	WING	YEE TERRY
CHIA	MARK	
CHIODO	SUZANNE	ERICA
CHIRATHIVAT	NARATTAH	BRADY
CHIU	GE-MING	PETER
CHIU	WEI	TING
CHO	JANET	INJI
CHO	SONG	NELIE
CHOI	DUKE	MINKEUNG
CHOI	JACOB	YUNSEOK
CHONG	HYUN	SOOK
CHOU	KAI	CHOW
CHOU	LING-TAI	LYNETTE
CHOU	WILLIAM	
CHOW	DUEN	BOON DAVID
CHOW	EUGENE	
CHOW	KENNETH	TZETIM
CHOW	PHYLLIPS	CHAPMAN
CHU	NICHOLAS	WEI KUN
CHU	PIN-CHIEH	DIANA
CHU	SVEN	STEVE
CHU	TIMOTHY	TING-MAN
CHUA	MELISSA	ZE LIN
CHUA	ZIJUN	JOY
CHUI	DEREK	TINYOL
CHUNG	CRYSTAL	
CHUNG	DAVID	KWANGHYUN
CHUNG	JOE	SON
CHUNG	JUO	HUA
CHUNG	MIN	KEUN
CHUNG	YUN	JAE
CLARK	JASON	NIGEL
CLARK	LORAINE	
CLAUSNITZER	WOLFGANG	
CLELAND	SUSAN	GILBERT
CLEVELAND	CHRISTOPHER	LESLIE
CLOSE	DAVID	EARL
CLOSE	EARL	CHRISTIAN
CLOSE	JOANNE	ELIZABETH
COCHEZ	EDNA	BEATRIZ
COCHRAN	ALLEGRA	LAVINA
COCKETT	POLLY	LEE KNOWLTON
COLFELT	ANTHONY	JOHN
COLON-VONARX	RAPHAEL	LUIZ
COLVIN	AMELIA	ELAINE
COMOTTI	EMILIO	FELICE
COMPEAU	AZALEA	JACINDA
COMTE	CLAIRE	
COMTE	PIERRE	ALBERT
CONANT	BERNADETTE	H
COOKE-REDDEL	BEVERLY	
COPF	NADINE	SHEILA
COPIZ	DANILO	MANUELE
CORRIDAN	GEMMA	ELIZABETH
CORRIDAN	PATRICK	MICHAEL
CORWIN	PAUL	ALFRED
COTTER	WOLLIAM	RAYMOND
COVAL	SIMON	RAYMOND
COVINO	CHARLOTTE	JANE
COVINO	ROBERT	BRENDAN
COX	DAVID	ALLAN RACINE
CREMONA	THEODORE	
CRETTON	PAUL	MAURICE
CRONK	SULADDA	JANVIRIYA
CUBIZOLLE	CEDRIC	MATHIAS UWE

Last name	First name	Middle name/initials
CULHANE	KATHLEEN	MARY
CULLINANE	JEANNA	PARSONS
CUMMER	JEFFREY	ALAN
CUMMINS	STEPHEN	ALEXANDER
CUNNINGHAM	CHARLES	DOUGLAS DONALL M
CURRAT	CAROLINE	MELISSA
CUSACK	MILAGROS	
CZAPLICKI-LUDZIK	MARY	ANN
D' ANCICCO	ANDREAS	STEPHEN
DAETWYLER	MARC	HENRY
DAFTARY	MALA-SONYA	SUMMANT
DANN	JOHN	WILLIAM
DASCHNER	KATRIN	ANNETTE
DASKO	NANCY	
DASTE	NATHALIE	MARTINE MARIE
DAVIS	UDEL	BAYLA
DAY	PETER	JOSEPH
DAY	RACHEL	JANE
DAY	SYLVIA	ELISE
DAZZI	HEIDI	SUE
DE MESTRAL	OLIVIER	CHARLES
DE RUITER	NICOLAS	GERRIT PAULUS
DE SILVA	VANESSA	R
DE SOUSA PAIS	ANA	MARIA F. GONCALVES
DE SOUSA PAIS	NUNO	PEDRO DIAS COSTA
DECORGES	MICHELE	MARGARETE CHRISTINE
DELEZE	JULIETTE	ANN
DELLOYE	VICTORIA	CHRISTINE
DEMOTT	BARBARA	LOIS
DENCHFIELD	ROGER	JAMES
DENIER	SANDRA	
DENIS	MARYSE	OLIVETTE
DERBAN	VANCE	
DESBOROUGH	OLIVER	FREDDIE
DETWEILER	CHRISTOPHER	KELLY
DEVITT	LARA	NATASHA
DEVOS	BENEDICTE	
DHANASOBHON	CHATURADA	CHARLENE
DI LULLO	CHRISTINE	ELIZABETH-ANDREA
DI TERLIZZI	ANGELA	
DIABO	MICHAEL	FRANK
DIAL	DAVID	WACO
DIEBOLD	DANIEL	CLAUDE
DIESENDRUCK	DANIELA	LIEBESNY
DIESENDRUCK	DAVID	BARUCH
DIGBY	ROBERT	SAMUEL
DILKS	MARGARITA	
DING	BUFAN	
DING	HONG	
DION	DENNIS	JOHN
DOAN	ISABELLE	
DOBBIN	ERIN	
DOBSON	STEPHANIE	LEANNE
DOERNER	KLAUS	
DORP	DIETER	
DOTY	MICHAEL	JOSEPH
DOUGLAS	MICHAEL	JAMES
DOUMONT	ANNE	ARLETTE-JEANNE
DOYLE	GARY	MICHAEL
DRACHOVA	IRENA	
DRAPER	CLIFFORD	WILLIAM
DRAPER	PATRICE	
DRAPER	PRISCILLA	DIANE
DROBOTT	MARCELLA	ELLEN
DROOKER	JAMES	BOBBIE HOFMANN
DUFFIELD	WENDY	TAYLOR
DUFFY	TERRENCE	PATRICK
DY, JR.	MANUEL	LUA
DYCK	CHELSEA	RAE
DZEBIC	ELDIN	
EADEH	CHRISTINE	LOUSE
EADEH	KATHERINE	ELIZABETH
EBEL	HARALD	MARTIN
EBERSOLE	HELENA	SUSANNA

Last name	First name	Middle name/initials
EBERT	MARK	ERICH
EGLI	GABRIELA	
EIBL	FABIAN	
EICHEL	KALEIGH	A
EINSTEIN	ISABELLE	RAQUEL
ELLIN	VINCENT	GEORGE
ELLIOTT	CLARK	
ELLIOTT	SUSAN	KAY
EMBRO	PATRICIA	ANN
ENDARA	SHYON	TUCKER
ENGEN	JASON	CLAYTON
EPP	ALEXANDRE	PATRICK
ERGIN	YAVUZ	
ESTERMANN	JENNY	IRENE
EYHOLZER	GERALD	DAVID
EYHOLZER	ROGER	STEPHEN
EZRA	DAN	
FACCHINETTI	KIRA	MORGAN
FAIRFIELD-WHILLIANS	SANDRA	WENDY
FALLS	STEPHEN	PRESTON STANLEY
FAN	YIN	YEE
FANANY	DAVID	IZIAN
FANANY	ISMET	
FANANY	REBECCA	YOUNGER
FANANY	RUNA	FITRI
FANTONI-WILKS	GEORGINA	H. D
FARHA	TAMMY	GHASSAN
FARKAS	CAROL	S
FEELY	ROBERT	JOHN
FEELY	TIMOTHY	GERARD
FEHLMANN	JURG	ANDREAS
FEHR	REGINA	
FEISTMANN	FREDERICK	ALAN
FENICHEL	SHAURA	LYNNE
FERGUSSON	LINDA	JAN
FERNANDINI	ERNESTO	ALBERTO
FIERS	RUDI	WILLIAM OMER
FIGUERAS	MICHEL	
FILE	PORTIA	EILEEN
FISCHER	ROGER	WALTER
FISCHER	STEPHANIE	WEILER
FITZPATRICK	THERESA	JUN
FLATLEY	MICHAEL	RYAN
FLETCHER	EMMA	NATALIE
FLYNN	ELIZABETH	ASHLEY
FOLNOVIC	JOHN	I
FONG	IDA	
FONSECA	EDUARDO	
FORD	DONALD	M
FORTIER	BARBARA	R
FOWLER JAEGER	NICOLE	SIMONE
FOX	MATTHEW	BRUCE
FRANCOISE	ANTOINE	PIERRE
FRASSETTO	FLORIANA	
FREEMAN	MARCIA	RAE
FRENETTE	JEAN	LOUIS
FREUDENSTEIN	THOMAS	KLAUS
FRIESEN	PATRICIA	ANN
FRIETS	NICOLE	RACHEL RUI XIU
FRITH	LOIS	MURIEL
FRITH III	HAROLD	H
FURRER	JURG	EUGEN
GABUS-SIKI	MURIEL	LENKE
GAGNON	DARIA	JEANNE THILTGEN
GAITHER	DOROTHEA	JAN
GAITHER	JOHN	MAXWELL
GALANTAY	ROY	T
GALANTI	SERGIO	
GALLOWAY	DANIEL	GILBERT
GANTZ	HANS-PETER	
GARDNER	PAUL	SAMUEL
GARLOCK	MICHAEL	CHARLES
GAUTSCHI	DANIEL	STEFAN
GAUTSCHI	HANS	ANDERS

Last name	First name	Middle name/initials
GAYNOR	SARA	LYNN LLOYD
GELLING	NICHOLAS	MASSEY
GERBER	CORNELIA	VERA SUSAN
GERMANO	ROBERT	L
GIBBONS	EDWARDS	C
GIBSON	JUDITH	ESTELLE JEFFERSON
GIBSON	LARA	ELIZABETH
GILL	DAYA	
GILL	DEBORA	LUANN
GILLEN	AMY	LOUISE
GLADSTONE	DEBORAH	SUSAN
GLASSER	ROBERT	DAVID
GLEASON	ANDREW	JOHN
GLOOR	ADRIAN	MAX
GOBIN	RITA	ROSEMARIE
GODREJ	HORMAZD	NADIR
GODRON	PETER	WINSTON
GOH	SAMUEL	LOUIS
GOLDSMITH	CLAUDIO	MARCELO
GOLINSKI-LAVIGNE	SUSAN	DORIS
GORDON	JULIE	PALEG
GORDON-LENNOX	SUSHILA	LOUISE ODILE
GORE (ROSSAT)	LOUISA	C
GOSLING	PATRICIA	ANN
GOTIANUM	CHRISTOPHER	THOMAS CONSUNJI
GOTIANUN	DAVID	ANDREW CONSUNJI
GOTTLIEB	OLIVER	N
GRAFF	GLENN	ADAM
GRAY	KIM	KUMSUN
GRAY	MICHAEL	HARRIS
GRAYSON	JAMES	HUNTLEY
GREEN	CHRISTOPHER	JOHN
GROETCHEN	ROBERT	ANDREW
GROVES	ALISTAIR	DAVID
GRUNSPAN	DAN	
GRUNSPAN	OFRA	
GRUTTER	MATTHIAS	MARKUS
GRYLKA-BASCHLIN	SUSANNE	MARGRIT
GU	LEI-LEI	
GUDARU	SATISH	
GUDJU	EUGENIA	
GUERRERO	ANTONIO	
GUERRERO	MIGUEL	
GUILLOUX	MARCEL	
GUMMIN	DALE	ALLEN
GWERDER	MARIE-THERESE	AGNES
GYGER	ANNE	BOYCE RICH
HAAB	FRANK	HELMUT
HAAB	ROSEMARY	MARGARET
HAAS-STUCKI	DANIELLE	ELISABETH
HADORN-VERDESI	PASCALE	ISABELLE
HAERINGER	ELIZABETH	JOHANNA
HAETTENSCHWILLER	THOMAS	MORW
HAGBERG	ROBERT	ERIC
HAIDER	MUHAMMAD	RIZWAN
HAINES	STEPHEN	DECATUR
HAIRSTON	JEMITRA	RENEA
HALE	WARNER	ANTHONY
HALMAN	IRVIN	ALBERTO
HAMANN	ALISON	M
HAMER	DANIEL	MARSHALL
HAMMOND	TAEHYON	PAUL
HAN	JONATHAN	ROBERT
HAN	KENT	SEUNG JOON
HAN	SUK	CHA
HANGELAND	BREDE	
HANSEN	LISA	DIANNE
HANSEN	SUZANNE	OBENDORF
HAR	KELVIN	KAI-CHEUNG
HARNESS	MIA	JULIET
HARPER	WILLIAM	FREDERICK
HARRACKSINGH	PATRICIA	HAYMANIE
HARRIS	JOHN	LESLIE
HARRIS	LAURA	DIANE

Last name	First name	Middle name/initials
HARRISON	FLORENCE	ELSIE
HARRISON	SUE	ELLEN
HARTMANN	EVELYN	MARIA
HARVEY	RICHARD	LAVERN
HASLER	ERNA	
HAWYER	ALLEN	RICHARD ROBERT
HAYASHI	KAZUICHIRO	
HAYASHI	YORIKO	
HAYASHI	YUKA	
HAYASHI	YUSAKU	
HAYES	JONATHAN	THEODORE
HEAD	ROBERT	JAMES
HEFEL	ADRIAN	
HEISER	DOUGLAS	A
HEO	JUNG	JA
HEON-LEPAGE	MICHELLE	
HERBRECHTSMEIER	MARIA	HENRIETTA
HESS	BENJAMIN	SIMON
HETH-VERGETTE	SHANNON	KEANE
HIGGINS	PAMELA	L
HILDERMAN	RUTH	CHRISTINE
HILL	DEREK	JASON
HILL	LILY	SUSAN
HILTBRUNNER	ANNE	VALERIE
HINSON	VICTORIA	ANN
HOESLI-CAFLISCH	ANTONIA	ERICA
HOLENWEG	CHRISTINE	
HOLMVANG	ANNETTE	MARGARETHE
HONG	SO	CHOON
HORWITZ-JOHN	JUDITH	
HOUDE	RICHARD	LEO
HSIEH	CHARLES	M
HSU	ERIC	
HSU	JOVAN	
HSU	MICHAEL	YUAN JEN
HSUAN	YOGI	
HU	CHUNG	BEN
HU	CHUNG-LIN	
HU	SHU	FEN CONNIE
HUA	JAMES	ZHENGMAO
HUANG	ALLEN	SHIH-KUANG
HUARNG	VICTOR	
HUBERT	FREDERICK	HERMANN
HUGHES	TANIA	OLWEN
HUH	CHRISTINE	EUNYOUNG
HUMENUK-BOURKE	NATALIE	HARTMUT
HUNG	FRANKLIN	CHI YEN
HUNG	KEVIN	DINGTENG
HUNG	YAU	KUEN
HUO	ALINA	RENEE
HUONDER	RETO	ERIC
HUTCHINSON	JAMES	H
HUTH	GWENDOLYN	FAYE
HUTTON	FLORA	M
HWANG	ANDREW	BYUNGMIN
HWANG	MIKE	SHU MING
IGARASHI	TOSHIO	MCDONALD
IKHWAN	CALVIN	SANDJAJA
ILLNER	LESLIE	ANN PURCELL
IMFELD	FLORIAN	
INDERBITZIN	FABIO	PASCAL
INGEN	ROBERT	VAN
INGRAHAM	TANYA	MADELINE
IP	RONNIE	LAP-CHEUK
IRONS-MIDA	CHERRISE	
ISHIKAWA	YUKO	
ISHKHANIAN	ARLEN	LEON
ISLER	GUILLAME	LOUIS LUCIEN
IVANOVIC	IVAN	BOZIDAR
IVERSON	KRISTEN	ANDREA
JACINTO	FRANCISCA	AGUINALDO
JACINTO	RAMON	FERNANDO A
JADD	MARK	
JAEGER	MICHAEL	A

Last name	First name	Middle name/initials
JAEN	EDUARDO	ENRIQUE
JAGGI	SANDRA	
JAMES	PAUL	MAKEIG
JAMES	WILLIAM	JOHN
JANTZI	LUKE	MICHAEL
JAUW	JEFFREY	ANTHONY
JEFFREY	NICOLA	JO ANNE
JEKER	KIMBERLY	ANN
JEN	KRISTIN	TU
JENKINS	JOANNE	LEIGH
JENNI	CARMELA	
JENNI	KRISTINA	B
JENSEN	HANS	G.E.
JENSEN	SONJA	B
JETIRAWAT	CHAYOND	JOHNNY
JIANG	QING	
JILLANI	ANEES	
JILLINGS	LEWIS	GEORGE
JOHNSON	BARRY	DEAN
JOHNSON	CHERYL	SUE
JOHNSON	GRANT	LAVERN
JOHNSON	MICHAEL	ROBERT
JOHNSON	SARAH	MARIE
JOHNSON	THOMAS	CHRISTIAN
JONES	CHARLES	HOWARD
JONES	JUDITH	ANN
JONES	PETER	
JONES	PETER	ALBERT
JONGBLOED	JURIAN	EMANUEL
JONUTIS	LARISSA	BARBARA
JOO	SUSAN	NAMKYUNG
JORDAN	BENJAMIN	SIMON
KAIKATI	SOUZAN	MAROF
KALAYOGLU	MUNCI	
KANG	GAIL	CHRISTINA
KANG	RICHARD	
KANTAKIS	KATHRYN	
KAPLAN	VERONICA	MIKI
KARATKUL	VORAPONG	
KASS	AHARON	YOSEF
KATO	KENTARO	
KAUFMAN	MIRIAM	ELIZABETH
KAUR	HARVINDER	
KEENE	JAMES	THOMAS
KEITH	EVELYN	BARBARA
KELLER	DEBORA	ELISABETH
KELLY	BRIAN	DWIGHT
KELLY	ROGER	PETER
KERN	CAROLINE	DEBRA
KERR-JARRETT	MARK	NEWTON
KESSLER-TROUTMAN	PAMELA	DYER
KEUCHEL	SURAYA	
KHADER	FADI	
KHALILI	CLAUDIA	FANNY
KIEFER	THOMAS	WERNER
KIESSIG	RICHARD	SCOTT
KIL	HYUNG	KYU
KILLENBERGER	COLLIN	MICHAEL
KIM	BOK	JUN
KIM	CHUNG	JA LIM
KIM	CLARA	
KIM	INGRID	IN SOOK
KIM	JAY	
KIM	JISUN	
KIM	SLYVIA	SEUNGHI
KIM	SOON	HO CHO
KIM	YUN	HEE
KING	DAPHNE	LYNN
KINMONTH	EAR	HENRY
KINNAIRD	BARRINGTON	WEST
KIRBY	PHYLLIS	ANN
KISHIKAWA	SACHIKO	
KISHIKAWA	TSUYOSHI	
KITAGAWA	JOHNNY	HIROMU

Last name	First name	Middle name/initials
KIYUNA	ULISON	
KLAZEMA	MICHAEL	HENRY
KNOBEL	JANINE	
KNOWLES	GIOVANNA	VOUCH
KO TANG	GRACE	SAU-CHEE
KOHLMEIER	GUY	PAUL
KOKS	MICHAEL	A
KOLJONEN	PAUL	AARNE
KONG	MAURICE	C
KONNO	NORIYO	
KONRAD	STEFAN	
KOOIJMANS	SEBASTIAN	
KORNER	KATHLEEN	MAY
KOSS	ROBERT	JOSHUA
KOSSOW	KATHRYN	JOAN
KOTHARI	SURENDRA	
KOTLINSKI	ALEXANDRE	MACIEJ
KUNDIG	MARIANNE	
KUNIMITSU	MASANORI	
KUNZI	ANDREAS	MARTIN
KUO	HENG-YEH	SAMI
KUPSH	CHRISTINE	CLAIRE
KUSUMI	JOHN	PATRICK
KVEIM	CEDRIC	MORTEN
KVEIM	MATEO	JUAN MORTEN
KWAK	JOOEUN	
KWAN	JONATHAN	TAI HIN
KWOK	AMY	
KWOK	ANN	
KWON	GRACE	YEONSUK
KWONG	KELVIN	CHI WAI
KYRIAKOPOULOS	HARALAMBOS	
LAI	ARTHUR	YUE MING
LAI	CHARMAINE	S-Y
LAI	PAOING	ESTHER
LAI	SHYH-SHIUN	WILLIE
LAI	THEODORE	SHUN
LAI	WILLIAM	
LAKHANI	ANUSHKA	ZULFIQAR
LAM	TIFFANY	HIU-YAN
LANCTOT	PAUL	JOSEPH
LANDS	MATTHEW	MONROE
LANE	JENNIFER	JILL
LANE	SONYA	
LANG MAHLSTEIN	VERENA	KATHARINA SOFIE
LAPKIN	THEODORE	DAVID
LAPOINTE	STEVEN	PIERRE
LARCHE	LEONARD	JEROME
LASHKARI	SAUMYA	
LAU	RAYMOND	
LAUBER	YVONNE	WOODY ALFREDA JOSIANE
LAUDENBACH	MICHELE	JOHANNA
LAVENDER	JASON	BRANCH
LAVIGNE	ERIC	MARC
LAW	VINCENT	KAI MING
LAWTON	ERIKA	BARBRL
LE GUERN	MARIE	FRANCOISE
LE MOND	GABRIELE	CHARLOTTE
LEASURE	SARA	LOUISE
LEDEE	RALPH	EDOUARD
LEE	ALEX	SHIU MING
LEE	ALVIN	
LEE	ANNE	TERESA
LEE	BRIAN	
LEE	CHIH	CHING
LEE	CHIN-SHAN	ROBERT
LEE	CHUN	YING
LEE	DANIEL	ADAM
LEE	DEBORAH	ANNE HONG LAN
LEE	EUNJOO	
LEE	JASON	WONHO
LEE	JONAN	CHUN YIN
LEE	JOSEPH	CHUEN KWUN
LEE	KEVIN	

Last name	First name	Middle name/initials
LEE	LILLIAN	CHIU-YING
LEE	MIRANDA	LU-C
LEE	SEE	MAN
LEE	SHIS	I
LEE	WAI	TING
LEE	YEE	WAH CHOY
LEE	YENA	
LEE	YOU-MI	CHO
LEES	KATHARINE	ISABEL
LEGGOTT	NICOLE	MARIE
LEIGH	CHARLES	PAUL HENRY
LEONG	MARJORIE	ELIZABETH LEE
LEPAGE	SOPHIE	CAROLINE
LESOWSKI	PHILLIP	BRUCE
LEUNG	JESSICA	YIN THING
LI	BIN	SHENG
LI	FENGYUAN	
LI	ROUZHI	WENG
LI	SEUT	MAN TERRISA CHUNG
LI	VIVIAN	WAN MAN
LIAN	WILLIAM	
LIANG	KAE-JYE	
LICARI	CHRISTOPHER	E
LIE-A-CHEONG	KRYSTAL	
LIEBE-HARKORT	MARIE	LOUISE
LIEU	LEVY	HONGCHIEN
LIEU	SHIRLEY	
LILLEY	KAITLIN	LEE
LIM	AGNES	XIN-LI
LIM	JUSTIN	DAVID XIAN-AN
LIM	NICOLE	SHAO-YUEN
LIM	RYAN	OLIVER
LIM	SIEW	HUI TAY
LIN	ALEXANDER	
LIN	ANTHONY	
LIN	CHIEN-YU	
LIN	FLORIA	KAR KAY
LIN	JACKIE	C
LIN	JACKSON	
LIN	JOU	MIN
LIN	KATHERINE	NN
LIN	LI-CHING	
LIN	LILLIAN	LING-CHU WANG
LIN	LIN	
LIN	LOUIS	ADAM
LIN	MICHELLE	C
LIN	NELSON	
LIN	RICKY	
LIN	SHU-CHU	
LIN	TOMMY	
LINDER	DOMINIC	ANTHONY
LINDSEY	SCOTT	WAYNE
LING	YA-HUI	YAE
LINTELL	SUSAN	
LION	ALEX	MEI-TIAN
LIU	AMY	QIAN MEI
LIU	DANIEL	KEYUAN
LIU	DSIH	CHI
LIU	JUN	
LIU	MARGARET	PEI-KUN
LIU	XING	
LLOYD	HEIDI	HOFFMAN
LO	MONA	I-RU
LOCKWOOD	DEBORAH	MARY
LOCKWOOD	EMMA	JACQUELINE LOUISE
LOERTSCHER	ERIKA	ANNA
LOFF	CHRISTINE	DEIRDRE
LOPEZ	JEFFREY	KENNETH
LOPEZ	SUSAN	JENNIFER
LOUGH	SANDRA	LEE
LU	TONY	YU-TIN
LUCAS	GEORGE	FREDERICK
LUDWIG	HENRIETTE	LYDIA
LUDZIK	RYAN	KIRK

Last name	First name	Middle name/initials
LUGINBUEHL	KIRSTEN	ANN
LUGINBUEHL	MARIE	ELAINE
LUK	FRANCIS	
LUTHY	PETER	WILLIAM
MA	VICTOR	WEI-CHIEN
MA	XIAOWEI	
MAALOUF	NICHOLAS	RAYMOND
MACDONALD	BRUCE	ROBERT
MACK	JENNIFER	VICTORIA
MACTAGGART	CATHERINE	DEVERE
MADHI	OMAR	HAMAD ABDULAZIZ
MADORIA	CHRISTOPHER	JON
MAGNUSON	BERNADENE	ANN
MAKAR	GAIL	ANNE
MALAMATENIOS-WILLIAMS	KAREN	DARLENE
MALDONADO REYES	DANIEL	HILMAR
MALLARD	GREGOIRE	F
MAN	CHARMAINE	YEE-SHUM
MANEE	ABDALLAH	MOHAMMED
MANN	ROSS	DUNCAN
MANTALVANOS	CHRISTINA	
MANZUR	GLADYS	REGINA
MARCH, JR	NOEL	CLINTON
MARKUS	ALEXANDER	RICHARD
MARSHALL	PETER	W
MARTELLY (NEE SAINT-REMY)	SOPHIA	ANN
MARTIN	ALISON	LYDIA
MARTIN	EUNICE	ANDREWS
MARTIN	JOSEPH	THOMAS
MARTINEZ	MARY	P
MARX	MARY	KATHERINE
MASAFRET	LILLIAN	LOUISE
MASCOLO	FLORA	MARIA
MATSON	SETH	N
MATTE	RUTH	SHIRLEY
MATTER	STEFANIE	
MATTMANN	EUGEN	ANTON
MAUPIN	ANIKA	SONYA
MAURER	MARSHA	MARINA
MC CALLA	ARTHUR	HAROLD
MC LEAN	ERIN	DIANE
MCAULEY	ELSPETH	JOAN
MCBRIDE	AMBER	DAWN
MCBURNEY	MARGARET	NICOLE
MCCLENAHAN	LISA	ANN
MCDOUGALL	SALLY	KATHARINE
MCFADDEN	DEBORAH	ELIZABETH
MCGEOUGH	CAROLE	ELAINE
MCGEOUGH-IBSEN	COLLEEN	M
MCLACHLAN	CRAIG	D
MCMAHON	GLENN	DAVID
MEECH	SUSAN	CROCKETT
MEIER	JENNIFER	SUSAN
MEIER-SCHUMACHER	BEATA	MARIA
MEIXNER	YVONNE	REGULA
MELANSON	BERNARD	LOUIS
MENA	JAVIER	IGNACIO
MENCKE	PATRICIA	E
MERCIER	JEAN	CLAUDE
MERRILL	STEVEN	RICHARD
METAXAS	STEFAN	GEORGE SPYROS
METTLER	MARTINE	HOLZER
MEYER	ALBERT	MARK
MEYER	MARIANNE	
MEYER	PATRICIA	HEINE
MIDA, JR	KASIO	KEMBO
MIELKE	PETER	FRITZ
MIHALIK	JULIA	HELEN
MIJNSSEN	ELIZABETH	FRANCOISE
MILES	DAVID	HOWARD
MILLER	MELANIE	MARIA
MILLS	BARBARA	CRANSTON
MILLS	CAROLYN	ELIZABETH
MILSON	ALEXANDER	

Last name	First name	Middle name/initials
MINAMI	SHIGEO	
MINAMI	YOSHIKO	
MISHRA (NEE SAXENA)	ASHE	RANI
MITCHELL	KENNETH	NEWTON
MITCHELL	KEVIN	ANDREW
MITCHELL	SUSAN	JANE
MIZRACHI	MICHAEL	
MIZUMOTO	MASAFUMI	
MOHAMMAD	NEDA	ABDULRADHA
MOK	CHARLES	HENRY LAI SHUN
MOK	CHARLOTTE	
MOLNAR	CATHARINE	MACDONALD
MONAPPA	ADITYA	
MONEM	MOHAMMED	R
MONISH	MICHELLE	YVONNE
MONISH	NICHOLLE	REBECCA
MONTAGNE	DAVID	MARC
MOORE	ELIZABETH	KAY
MOORE	MELANIE	ANN
MOORE	VICTORIA	ELLEN
MORAIS	PATRICK	DANIEL
MORAIS	PILAR	DANIELLE
MORE	ILANIT	
MOUGRIDIS	POLYMNIA	DELILAH
MOULDEY	PETER	GORDON
MOURGINAKIS	HARRIET	
MOY	SEFTON	
MUCHENBERGER	DANIELA	
MUEHLHAEUSER	JENS	KURT
MUELLER	SHELLY	ELISABETH
MUFF	JASPER	ANDREAS
MUFF	JENNIFER	BREWSTER
MUFF	OLIVER	PATRICK
MUGGERIDGE (NEE PLEASANT)	JESSICA	LYNN
MULLER	LORENZ	WILFRIED
MULLER	PETER	JOHN
MUN	BENNY	
MUNSON-KIESSIG	LYNNE	
MURPHY	EDNA	HELEN
MURRAY	MICHELLE	PAIGE
MYERS	RICHARD	SCOTT
NABER	JASMIN	LBRAHIM
NASU	AOI	JUDY
NAYLOR	RUTH	DIANNE
NEUBAUER	LUKAS	CHRISTOP JOHANN
NGIAM	JU-REN	
NOORRUDDIN	IDRIS	NOMAN
NOYER	DELANEY	REEVES
OBERLANDER	TIMOTHY	FREDERICK ALBERT
O'CONNOR	COURTNEY	LYN
ODERMATT	CLAUDIUS	BRUNO
OETTERLI	JUERG	ERIC
OETTLI	SYLVIA	THERESIA
OFFMAN	CRAIG	
OGAWA	KOJI	
OHARA	YOKO	
OHMART	RONALD	JAMES
OIEN	JON	ANDERS
OLANDER	VIGINIA	LOUISE
OLOFSSON	DIANA	SOPHIE
OLSON-THORNE	NATASHA	SHANGWE
ONISHI	BOB	
OO	THANT	ZIN
OPHEK	DAVID	JEREMIAH
ORR	ANDREA	L
ORTIZ-VILCHES	GERMAINE	DENEREAZ
OSRANEK	MARTIN	
OTT	CHANTAL	MARIA
OTTO	MARTIN	HEINRICH
OTTOSEN	HEIKO	CHARLES HANS
OWEN	PETER	SCOTT
OWENS	MARTHA	LORRAINE
OXTOBY	MICHELLE	CHEN-SIEN-YEE
OZBURN	JACQUELYN	SEIRA

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PADLEY	DANUTA	MARY ALDONA
PAGNAMENTA	ROBIN	ALEXANDER
PAI	SHYI	CHYI
PALAYEW	MARK	DAVID
PALLAY	DOMINIQUE	FRANCOISE
PALMER	LAURENCE	JAMES
PALMER	THOMAS	D
PAN	SHEAU-FANG	
PANG	MEGAN	SZE-QI
PAPANNAREDDY	RAJAPPA	
PAPAZOGLOU	IOANNA	NICHOLAS
PAPAZOGLOU	THEODORE	N
PARADISE	GEORGE	LEONARD
PARK	JAMES	JI-HONG
PARK	JUNE	KYU
PARK	SUNGHEE	PHOEBE
PASQUALONI	ATHENA	AMADA
PASSEMARD	ANTONIN	JEAN-FRANCOIS
PATEL	RUCHIT	SAMIR
PAYNE	IRINA	EDWARDOVNA
PEARMAN	RICHARD	SCOTT
PEASLEY	JOYCELYN	M
PEKAR	KEVIN	PAUL
PEMBERTON	PETRA	KATHRYN
PENE	CLEMENCE	M
PENGILLEY	KRISTINA	MONICA P
PENNELL	SCOTT	WHITMAN
PEREIRA	JAIME	MANUEL
PEREZ	LEVY	DE VERA
PERRIER	CLEMENTINE	MARJORIE AUDREY
PETRUZZELLO	ANGELO	VINCENT
PETTY	BARBARA	ANN
PHILIPPE	CAROLINE	CHANTAL PAULETTE
PHILLIPS	ALAN	
PHILLIPS	PETER	J
PIERSON	JAMES	
PINTO-DUSCHINSKY	DAVID	J
PIRO	DAGMAR	
PISCIOTTA	LAUREN	CLARE
POLAND	PETER	JOSEPH
POLEG-FALK	MATITYAHU	
POLONYI	JANOS	
POON	GILBERT	MING KEI
POST	FAITH	S
POTHIKAMJORN	VALIDA	
POWELL	MATTHEW	HUME
PRESCOTT-HAAR	LESLIE	EDEN
PRETRE	TATIANA	LAURA MARIA
PROULX	JACQUELINE	
PRUITT	DAVID	
PUGACH	ELINA	
PULLEN	NANCY	ROWZEE (LEE)
PUTMAN	MICHAEL	ALLAN
PUTSCH	STEPHANIE	
QUADRI	DIANA	LAURA
QUINN	SANDRA	
QUINTEROS	BROOKE	MALLORY
RACY	MALEK	MALEK
RADKE	CAROLINE	
RADKE	IRIS	
RADKE	ROGER	
RAICHEV	ALEXANDER	
RAJA	RAMKUMAR	
RAJAPPA	MANJULA	
RAMIREZ, JR	ANDRES	ALFONSO
RANA	KISHOR	
RANDALL	KELLY	TAKI
RANDOLPH	LIBBY	A
RANGARAJAN	RAGHAVAN	
RANKIN	CAROL	ANN
RANKIN	ROBERT	ROY
RASMUSSEN	DEREK	JACK
RASMUSSEN	KIM	DEBBIE
RATAJ	DEJAN	

Last name	First name	Middle name/initials
RAY	MICHAEL	WILLIAM
RAYBOULD	JOANNA	MARY
REA	SHARLEEN	MARIE
REAGEN	MARGARET	ANN
REDDY	KRISHNA	GUNUPATI VENKATA
REID	MATTHEW	ERIC
REIMANN	TIFFANY	ROBIN
REIMER	LADONNA	ROSE
RENDALL	MARY	DEBEVOISE
REUNIS	RACHEL	MARIE
RICHARD	LAWRENCE	HECTOR
RICHARDS	SARAH	MARGUERITE
RICHARDSON	MEGAN	LLOYD
RICHARDSON	WENDY	MARIAN
RICHMAN	ERIC	CHRISTOPHER
RILKOFF	LORI	ANNE
RIVERA	EARNEST	JASON PAJE
RIZWAN	ALIYA	
ROBBA-HOMEYER	MARIE	CHRISTINE VIVIANE
ROBERTS	DELIA	BETH
ROETHLISBERGER	MARC	HENRI
ROGALA	ELAINE	LOUISE
ROHRER	RACHEL	MARISSA
ROHRER	SEBASTIAN	PAUL
ROLFSON	CORDELL	BROWNIE
ROMANOWSKI	AARON	ALLEN
ROMMERSKIRCH	ANKE	
ROSIERE	PASCALE	PATRICIA
ROSOM	GLENDA	
ROUSE	FENELLA	
ROUSSELOT	SUSAN	
ROY	KEVIN	
RUEESCH	FERDINAND	MARIO
RUHFUS	JENNIFER	CHRISTINA
RUTHVEN	ROSEMARY	BERNADETTE
RUTISHAUSER	LINDA	SUSAN
SAGALINA	NINA	
SAGHROUNI	SELENA	KASSANDRA
SAILER-KLINE	JANE	ELAINE
SAITO	KENGO	
SALATHE	SABINE	ELIZABETH
SALLAHUDDIN	NIK	FARIS NIK
SANDBERG	TONI	L
SANDEL-DE LABOUCHERE	CHRISTINA	ANNA
SANDERS	JAMES	ALEXANDER
SANDMEIER	MICHELLE	SHEILA
SARCON	THOMAS	ALBERT
SARDO	CHRISTOPHER	ANTONIO
SAUTIER BRECHET	YVONNE	CHRISTINE
SAVOIR	YVES	ALEXANDRE ALFRED
SAWHNEY	MADHULEKHA	
SAWYER	WILLIAM	DONALD MACKAY
SCHAAD	FELIX	JAKOB DOMINIK
SCHAAD	KARIN	ELISABETH
SCHAD	HANA	LYNN
SCHAIT	DOMINIE	
SCHALK	STEPHEN	PATRICK
SCHALLER	SARA	E
SCHAUB	LUKAS	PETER
SCHIRMER	GREGORY	KARL
SCHMID	ANDREAS	HEINRICH
SCHMID	SYLVIA	KAY
SCHMID-BERNHEIM	DENISE	LEAH
SCHMIDLIN	RICARDO	
SCHMIDT	SYBILLE	MARGARET
SCHNUERIGER	MARY	PATRICIA
SCHOCH	KAREN	NICOLE
SCHOLEFIELD	RICHARD	CHARLES
SCHONING	ISABELLA	M
SCHREMPF	SUSAN	MARGARET
SCHULER	PATRICIA	ANN
SCHWEIGHAUSER	MARK	WILLIAM
SCLAR	ERIC	LEE
SCOTT	HEIDI	ANN

Last name	First name	Middle name/initials
SEERVELD	ANYA	RUTH
SEILER-STOCKER	CHRISTA	MARIA
SEITZ	PETER	MICHAEL
SELAIMAN	YAZEED	ABDULRAHMAN
SHANEOR	STEVEN	STUART
SHARP	JODY	LYN
SHARPE	ROBERT	JOSEPF
SHIMIZU	TOSHI	
SHIMIZU	YUSUKE	
SHINTANI	ALYSSA	
SHOFNER	TAMARA	LYNN CASEY
SICRE	PHILIP	GABRIEL
SIDER	LURA	MAE
SIDER	ROBERT	D
SIEGEL-VANDERHOOF	ANN	CATHY
SIMARD	JOYCE	MARIE
SIMON	ETHAN	BRET
SINGH	MADHULIKA	
SIU	KAI-YEUNG	SUNNY
SKIERKA	JULIANE	ANTJE
SKOG	ERIK	CRISTIAN
SLAATS	BRIGITTE	ELISABETH
SLEGERS	EDNA	DOROTHEA
SMITH	ALLAN	MONTGOMERY
SMITH	CHRISTOPHER	TOBIAS
SMITH	GUDRUN	
SMITH	MATTHEW	STUART
SO	KEVIN	CHI-HENG
SO	YAU	FAI
SOBOCINSKI	HANNAH	MARIE
SOBOTKA	SYDNEY	B
SOERPEBOEL	ERLAND	
SOH	ZI	YUAN
SOLIOZ-FEHLMANN	CATHERINE	ANNE
SOLOMAN	CAROL	ANN
SOMMER	KATRIN	
SOMMER	MARC	JAY
SONG	QIZHONG	
SONNTAG	CHIARA	M
SOO	LEON	ANTHONY
SOONG	HSIN-JUNG	SHIRLEY
SOPPITT	PETER	R
SOVA	DANIEL	MICHAEL
SPALDING	ANNE-MARIE	CAMERON
SPALDING, JR	WILLIAM	RICHARDSON
SPARKE	KEITH	GEOFFREY TREVOR
SPARKS	JOHN	EDWARD
SPARTI	DANIEL	LUCA
SPENCER	NICOLE	MARIE
SPITZNAGEL	JOHN	T
SPRAKEL	DIRK	KARL
SPURK	JOSEPH	HUBERT
SPURLING	GILES	DUDLEY CURTIS
STAEHELIN	DAVID	GERARD
STAHEL	MARTIN	DANIEL
STEENMAN	BARTHOLOMEUS	JOHANNES PAULUS
STEPHEN	JAMES	DUNCAN
STERLING	ANTOINE	
STERNBERG	GIL	ISRAEL
STERNBUCH	BERNARD	
STOLESON	MARK	ALAN
STORZ	PETER	KARL
STOVER	JOHN	FRIEDRICH
STRAUSS	CLAUDIA	G
STREATFEILD	JANE	FRANKLIN
STUDER-KUNZ	SUZANNE	VIVIAN
SU	IRENE	HUA
SU	LINDA	LIANG YI
SU	PAUL	
SUAREZ, JR	ISAAC	
SUDAIRY	AZZAH	NAIF
SUGAWARA	REIKO	
SULE	ANNE	
SUMAR	ANDRES	EDUARDO

Last name	First name	Middle name/initials
SUNG	REGINA	SEOYOUNG
SVENSON	STUART	KENDALL
SYMONS-KORDTS	STACIE	LYNN
SYNON	MARY	ELLEN
TABBARAH	ZUHAYR	A
TAHLAK	ABDUL	RAHMAN AHMAD
TAHLAK	SAFIYA	AHMAD
TAK	YOUNG	JUN
TAKAO	YASUMITSU	
TAKASAKI	KAORU	
TAM	CHI MEI	TIFFANY
TAM	KENNETH	KIT MAN
TAM	MI	YUK
TAN	COLLWYN	CHEN
TAN	JASON	SHAW TSE
TAN	LUCIO	KHAO
TANG	CHAO	
TANG	CLIFTON	
TANG	SHERLOCK	TZE LOK
TANG	XIAODONG	
TANIMURA	TAKUMA	
TAQI	MOHAMMED	ALI
TASH	ALIDAD	FAR
TAYLOR	CANDIS	CHRISTA
TEEVIN	JOHN	DUNCAN
TEMPLE-MACK	LINDSAY	ERIN
TEO	NICHOLAS	WEI JIE
THAM	STEPHANIE	KAR WAI
THOMPSON	ASTRID	
THOMPSON	LISA	JANE MARIE
THURNHERR	ERIK	JOHAN
TIBERIA	AMY	LEE
TIERNEY	CHRISTINE	MARY
TILBURY	ALICE	JEANINE NINA
TILBURY	LOUISE	ANNIE JULIETTE
TINKLEPAUGH	JAMIE	JOHN
TONG	FRANKLIN	FUK-KAY
TORIELLO	JOSE	ANTONIO
TOTHONG	POLSAK	
TRABER	MARK	PATRICK
TROST	BENEDIKT	KARL WILLY
TROST	WILHELM	ALEXANDER STEPHEN
TROTT	FRANCES	JANE
TRUSSELL	KATHY	L
TSAO	HUI-WEN	
TSIEN	MARTHA	CHANG
TSUI	DAVID	
TSUI	PAUL	YEUNG-ON
TUCKER	MARY	LOUISE JOAN
TUTEL-RHOMBERG	ARLETTE	SANDRA
TWIGGE-MOLECEY	ANNE	
TYRELL	CHEN	
UENISHI	TATEO	
UNG	LEONARD	KYLIAN
UNGARELLI	NANCY	LYNN
UTHAIMEEN	MANAF	YOUSEF
UTLEY	HARRIET	CHRISTINE
VACHON	REJEAN	EPHREM
VALENCIA	VERLONN	PING BEN
VAN BAAR	JEFFREY	CHRISTOPHER
VAN DEN SCHRIECK	GENEVIEVE	MARTHE
VAN DER ELST	AURELIE	KARIL ARNAUD M. G.
VAN DER STARRE	PIETER	
VAN DRESSER	STEVEN	LEON
VAN HASSELT	VIRGINIA	LYNN
VAN PANHUYS	PIETER	ALLARD
VANDAMME	ANJEL	ANNE
VANDERWELL	IRENE	MARIE FLORENCE
VARALLO	LUCA	
VAUDENS	MICHELE	CHARLOTTE
VEGA	SYLVIA	
VEN	HARFUN	
VENIAMIS	CLEOPATRA	
VERDUYN	KELLY	REBECCA

Last name	First name	Middle name/initials
VILLINGER	INGRID	HUBERTA
VIOLLIER	SARAH	SIMIN
VON SAMSON-HIMMELSTJERNA	HELLA	
VUILLIOMENET-SZURAN	CORINA	CHRISTINE
VYBIRAL	PAMELA-ROSE	GABRIELA
WALLACE	ERIC	W
WALSH	PENELOPE	JANE
WALZ	GERHARD	SIEGFRIED
WALZ	JESSICA	
WANEY	SIMRAN	
WANG	ALEX	
WANG	CHIH-HUI	
WANG	EDWARD	DAH-RENN
WANG	IRIS	J
WANG	MEIYING	
WANG	PEI	
WANG	STEVEN	DASONG
WANG	VINCENT	WOEI JYE
WANG	YUN	WEN
WARNER	DAVID	REESE
WARNER	ERIC	DAVID
WARREN	CHRISTINA	
WARSHAUER	GILLIAN	
WASNEY	MARGARET	DIANE
WATERS	MARK	H
WATLER	STEPHEN	ELSWORTH
WATSON	CHRISTINE	BURNS
WATSON	EDWARD	JOHN RICHARD
WAVRE	SYLVIE	LOUISE
WEBER	RICHARD	ROBERT
WEE	MICHELLE	ANNE WEN-YEANG
WEGLER	MARGARET	ELLEN
WEI	GABRIELLE	
WEI	KRISTINE	AMY
WEIBEL	JONATHONJONATHAN	DYLAN
WEIHER	SIMON	ALEXANDER
WEINACHT	FELIX	
WEIR-WAGNER	JACQUELINE	LEONA
WELCH	TERRY	DENIS
WENGER	JOAN	SHARON
WENK	MICHAEL	
WESTRA-VAN DER PLAS	JOAN	
WEVRICK	DANIEL	
WHITE	ALLAN	THOMAS
WHITE	KENNETH	ROY
WHITEHEAD	DENISE	LOUISE
WHITEHOUSE-VAUX	JENNIFER	PAMELA
WICHMANN	MARYALICE	EDITH
WICKI	THOMAS	MARTIN
WIDMER	CHRISTOPHER	MARC
WILDY	SARAH	ELISABETH
WILER	CELCILE	LISELOTTE
WILLIAMS	FAYVAL	SHIRLEY
WILLIAMSON	TARA	MICHELE
WILSON	WALTON	EVERETT
WINCHELL	JAMES	STERLING
WINFIELD	MARLENE	BLAUER
WINSON	CHRISTIAN	GUSTAV
WISMER	ALBERT	PAUL
WITTWER	SONDRA	CLAIRE
WOHLERS	FLORIAN	
WOHNHAS	STEFAN	
WOLFE	JOSHUA	D
WONG	CHLOE	LI YI
WONG	CONSTANCE	C
WONG	HAI-HUA	ADRIANA
WONG	HUK	SUAN
WONG	NAI	PANG
WONG	SHEZAM	
WONG	WILSON	
WONG	WING	WAH LEUNG
WOO	CHERYL	HOI-LAM
WORLEY	KEVIN	JOHN
WORTHINGTON	NATHANIEL	J

Last name	First name	Middle name/initials
WU	CHU	
WU	ELBERT	HSING-EN
WU	GAY	YIING-JYE
WU	PHILIP	HSIN-HUNG
WU	SUSAN	CHIA-LY
WU	ZHENDONG	
WUEBBLES	RYAN	KEITH
WYSER	PETER	HEINRICH
WYSS	MARC	SEQUOIA
XIE	XINCHENG	
YAM	KAM	CHAN
YAM	MICHELLE	
YANG	ANJA	
YANG	CHEN	NING
YANG	JENNIFER	YUNSHIUAN
YANG	PIN-CHUN	BRENDA
YANG	WESLEY	YO
YANG	WOONG-CHUL	
YAO	ANDREW	CHI-CHIH
YAO	FRANCES	FOONG
YAO	STANLEY	H K
YATAGANA	MARIA	GABRIELLA
YEH	LIN	
YEN	SAM	
YEUNG	GEORGE	
YON	EUNG	JIN
YUASA	MOTOKO	
YUEN	SILAS	TAK SHUN
YUN	MEE	HEE
YUNG	TAK	WING
YUNG	WING	WA
ZADEH	SYLVIA	PERLA
ZAHNER	ANGELIKA	
ZAID	NAJEM	ABDULLAH
ZAISS	DOREEN	HENRA
ZAKS	ANN	
ZARAH	FAISAL	FAHAD
ZASLOVE	ANDREJ	SANT
ZAVERUCHA	MARINA	
ZAVERUCHA	MAYA	
ZEE	JINLY	
ZEE	JINSEN	
ZEENDER	THOMAS	ERNST
ZEHNDER	COLIN	PHILIP
ZHANG	HAO	
ZIEGLER	MICHELLE	HOPE
ZINGGELER	RENE	
ZINGGELER FUHRER	HEIDI	
ZURFLUH	LOUIS	MARTIN
ZWEIFEL	DAVID	PAUL

Dated: October 20, 2015.

Maureen Manieri,

Manager Classification Team 82413, Examinations Operations—Philadelphia Compliance Services.

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BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

United States Mint

Privacy Act of 1974, as Amended; System of Records

AGENCY: United States Mint, Department of the Treasury.

ACTION: Notice of Proposed New Privacy Act of 1974 system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the United States Mint proposes to establish a new Privacy Act system of records entitled, ''Treasury/United States Mint .014—Denver Public Tour and Outreach Reservation System.''

DATES: Comments must be received no later than November 27, 2015. The proposed new system of records will be effective December 7, 2015 unless comments are received that would result in a contrary determination.

ADDRESSES: Comments should be sent to Kathleen Saunders-Mitchell, Disclosure Officer, United States Mint, 801 9th Street NW., Washington, DC 20220. Comments can be faxed to (202) 756–6153 or emailed to *kmitchell@usmint.treas.gov.* Comments submitted will be made available for inspection upon written request or by appointment by telephoning (202) 354–6788. The United States Mint will make comments available for public inspection and copying at the above listed location, on official business days. All comments received, including attachments and other supporting materials, are subject to public disclosure. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: For general questions and privacy issues, please contact Kathleen Saunders-Mitchell, Disclosure Officer, United States Mint, 801 9th Street NW., Washington, DC 20220. Telephone number: (202) 354–6788. Email: *kmitchell@usmint.treas.gov.*

SUPPLEMENTARY INFORMATION:

In accordance with the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department of the Treasury and the United States Mint are proposing to establish a new system of records entitled, ''Treasury/United States Mint .014—Denver Public Tour and Outreach Reservation System.''

The United States Mint is establishing the United States Mint Denver Public Tour and Outreach Reservation System of Records to allow individual members of the public and federal employees to contact the United States Mint to request guided public tours of the United States Mint at Denver facility for themselves or on behalf of a group (Tour(s)), and to request a visit and presentation by United States Mint staff on the Bureau's history, mission, and coin-making process on behalf of a group in the extended Denver metropolitan area (Outreach Program(s)).

System features are intended to enhance the process of registration and communication between the United States Mint and the individual requesting a Tour or Outreach Program (Requester), and to allow the United States Mint to schedule and manage the arrangements including any necessary cancellations.

All Requesters must provide scheduling and contact information. For Outreach Programs and larger Tours, Requesters must also provide the name of the participant group or school (if any), group size, age range, and grade. Outreach Program Requesters are additionally required to provide site location and information on how they learned of the program, and may request topics to be covered by the presenter. All Requesters may provide information on special requirements (such as a participant needing a reasonable accommodation) for themselves or their groups, and may (but are not required to) name or otherwise identify any individual participants having special requirements.

Authority for this system derives from 31 U.S.C. 5131 and 31 U.S.C. 5136. In accordance with 5 U.S.C. 552a(r), a report of this proposed new system of records has been provided to the Office of Management and Budget and to Congress.

Dated: September 7, 2015.

Helen Goff Foster,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

Treasury/United States Mint .014

SYSTEM NAME:

Treasury/United States Mint .014.

SYSTEM LOCATION:

United States Mint, Denver facility, 320 West Colfax Avenue, Denver, Colorado 80204.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

- Tour Requesters: Individual members of the public or federal employees who contact the United States Mint and request public tours of the United States Mint at Denver facility.
- Outreach Program Requesters: Individual members of the public or federal employees who contact the United States Mint and request Outreach Programs presentations by United States Mint staff on the Bureau's history, mission and coin-making process on behalf of a group meeting applicable size and location criteria in the extended Denver metropolitan area.
- Individual members of the public or federal employees other than Requesters, whose name and other personal information a Requester voluntarily provides to identify a participant in the Tour or Outreach Program the Requester arranges.

CATEGORIES OF RECORDS IN THE SYSTEM:

- Name of Requester;
- Information about a Requester's special requirements, including information to allow the United States Mint to provide a reasonable accommodation for Requester's disability;
- Names of other Tour or Outreach Program participants volunteered by a Requester;
- Information about participants' special requirements, including information to allow the United States Mint to provide a reasonable accommodation for a participant with a disability;
- Requester's email address, telephone, fax number, and postal address;
- Outreach Program site address, if applicable;
- Participant group name, and school name, if applicable;
- Source of Outreach Requester's awareness of the Outreach Program;
- Outreach Program topics requested.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 5131; 31 U.S.C. 5136.

PURPOSE(S):

The purpose of this system is to allow the United States Mint the ability to work with Requesters to schedule, confirm, plan and manage arrangements for Tours and Outreach Programs, understand the needs of participants, and allow the Bureau to manage its Denver facility visitor volume, interests, and safety. It also provides the United States Mint with contact information to notify Requesters of schedule changes, and to send an optional customer satisfaction survey invitation containing a link to the survey, allowing the participating public to provide feedback that enables the Bureau to continually improve its Tour and Outreach Program services. Surveys do not solicit personal information and results are not stored in the system.

The United States Mint at Denver offers guided public Tours of its facility to members of the public, including federal employees. For groups (such as schools, clubs, civic groups, and other organizations whose members may be unable to travel to the facility), the United States Mint provides the opportunity to request an Outreach Program visit and presentation, provided these groups meet certain size and location criteria. Both Tours and Outreach Programs require advance reservations. The system will provide an enhanced process by which individuals can request, schedule, and manage Tour and Outreach Program arrangements, and the Bureau can contact Requesters to confirm, reschedule, or cancel Tours or Outreach Programs. The system will also allow Requesters to note any special requirements (including requests for reasonable accommodations for persons with disabilities).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside Treasury as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

1. To medical personnel to meet a bona fide medical emergency;

2. To appropriate federal, state, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order or license, when the disclosing agency becomes aware of a potential violation of civil or criminal law or regulation and that misconduct is

related to the purposes for which the records are maintained;

3. To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a court-ordered subpoena, or in connection with criminal law proceedings;

4. To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

5. To the news media in accordance with guidelines contained in 28 CFR 50.02, which pertains to an agency's functions relating to civil and criminal proceedings;

6. To representatives of the National Archives and Records Administration (NARA) who are conducting records management inspections under authority of 44 U.S.C. 2904 and 2906;

7. To contractors, grantees, experts, consultants, interns, volunteers, and others (including agents of the foregoing) performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish such function;

8. To appropriate agencies, entities, and persons when (a) it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the United States Mint has determined that, as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the United States Mint or another agency or entity) that rely on the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the United States Mint's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm; and

9. To the news media and the public, with the approval of the Treasury Department's Senior Agency Official for Privacy, or her designee, in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of Treasury or is necessary to demonstrate the accountability of Treasury's officers, employees, or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents and electronic records.

RETRIEVABILITY:

Records are retrieved by:

- Name of Requester;
- Name of Participant Group (if any);
- Event category (Tour or Outreach Program);
- Requested event dates;
- Final event date;
- Name of participants provided by Requester (if any);
- Request for reasonable accommodation or other special requirement for the event (if any);
- Name of individual participant indicated by Requester as requesting reasonable accommodation for disability, or having other special requirement for event (if any);
- Confirmation Number;
- Size of Tour;
- Requester telephone number, email address, postal address, and fax number (if any);
- Address of Outreach Program site (if any).

SAFEGUARDS:

Paper records are stored in secured filing cabinets with access only by authorized personnel. Electronic records are stored in secured systems subject to access controls in accordance with Department of the Treasury and United States Mint policies and procedures. Access to electronic records is restricted to authorized personnel, and is subject to multiple controls including an access approval process, unique user identifier, user authentication and account management, and password management.

RETENTION AND DISPOSAL:

Data is retained and preserved or destroyed in accordance with National Archives and Records Administration (NARA) schedules for the categories of data in the system and for system security backup data.

SYSTEM MANAGER AND ADDRESS:

Jennifer DeBroekert, Supervisory Public Affairs Specialist, Office of Corporate Communications, United States Mint at Denver, 320 West Colfax Avenue, Denver, Colorado 80204–269.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to Kathleen Saunders-Mitchell, Disclosure Officer, United States Mint, 801 9th Street NW., Washington, DC 20220.

RECORD ACCESS PROCEDURES:

Refer to ''Notification Procedure'' above for address to which requests may be sent for gaining access to records.

CONTESTING RECORD PROCEDURES:

Refer to ''Notification Procedure'' above for address to which requests may be sent for gaining access to records.

RECORD SOURCE CATEGORIES:

Information in the system, including individually-identifying information submitted to the United States Mint, is obtained from Requesters, or from persons responding to United States Mint communications in connection with scheduling made to email addresses or numbers provided by Requesters.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2015–27249 Filed 10–26–15; 8:45 am]

BILLING CODE 4810–37–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Report of Matching Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) provides notice that it intends to conduct a recurring computer-matching program matching Internal Revenue Service (IRS) Federal tax information with VA pension and parents' dependency and indemnity compensation records. The purpose of this match is to identify applicants and beneficiaries who have applied for or who are receiving VA benefits and received unearned income, and to adjust or terminate VA benefits, if appropriate.

DATES: The match will start no sooner than 30 days after publication of this notice in the **Federal Register** (FR), or 40 days after copies of this notice and the agreement of the agencies are submitted to Congress and the Office of Management and Budget (OMB), whichever is later, and end not more than 18 months after the agreement is properly implemented by the agencies. The agencies' Data Integrity Boards

(DIBs) may extend this agreement for 12 months provided the agencies certify to their DIBs, within three months of the ending date of the original agreement, that the matching program will be conducted without change and that the matching program has been conducted in compliance with the original agreement.

ADDRESSES: Written comments may be submitted through *www.Regulations.gov;* by mail or hand-delivery to the Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: David Klusman, Pension Analyst, Pension and Fiduciary Service (21PF), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–8863.

SUPPLEMENTARY INFORMATION: VA plans to match records of applicants and beneficiaries who have applied for or who are receiving needs-based VA benefits, with unearned income information maintained by IRS. VA will use this information to verify income information submitted by applicants and beneficiaries and deny or adjust VA benefit payments as prescribed by law. The matching program will enable VA to ensure accurate reporting of income.

The legal authority to conduct this match is 38 U.S.C. 5106, which requires any Federal department or agency to provide VA information upon request for the purposes of determining eligibility for benefits or verifying other information that affects payment of benefits. In addition, 26 U.S.C. 6103(l)(7) authorizes IRS to disclose Federal tax information to VA.

VA records involved in the match are in ''Compensation, Pension, Education, and Vocational Rehabilitation and Employment Records—VA (58VA21/22/28),'' a system of records that was first published at 41 FR 9294 (March 3, 1976), amended and republished in its entirety at 77 FR 42593 (July 19, 2012). The IRS records are from the system of records identified as the Information Return Master File (IRMF)/IRS 22.061, as published at 73 FR 13302 (March 12, 2008), amended and republished in its entirety at 77 FR 47946–947 (August 10, 2012), through the Disclosure of Information to Federal, State and Local Agencies (DIFSLA) program.

In accordance with the Privacy Act, 5 U.S.C. 552a(o)(2) and (r), VA is providing copies of the agreement to both Houses of Congress and to OMB. VA is publishing this **Federal Register** notice in accordance with 5 U.S.C. 552a(e)(12).

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Nabors II, Chief of Staff, approved this document on October 8, 2015, for publication.

Dated: October 13, 2015.

Kathleen M. Manwell,

Program Analyst, VA Privacy Service, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2015–27244 Filed 10–26–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board; Notice of Meetings—November 2015

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act 5 U.S.C. App. 2 that the subcommittees of the Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board (JBL/CS SMRB) will meet from 8 a.m. to 5 p.m. on the dates indicated below (unless otherwise listed):

Subcommittee	Date	Location
Surgery	November 18, 2015	Corporation for Enterprise Development.
Infectious Diseases-B	November 19, 2015	American College of Surgeons.
Nephrology	November 19, 2015	National Postal Museum, Blount Center.
Hematology	November 20, 2015	VA Central Office.*
Cellular and Molecular Medicine	November 23, 2015	VA Central Office.
Infectious Diseases-A	November 23, 2015	US Access Board.

The addresses of the meeting sites are:
American College of Surgeons, 20 F Street NE., Washington, DC.
Corporation for Enterprise Development, 1200 G Street NW., Suite 400, Washington, DC.
National Postal Museum, Blount Center, 2 Massachusetts Avenue NE., Washington, DC.
US Access Board, 1331 F Street NW., Suite 1000, Washington, DC.
VA Central Office, 1100 First Street NE., Suite 600, Washington, DC.
* Teleconference.

The purpose of the subcommittees is to provide advice on the scientific quality, budget, safety and mission relevance of investigator-initiated research proposals submitted for VA merit review evaluation. Proposals submitted for review include diverse medical specialties within the general areas of biomedical, behavioral, and clinical science research.

The subcommittee meetings will be closed to the public for the review, discussion, and evaluation of initial and renewal research proposals. However, the JBL/CS SMRB teleconference meeting will be open to the public; date, time and location will be announced later.

The closed subcommittee meetings involve discussion, examination, and reference to staff and consultant critiques of research proposals. Discussions will deal with scientific merit of each proposal and qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Additionally, premature disclosure of research information could significantly frustrate implementation of proposed agency action regarding the research

proposals. As provided by subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, closing the subcommittee meetings is in accordance with title 5 U.S.C. 552b(c) (6) and (9)(B).

Those who would like to obtain a copy of the minutes from the closed subcommittee meetings and rosters of the subcommittee members should contact Alex Chiu, Ph.D., Manager, Merit Review Program (10P9B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, at (202) 443–5672 or email at *alex.chiu@va.gov.*

Dated: October 22, 2015.

Rebecca Schiller,

Advisory Committee Management Officer.

[FR Doc. 2015–27254 Filed 10–26–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on the Readjustment of Veterans; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2 that a meeting of the Advisory Committee on the Readjustment of Veterans will be held Thursday and Friday, November 5–6, 2015. The meeting on both days will be conducted at the Readjustment Counseling Service (RCS) Headquarters Offices, located at 1717 H Street NW., Washington, DC 20006, in Conference Room 430C. The agenda for these two days will begin at 8:00 a.m. and end at 4:30 p.m. The meeting on both days is open to the public.

The purpose of the Committee is to review the post-war readjustment needs of combat Veterans and to evaluate the availability, effectiveness and coordination of VA programs required to meet Veterans' readjustment service needs.

On November 5, the Committee will conduct a round table discussion with a panel of VSO national leaders. The focus of the discussion will be to explore common areas of interest and potential partnership regarding the full scope of Veterans' post-war readjustment.

The November 5 agenda will also include briefings on the current activities of the Readjustment Counseling Service (RCS) Vet Center program to include the full scope of outreach and readjustment counseling services provided to combat Veterans, Service members and families. The briefing will focus on the coordination of Vet Center services with VHA health care, mental health, and social work services. The Committee will also receive a briefing from VHA Care Management and Social Work Services program officials focusing on the key role of social work services for the psychological, social, and economic readjustment of combat Veterans. Program officials from VHA's Office of Academic Affiliations will meet with the Committee to discuss avenues for increasing the use of the Vet Centers as student rotation sites of value for the educational readjustment of combat Veterans.

On November 6, Committee members will conduct a roundtable discussion with staff members from the Senate and House Committees on Veterans Affairs. The Committee's purpose is to engage the staffers in discussion to explore the full scope of combat Veterans' readjustment and to ensure the Committee's deliberations are synchronized with the priorities of Congress. The Committee will also receive briefings from VHA mental health program officials focusing on the key role of mental health services for the psychological, social, and economic readjustment of combat Veterans.

The agenda for November 6 will conclude with a Committee strategic planning session for developing the observations and conclusions for inclusion in the Committee's 2016 report.

No time will be allocated at this meeting for receiving oral presentations from the public. However, members of the public may direct written questions or submit prepared statements for review by the Committee before the meeting to Mr. Charles M. Flora, M.S.W., Designated Federal Officer, Readjustment Counseling Service, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. Because the meeting will be in a Government building, please provide valid photo identification for check-in. Please allow 15 minutes before the meeting for the check-in process. If you plan to attend or have questions concerning the meeting, please contact Mr. Flora at (202) 461–6525 or by email at *charles.flora@va.gov.*

Dated: October 21, 2015.

Rebecca Schiller,

Advisory Committee Management Officer.

[FR Doc. 2015–27206 Filed 10–26–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974: Computer Matching Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice of Computer Match Program.

SUMMARY: Pursuant to 5 U.S.C. 552a, the Privacy Act of 1974, as amended, and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs, notice is hereby given that the Department of Veterans Affairs (VA) intends to conduct a computer matching program with the Social Security Administration (SSA). Data from the proposed match will be used to verify the earned income of nonservice-connected veterans, and those veterans who are zero percent service-connected (noncompensable), whose eligibility for VA medical care is based on their inability to defray the cost of medical care. These veterans supply household income information that includes their spouses and dependents at the time of application for VA health care benefits.

DATES: *Effective Date:* This match will start October 9, 2015, unless comments dictate otherwise.

ADDRESSES: Written comments may be submitted by mail or hand-delivery to Director, Regulations Policy and Management (02REG), Department of Veterans Affairs, 810 Vermont Ave. NW., Room 1068, Washington, DC 20420; fax to (202) 273–9026; or email through *http://www.Regulations.gov.* All comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment (this is not a toll free number). In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Benita K. Miller, MHA, FACHE, Director, Health Eligibility Center, (404) 848–5300 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: The Department of Veterans Affairs has statutory authorization under 38 U.S.C. 5317, 38 U.S.C. 5106, 26 U.S.C. 6103(l)(7)(D)(viii) and 5 U.S.C. 552a to establish matching agreements and request and use income information from other agencies for purposes of verification of income for determining eligibility for benefits. 38 U.S.C. 1710(a)

(2) (G), 1710(a) (3), and 1710(b) identify those veterans whose basic eligibility for medical care benefits is dependent upon their financial status. Eligibility for nonservice-connected and zero percent noncompensable service-connected veterans is determined based on the veteran's inability to defray the expenses for necessary care as defined in 38 U.S.C. 1722. This determination can affect their responsibility to participate in the cost of their care through copayments and their assignment to an enrollment priority group. The goal of this match is to obtain SSA earned income information data needed for the income verification process. The VA records involved in the match are ''Enrollment and Eligibility Records—VA'' (147VA16). The SSA records are from the Earnings Recording and Self-Employment Income System, SSA/OEEAS 60–0059 and Master Files of Social Security Number Holders and SSN Applications, SSA/OEEAS, 60–0058, (referred to as ''the Numident''). A copy of this notice has been sent to both Houses of Congress and OMB.

This matching agreement expires 18 months after its effective date. This match will not continue past the legislative authorized date to obtain this information.

Signing Authority: The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Nabors II, Chief of Staff, approved this document on October 8, 2015, for publication.

Dated October 13, 2015.

Kathleen M. Manwell,

Program Analyst, VA Privacy Service, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2015–27245 Filed 10–26–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Proposed Information Collection (NCA: Legacy (Historic Resources Education Program Research)); Activity Under OMB Review

AGENCY: National Cemetery Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before November 27, 2015.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–NEW (NCA: Legacy (Historic Resources Education Program Research))'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–NEW (NCA: Legacy (Historic Resources Education Program Research))''.''

SUPPLEMENTARY INFORMATION:

Title: NCA Legacy (Historic Resources Education Program Research), VA Form 40–10166 Online Survey/Focus Groups.

OMB Control Number: 2900–NEW.

Type of Review: New collection.

Abstract: VA Survey Form 40–10166 and Focus Group interviews will be used to collect information from academic and non-academic stakeholders. These audiences include, but are not limited to middle school and high school students and teachers, university students and professors, historic associations, veterans associations, libraries, and organizations that serve amateur genealogists. The program will increase public access to historic resources in national cemeteries and, in doing so it will also increase public awareness of the legacy of the sacrifices of our nation's veterans. 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. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 80 FR 148 on August 3, 2015.

Affected Public: Individuals or households.

Estimated Annual Burden: 158 hours.

Estimated Average Burden per Respondent: Online Survey—50 hours, Focus Groups—108 hours.

Frequency of Response: Annually.

Estimated Number of Respondents: 254.

By direction of the Secretary.

Kathleen M. Manwell,

Program Analyst, VA Privacy Service, Office of Privacy and Records Management, Department of Veterans Affairs.

[FR Doc. 2015–27207 Filed 10–26–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Prosthetics and Special-Disabilities Programs; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that a meeting of the Federal Advisory Committee on Prosthetics and Special-Disabilities Programs will be held on November 17–18, 2015, in Room 530 at VA Central Office, 810 Vermont Avenue NW., Washington, DC 20420. The meeting will convene at 8:30 a.m. on both days, and will adjourn at 4:30 p.m. on November 17 and at 12 noon on November 18. This meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on VA's prosthetics programs designed to provide state-of-the-art prosthetics and the associated rehabilitation research, development, and evaluation of such technology. The Committee also provides advice to the Secretary on special-disabilities programs, which are defined as any program administered by the Secretary to serve Veterans with spinal cord injuries, blindness or visual impairments, loss of extremities or loss of function, deafness or hearing impairment, and other serious incapacities in terms of daily life functions.

On November 17, the Committee will receive briefings on Advisory Committee Management, Physical Medicine and Rehabilitation, Polytrauma System of Care, Clinical Orthotists and Prosthetists, Spinal Cord Injury and Disorders, Eye Care (Optometry and Ophthalmology), and VA Library Orientation. On November 18, the Committee will receive a briefing on Workforce Planning.

No time will be allocated for receiving oral presentations from the public; however, members of the public may direct questions or submit written statements for review by the Committee in advance of the meeting to Mr. Larry N. Long, Designated Federal Officer, Veterans Health Administration, Patient Care Services, Rehabilitation and Prosthetic Services (10P4RR), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, or by email at *lonlar@va.gov.* Because the meeting is being held in a government building, a photo I.D. must be presented at the Guard's Desk as a part of the clearance process. Therefore, you should allow an additional 15 minutes before the meeting begins. Any member of the public wishing to attend the meeting should contact Mr. Long at (202) 461–7354.

Dated: October 22, 2015.

Rebecca Schiller,

Committee Management Officer.

[FR Doc. 2015–27241 Filed 10–26–15; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 80 Tuesday,
No. 207 October 27, 2015

Part II

The President

Proclamation 9353—United Nations Day, 2015

Federal Register
Vol. 80, No. 207
Tuesday, October 27, 2015

Presidential Documents

Title 3—

The President

Proclamation 9353 of October 22, 2015

United Nations Day, 2015

By the President of the United States of America

A Proclamation

Seventy years after a world ravaged by war and injustice came together to chart the course for a future defined by common ideals, we reflect on the progress made and the work that remains to fully realize the vision set out in the United Nations Charter. Across our increasingly interconnected globe, the principles embodied in that founding document—and in the international system built over decades—are more essential than ever. As we celebrate the central role the United Nations plays in resolving conflict, providing humanitarian assistance, and spurring sustainable development, we reaffirm our commitment to pursuing a more just and peaceful world for generations to come.

Since the end of World War II, the United Nations has provided a forum for all countries to come together around the same rules and norms to help advance development and security; bolster ties between member states; and conquer disease, hunger, and poverty. During this time, we have seen great advances in health and education, the emergence of a global economy connecting every region of the globe through groundbreaking developments in commerce and technology, and the rise of more democratic governments. Even as we recognize the significance of the progress that has been made, we know that grave challenges to our common security and principles risk pulling us back to a more disordered world. In meeting those threats, we must summon the spirit of unity and cooperation at the heart of the United Nations Charter—signed in 1945 by 51 countries—and rededicate ourselves in support of the United Nations.

Inherent in the idea of the United Nations is the notion that the peoples of the world are bound by more than geography—that we all belong to a community that is capable of working together to protect our security, our environment, and our health; that is committed to ensuring the dignity and rights of people around the world are safeguarded; and that is dedicated to preserving the cultural and natural treasures of the earth. As we commemorate the 70th anniversary of the founding of the United Nations, let us resolve to forge a future of greater peace and cooperation. With enduring effort and dedication to make real the ideals that guide us, continued progress can remain within our 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 24, 2015, as United Nations Day. I urge the Governors of the 50 States, and the officials of all other areas under the flag of the United States, to observe United Nations Day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of October, 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. 2015–27548
Filed 10–26–15; 11:15 am]
Billing code 3295–F6–P

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Federal Register

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FEDERAL REGISTER PAGES AND DATE, OCTOBER

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