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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2015-0627; Directorate Identifier 2015-CE-002-AD; Amendment 39-18337; AD 2015-24-05]

RIN 2120-AA64

Airworthiness Directives; Piper Aircraft, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Piper Aircraft, Inc. Models PA-23-250, PA-24-250, PA-24-260, PA-24-400, PA-30, PA-31, PA-31-300, PA-31P, PA-39, and PA-E23-250 airplanes. This AD was prompted by an accident caused by fuel starvation where the shape of the wing fuel tanks and fuel below a certain level in that tank may have allowed the fuel to move away from the tank outlet during certain maneuvers. This AD requires installing a fuel system management placard on the airplane instrument panel and adding text to the Limitations Section of the pilot's operating handbook (POH)/airplane flight manual (AFM). We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD is effective January 12, 2016.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 12, 2016.

ADDRESSES: For service information identified in this AD, contact Piper Aircraft, Inc., Customer Service, 2926 Piper Drive, Vero Beach, Florida 32960; telephone: (877) 879-0275; fax: none; email: customer.service@piper.com; Internet: www.piper.com. You may view

this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

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-2015-0627; 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:

Ansel James, Aerospace Engineer, Atlanta Aircraft Certification Office, FAA, 1701 Columbia Avenue, College Park, Georgia 30337; telephone: (404) 474-5576; fax: (404) 474-5606; email: ansel.james@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 certain Piper Aircraft, Inc. Models PA-23-250, PA-24-250, PA-24-260, PA-24-400, PA-30, PA-31, PA-31-300, PA-31P, PA-39, and PA-E23-250 airplanes. The NPRM published in the **Federal Register** on March 23, 2015 (80 FR 15171). The NPRM was prompted by an accident caused by fuel starvation where the shape of the wing fuel tanks and fuel below a certain level in that tank may have allowed the fuel to move away from the tank outlet during certain maneuvers. The NPRM proposed to require installing a fuel system management placard on the airplane instrument panel and adding text to the Limitations Section of the pilot's operating handbook (POH)/airplane flight manual (AFM). We are issuing this AD to correct the unsafe condition on these products.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (80 FR 15171, March 23, 2015) and the FAA's response to each comment.

Request for Local Fabrication of the Required Warning Placard

Edward Rognerud and an anonymous commenter requested that the AD be written to allow for the local fabrication of the required warning placard as long as it contains the exact warning text mandated by the service information and is printed in 8-point type. The anonymous commenter also requested that the AD allow for the installation of the warning placard onto the instrument panel at any location that does not obscure existing controls, instruments, or markings and is in clear view of the pilot.

The commenters requested this change as a means of controlling the cost of compliance without compromising safety.

We agree with the commenters that local fabrication of the warning placard may be necessary if the shape of the placard available from Piper Aircraft, Inc. does not fit on the instrument panel. The service information contains the exact text, font size, and installation restrictions necessary for the local fabrication of a compliant placard. Paragraph (g)(2) of the proposed AD included instructions to fabricate and install the placard. This implied that the placard can only be fabricated if the placard available from Piper Aircraft, Inc. does not fit on the instrument panel.

We revised the AD as requested to allow for the fabrication of the placard following the instructions in the service information under any condition.

Request for Local Fabrication of the Supplemental Page for Updating of the Aircraft's POH/AFM

Edward Rognerud and an anonymous commenter requested the updating of the airplane's POH/AFM by inserting a locally fabricated supplemental page into the Limitation Section as an alternative to inserting a supplemental page bought from Piper Aircraft, Inc. We infer the commenter's meaning to be that a locally fabricated supplemental

page will meet the requirements of the AD.

The commenters requested this change as a means of controlling the cost of compliance without compromising safety.

We agree with the commenters that compliance can be shown with paragraph (h)(3) of the AD by inserting into the Limitations Section of the POH/AFM a locally made supplemental page containing the applicable placard text or a supplemental page procured from Piper Aircraft, Inc.

We revised the AD as requested.

Request Private Pilot Certificate as a Minimum Credential for AD Signoff in Logbook

An anonymous commenter requested a private pilot certificate as a minimum credential for AD signoff in airplane's logbook. The anonymous commenter requested this change to control cost of compliance without compromising safety.

We agree with the anonymous commenter. We determined that the installation of a purchased or locally fabricated supplemental page into the POH/AFM can be done by the owner/operator with at least a private pilot certificate. We have also determined that the local fabrication and

installation of the placard following the instructions in the service bulletin can be done by the owner/operator with at least a private pilot certificate.

We revised the AD as requested.

Request Withdrawal of the NPRM

Jeffrey Aryan commented that the proposed AD is not appropriate. The commenter also wrote that the proposed AD would add a more cumbersome display to an already crowded flight deck. We infer that the commenter requested withdrawal of the NPRM.

We disagree. The FAA evaluated all relevant information and determined that the addition of the placard to the instrument panel and the supplemental pages to the Limitations Section of the POH/AFM will address the unsafe condition identified in the AD.

We made no change to the AD as a result of this comment.

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 and minor editorial changes. We have determined that these minor changes:

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

15171, March 23, 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 15171, March 23, 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 Piper Aircraft, Inc. Service Bulletin No. 1266, dated December 16, 2014. Piper Aircraft, Inc. Service Bulletin No. 1266, dated December 16, 2014, calls for/describes actions for, when necessary, installing the correct fuel warning placard on the instrument panel and adding correct text of that fuel warning placard in the Limitations Section of the POH/AFM. This 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 proposed AD affects 3,000 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
Inspection to determine if placard, if installed, and Limitations Section of the POH/AFM are compliant with Piper Aircraft, Inc. Service Bulletin No. 1266, dated December 16, 2014.	.5 work-hour × \$85 per hour = \$42.50	Not Applicable	\$42.50	\$127,500

We estimate the following costs to do any necessary placard/POH/AFM order and installation that would be required

based on the results of the inspection. We have no way of determining the number of airplanes that might need any

necessary placard/POH/AFM order and installation:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Order and install replacement placard	1 work-hour × \$85 per hour = \$85	\$40	\$125
Order updated POH/AFM and install updated pages ..	.5 work-hour × \$85 per hour = \$42.50	300	342.50

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, 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):

2015–24–05 Piper Aircraft, Inc. Airplanes:
Amendment 39–18337; Docket No. FAA–2015–0627; Directorate Identifier 2015–CE–002–AD.

(a) Effective Date

This AD is effective January 12, 2016.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the following Piper Aircraft, Inc. airplanes, certificated in any category:

Model	Serial No.
PA–23–250 (Six Place) Aztec “B”	27–2322 through 27–2504, FUEL INJECTED ONLY
PA–23–250 (Six Place) and PA–E23–250 (Six Place) Aztec “C,” “D” and “E”.	27–2505 through 27–4866, 27–7304917 through 27–7405476
PA–24–250 Comanche	24–2563, 24–2844 through 24–3641, 24–3643 through 24–3687, FUEL INJECTED ONLY
PA–24–260 Comanche	24–3642, 24–4000 through 24–4299, 24–4300 through 24–4782, 24–4784 through 24–4803, FUEL INJECTED ONLY
PA–24–260 Comanche “C”	24–4783, 24–4804 through 24–5047
PA–24–400 Comanche	26–1 through 26–148
PA–30 Twin Comanche	30–1 through 30–2000
PA–31 and PA–31–300 Navajo	31–2 to 31–861, 31–7300901 through 31–7300923, 31–7300925, 31–7300927, 31–7300929, 31–7300931
PA–31P Navajo	31P–1 through 31P–80, 31P–7300110 through 31P–7300115
PA–39 Twin Comanche C/R	39–1 through 39–155

(d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 1130, PLACARDS AND MARKINGS; Interior Placards.

(e) Unsafe Condition

This AD was prompted by an accident caused by fuel starvation where the shape of the wing fuel tanks and fuel below a certain level in that tank may have allowed the fuel to move away from the tank outlet during certain maneuvers. We are issuing this AD to prevent loss of engine power due to fuel starvation. This condition, if not corrected, could lead to loss of engine power or engine shutdown, which may result in loss of control.

(f) Compliance

Unless already done, within the next 50 hours time-in-service (TIS) after January 12, 2016 (the effective date of this AD), do the actions in paragraphs (g) and (h) of this AD, as applicable, including all subparagraphs.

(g) Fuel Warning Placard Inspection

(1) Inspect the fuel warning placard, if existing, following the Instructions section, of Piper Aircraft, Inc. Mandatory Service Bulletin No. 1266, dated December 16, 2014. If the placard is present and compliant with the Instructions section of Piper Aircraft, Inc. Mandatory Service Bulletin No. 1266, dated

December 16, 2014, then no further action regarding the placard is required.

(2) If the fuel warning placard is not present or not compliant with the Instructions section of Piper Aircraft, Inc. Mandatory Service Bulletin No. 1266, dated December 16, 2014, then order the applicable placard from Piper Aircraft, Inc. at the address identified in paragraph (l)(3) of this AD. Alternatively, you may fabricate the applicable fuel warning placard following the Instructions section of Piper Aircraft, Inc. Mandatory Service Bulletin No. 1266, dated December 16, 2014. Install the fabricated fuel warning placard or the fuel warning placard obtained from Piper Aircraft, Inc. following the Instructions section of Piper Aircraft, Inc. Mandatory Service Bulletin No. 1266, dated December 16, 2014.

(h) Pilot's Operating Handbook (POH)/ Airplane Flight Manual (AFM) Inspection

(1) Inspect the Limitations Section of the applicable POH/AFM following the Instructions section of Piper Aircraft, Inc. Mandatory Service Bulletin No. 1266, dated December 16, 2014.

(2) If the Limitations Section of the applicable POH/AFM contains the exact text found in table 2 of Piper Aircraft, Inc. Mandatory Service Bulletin No. 1266, dated December 16, 2014, there is no need for a POH/AFM revision.

(3) If the Limitations Section of the applicable POH/AFM does not contain the

exact text found in Table 2 of Piper Aircraft, Inc. Mandatory Service Bulletin No. 1266, dated December 16, 2014, then revise the POH/AFM by inserting into the Limitations Section of the POH/AFM a fabricated supplemental page containing the applicable placard text from the Appendix to this AD or a supplemental page obtained from Piper Aircraft, Inc. at the address identified in paragraph (l)(3) of this AD.

(i) Pilot Authorization

In addition to the provisions of 14 CFR 43.3 and 43.7, the actions required by paragraphs (g) and (h) of this AD, to include all subparagraphs, may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the airplane records showing compliance with this AD in accordance with 14 CFR 43.9 (a)(1)–(4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417. This authority is not applicable to airplanes being operated under 14 CFR part 119.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta 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 (j)(1) of this AD.

(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.

(k) Related Information

For more information about this AD, contact Ansel James, Aerospace Engineer, Atlanta Aircraft Certification Office, FAA, 1701 Columbia Avenue, College Park, Georgia 30337; telephone: (404) 474-5576;

fax: (404) 474-5606; email: ansel.james@faa.gov.

(l) 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) Piper Aircraft, Inc. Service Bulletin No. 1266, dated December 16, 2014.

(ii) Reserved.

(3) For Piper Aircraft, Inc. service information identified in this AD, contact

Piper Aircraft, Inc., Customer Service, 2926 Piper Drive, Vero Beach, Florida 32960; telephone: (877) 879-0275; fax: none; email: customer.service@piper.com; Internet: www.piper.com.

(4) You may view this service information at FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

(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>.

APPENDIX TO AD 2015-24-05—MODELS AFFECTED/MODEL SERIAL NUMBERS/APPLICABLE TEXT FOR SUPPLEMENTAL PAGE TO PILOT'S OPERATING HANDBOOK (POH)/AIRPLANE FLIGHT MANUAL (AFM)

Models affected	Model serial No.	Placard text for limitations section of the POH/AFM
PA-24-250 Comanche with fuel injection	24-2563, 24-2844 through 24-3641, 24-3643 through 24-3687.	WARNING—UNCOORDINATED MANEUVERS, INCLUDING SIDE SLIPS OF 30 SECONDS OR MORE, FOR ANY REASON, AND FAST TAXI TURNS JUST PRIOR TO TAKEOFF CAN CAUSE LOSS OF POWER IF FUEL TANK IN USE IS LESS THAN ½ FULL.
PA-24-260 Comanche with fuel injection	24-3642, 24-4000 through 24-4299, 24-4300 through 24-4782, 24-4784 through 24-4803.	WARNING—UNCOORDINATED MANEUVERS, INCLUDING SIDE SLIPS OF 30 SECONDS OR MORE, FOR ANY REASON, AND FAST TAXI TURNS JUST PRIOR TO TAKEOFF CAN CAUSE LOSS OF POWER IF FUEL TANK IN USE IS LESS THAN ½ FULL.
PA-24-260 "C" Comanche	24-4783, 24-4804 through 24-5047	WARNING—UNCOORDINATED MANEUVERS, INCLUDING SIDE SLIPS OF 30 SECONDS OR MORE, FOR ANY REASON, AND FAST TAXI TURNS JUST PRIOR TO TAKEOFF CAN CAUSE LOSS OF POWER IF FUEL TANK IN USE IS LESS THAN ½ FULL.
PA-24-400 Comanche	26-1 through 26-148	WARNING—UNCOORDINATED MANEUVERS, INCLUDING SIDE SLIPS OF 30 SECONDS OR MORE, FOR ANY REASON, AND FAST TAXI TURNS JUST PRIOR TO TAKEOFF CAN CAUSE LOSS OF POWER IF FUEL TANK IN USE IS NOT FULL.
PA-31 & PA-31-300 Navajo	31-2 to 31-861, 31-7300901 through 31-7300923, 31-7300925, 31-7300927, 31-7300929, 31-7300931.	WARNING—UNCOORDINATED MANEUVERS, INCLUDING SIDE SLIPS OF 30 SECONDS OR MORE, FOR ANY REASON, AND FAST TAXI TURNS JUST PRIOR TO TAKEOFF CAN CAUSE LOSS OF POWER IF FUEL TANKS IN USE ARE LESS THAN ¾ FULL.
PA-31P Navajo	31P-1 through 31P-80, 31P-7300110 through 31P-7300115.	WARNING—UNCOORDINATED MANEUVERS, INCLUDING SIDE SLIPS OF 30 SECONDS OR MORE, FOR ANY REASON, AND FAST TAXI TURNS JUST PRIOR TO TAKEOFF CAN CAUSE LOSS OF POWER IF FUEL TANKS IN USE ARE LESS THAN ¾ FULL.
PA-23-250 (six place) Aztec B with fuel injection.	27-2322 through 27-2504	WARNING—UNCOORDINATED MANEUVERS, INCLUDING SIDE SLIPS OF 30 SECONDS OR MORE, FOR ANY REASON, AND FAST TAXI TURNS JUST PRIOR TO TAKEOFF CAN CAUSE LOSS OF POWER IF FUEL TANKS IN USE ARE LESS THAN ½ FULL.

APPENDIX TO AD 2015–24–05—MODELS AFFECTED/MODEL SERIAL NUMBERS/APPLICABLE TEXT FOR SUPPLEMENTAL PAGE TO PILOT'S OPERATING HANDBOOK (POH)/AIRPLANE FLIGHT MANUAL (AFM)—Continued

Models affected	Model serial No.	Placard text for limitations section of the POH/AFM
PA–23–250 (six place) Aztec “C” PA–E23–250 (six place) Aztec “C”.	27–2505 through 27–3836, 27–3838 through 27–3943.	WARNING—UNCOORDINATED MANEUVERS, INCLUDING SIDE SLIPS OF 30 SECONDS OR MORE, FOR ANY REASON, AND FAST TAXI TURNS JUST PRIOR TO TAKEOFF CAN CAUSE LOSS OF POWER IF FUEL TANKS IN USE ARE LESS THAN ½ FULL.
PA–23–250 (six place) Aztec “D” PA–E23–250 (six place) Aztec “D”.	27–3837, 27–3944 through 27–4425, 27–4427 through 27–4573.	WARNING—UNCOORDINATED MANEUVERS, INCLUDING SIDE SLIPS OF 30 SECONDS OR MORE, FOR ANY REASON, AND FAST TAXI TURNS JUST PRIOR TO TAKEOFF CAN CAUSE LOSS OF POWER IF FUEL TANKS IN USE ARE LESS THAN ½ FULL.
PA–23–250 (six place) Aztec “E” PA–E23–250 (six place) Aztec “E”.	27–4426, 27–4574 through 27–7405476	WARNING—UNCOORDINATED MANEUVERS, INCLUDING SIDE SLIPS OF 30 SECONDS OR MORE, FOR ANY REASON, AND FAST TAXI TURNS JUST PRIOR TO TAKEOFF CAN CAUSE LOSS OF POWER IF FUEL TANKS IN USE ARE LESS THAN ½ FULL.
PA–30 Twin Comanche	30–1 through 30–2000	WARNING—UNCOORDINATED MANEUVERS, INCLUDING SIDE SLIPS OF 30 SECONDS OR MORE, FOR ANY REASON, AND FAST TAXI TURNS JUST PRIOR TO TAKEOFF CAN CAUSE LOSS OF POWER IF FUEL TANKS IN USE ARE LESS THAN ¼ FULL.
PA–39 Twin Comanche	39–1 through 39–155	WARNING—UNCOORDINATED MANEUVERS, INCLUDING SIDE SLIPS OF 30 SECONDS OR MORE, FOR ANY REASON, AND FAST TAXI TURNS JUST PRIOR TO TAKEOFF CAN CAUSE LOSS OF POWER IF FUEL TANKS IN USE ARE LESS THAN ¼ FULL.

Issued in Kansas City, Missouri, on November 24, 2015.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–30633 Filed 12–7–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9739]

RIN 1545–BF51; 1545–BM78

Reorganizations Under Section 368(a)(1)(F); Section 367(a) and Certain Reorganizations Under Section 368(a)(1)(F); Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to final regulations (TD

9739) that provide guidance regarding the qualification of a transaction as a corporate reorganization under section 368(a)(1)(F), and which were published in the **Federal Register** on Monday, September 21, 2015 (80 FR 56904).

DATES: This correction is effective December 8, 2015 and applicable September 21, 2015.

FOR FURTHER INFORMATION CONTACT: Douglas C. Bates at (202) 317–6065 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9739) that are the subject of this correction are under section 367 and 368 of the Internal Revenue Code.

Need for Correction

As published, the final regulation (TD 9739) contains errors that may prove to be misleading and are in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR part 1 is amended by making the following correcting amendments:

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 1.368–2 is amended by revising the last sentence of paragraph (m)(4) *Example 5.* and revising the third sentence of *Example 7.* to read as follows:

§ 1.368–2 Definition of terms.

* * * * *

(m) * * *

(4) * * *

Example 5. * * * The result would be the same with respect to qualification under section 368(a)(1)(F) if, instead of merging into S2, S1 completely liquidates or is deemed to liquidate by reason of a conversion in an entity disregarded as separate from its owner under § 301.7701–3 of this chapter.

* * * * *

Example 7. * * * Each of T, P, and S is a State A corporation engaged in a manufacturing business.

* * * * *

Martin V. Franks,

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

[FR Doc. 2015-30869 Filed 12-7-15; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 88

[Docket ID: DOD-2013-OS-0236]

RIN 0790-AJ17

Transition Assistance Program (TAP) for Military Personnel; Correction

AGENCY: Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Interim final rule; correction.

SUMMARY: On Monday, November 30, 2015 (80 FR 74678-74694), the Department of Defense published an interim final rule titled Transition Assistance Program (TAP) for Military Personnel. Subsequent to the publication of the interim final rule, the Department of Defense discovered that the phone number in the **FOR FURTHER INFORMATION CONTACT** section was not correct.

DATES: This correction is effective on December 8, 2015.

FOR FURTHER INFORMATION CONTACT: Ron Horne, 703-614-8631.

SUPPLEMENTARY INFORMATION: On page 74679, in the first column, the **FOR FURTHER INFORMATION CONTACT** section is revised to correct the phone number to read as set forth above.

Dated: December 2, 2015.

Aaron Siegel,

*Alternate OSD Federal Register Liaison
Officer, Department of Defense.*

[FR Doc. 2015-30839 Filed 12-7-15; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2015-0783]

Special Local Regulations; Recurring Marine Events in the Seventh Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement.

SUMMARY: The Coast Guard will enforce the regulation pertaining to the Charleston Parade of Boats from 4:00 p.m. through 8:00 p.m. on December 12, 2015. This action is necessary to ensure safety of life on navigable waters of the United States during the Charleston Parade of Boats. During the enforcement period, the special local regulation establishes a regulated area which will prohibit all people and vessels from entering. Vessels may enter, transit through, anchor in, or remain within the area if authorized by the Captain of the Port Charleston or a designated representative.

DATES: The Charleston Parade of Boats regulation in 33 CFR 100.701 will be enforced from 4:00 p.m. through 8:00 p.m. December 12, 2015.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT John Downing, Sector Charleston Office of Waterways Management, Coast Guard; telephone 843-740-3184, email John.Z.Downing@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulation for the Charleston Parade of Boats in 33 CFR 100.701 Table 1 from 4:00 p.m. through 8:00 p.m. on December 12, 2015.

Under the provisions of 33 CFR 100.701 no vessels or people may enter the regulated area, unless it receives permission to do so from the Captain of the Port. Only event sponsors, designated participants, and official patrol vessels are allowed to enter the regulated area. This rule creates a regulated area that will encompass a portion of the waterways during the parade transit from Charleston Harbor Anchorage A through Bennis Reach, Horse Reach, Hog Island Reach, Town Creek Lower Reach, Ashley River, and finishing at City Marina. Spectator vessels may transit outside the regulated area, but may not anchor, block, loiter in, or impede the transit of parade participants or official patrol vessels. The Coast Guard may be assisted by

other Federal, State, or local law enforcement agencies in enforcing this regulation.

This document is issued under authority of 33 CFR 100.701 and 5 U.S.C. 552 (a).

The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

Dated: November 10, 2015.

G.L. Tomasulo,

Captain, U.S. Coast Guard, Captain of the Port Charleston.

[FR Doc. 2015-30908 Filed 12-7-15; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2014-1044]

RIN 1625-AA00

Safety Zone; Shore (Belt) Parkway Bridge Construction, Mill Basin; Brooklyn, NY

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the navigable waters of Mill Basin surrounding the Shore (Belt) Parkway Bridge. This rule allows the Coast Guard to prohibit all vessel traffic through the safety zone during bridge replacement operations, both planned and unforeseen, that could pose an imminent hazard to persons and vessels operating in the area. This rule is necessary to provide for the safety of life in the vicinity of the construction of the new Shore (Belt) Parkway Bridge and demolition of the old Shore (Belt) Parkway Bridge.

DATES: This rule is effective January 7, 2016.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2014-1044 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 Mr. Jeff Yunker, Coast Guard Sector New York Waterways Management Division, U.S. Coast Guard 718-354-4195, email Jeff.M.Yunker@uscg.mil.

SUPPLEMENTARY INFORMATION:**I. Table of Abbreviations**

CFR Code of Federal Regulations
 COTP Captain of the Port
 DHS Department of Homeland Security
 E.O. Executive Order
 FR Federal Register
 LNM Local Notice to Mariners
 nm Nautical miles
 NPRM Notice of proposed rulemaking
 NYC DOT New York City Department of Transportation
 Pub. L. Public Law
 § Section
 U.S.C. United States Code

II. Background Information and Regulatory History

On Friday, March 13, 2015 the Coast Guard published a NPRM titled, “Safety Zone; Shore (Belt) Parkway Bridge Construction, Mill Basin, Brooklyn, NY” in the **Federal Register** (80 FR 13309). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this bridge construction. During the comment period that ended May 12, 2015, we received one comment. No public meetings were requested or held.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 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. The COTP New York has determined that potential hazards associated with the bridge construction may occur within a 200-yard radius of the bridge. The purpose of this rule is to ensure safety of vessels, workers, and the navigable waters in the safety zone associated with the bridge construction operations.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received one comment on our NPRM published March 13, 2015. In response, there are two changes in the regulatory text of this rule from the published NPRM.

A representative of Miramar Yacht Club, located on Sheepshead Bay, NY, submitted a comment identifying nine issues to the proposed rulemaking. Many of the omissions cited by Miramar Yacht Club occurred due to the limited construction schedule timeline in possession of the Coast Guard at the time the proposed rulemaking was published. The nine issues are as follows:

1. Failure to require entry and egress to Mill Basin at least 3–4 days every week during daylight hours.

Access to Mill Basin will be provided daily during daylight hours. The

existing work plan will only require an approximate 30-minute channel closure, approximately July through August, during steel erection. This is similar to the steel erection procedures and channel closures in use at the Shore (Belt) Parkway Bridge replacement project over Gerritsen Inlet, approximately 1.2 nm to the southwest. Upon completion of the new bridge, channel closures during demolition of the existing bridge are scheduled during the winter of 2016–2017. NYC DOT must still submit channel closure requests to USCG Sector New York for final approval. Enforcement times may last longer than 30 minutes during demolition of the existing Shore (Belt) Parkway Bridge.

2. Failure to ensure that entry and egress to Mill Basin is available in advance of a named storm in order to take refuge and be hauled out at a boat yard.

Entry and egress to Mill Basin will be available in advance of a named storm.

3. Failure to require at least two weeks prior notice of pending closures to Mill Basin users.

NYC DOT will provide at least two weeks’ notice prior to pending channel closures. NYC DOT has established a community relations liaison position for this project as they have for the Shore (Belt) Parkway Bridge replacement project over Gerritsen Inlet. Persons requesting to be added to the liaison’s notification list for project updates may email SevenBeltBridgesOutreach@gmail.com or call 347–702–6430 extension 114. Additional project information is available at <https://www.facebook.com/beltparkway> and http://www.nyc.gov/html/dot/downloads/pdf/beltpkwybrgs_eng.pdf.

4. Failure to prohibit or significantly limit closures from May through October during high recreational traffic in Mill Basin.

In actuality, channel closures are limited during this project. See our response in paragraph 1 above.

5. Failure to restrict NYC DOT operations which create or are at risk of creating an imminent hazard to Mill Basin users or limit vessel access when vessel traffic is least affected.

In actuality, channel closures are limited during this project. See our response in paragraph 1 above.

6. Failure to require NYC DOT to establish and maintain a construction schedule which minimizes and mitigates interference with vessel access to, from, and through Mill Basin.

In actuality, channel closures are limited during this project. See our response in paragraph 1 above. In addition, the USCG Bridge Permit 5–09–

1 requires that, “All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events that may affect navigation shall be given to the District Commander during construction of the bridge”.

7. Failure to address the fact that NYC DOT operations are subordinate to the USCG’s obligations to keep access to the navigable waterways of the United States free from obstruction and interference and not vice-versa.

The bridge is being constructed under the authority of a bridge permit issued by the USCG. The safety zone is being established under the Federal authorities listed in the Regulatory text. NYC DOT must still submit channel closure requests to USCG Sector New York for final approval. However, USCG Bridge Permit 5–09–1 states, “Issuance of this permit does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of any federal, state or local authority having cognizance of any aspect of the location, construction or maintenance of said bridge”.

8. Failure to require the least burdensome restriction of access possible.

See our response in paragraphs 1 and 6 above as to how channel closures are limited during this project.

9. Failure to have a “sun set” provision in the rule which clarifies the temporary right to direct Mill Basin waterway closures.

As stated in the NPRM (Discussion of Proposed Rule), the current construction completion date for the Shore (Belt) Parkway Bridge Replacement work over Mill Basin is 2021. Not publishing a contract completion date in the Regulatory text allows the USCG to enforce the safety zone if there are any unforeseen circumstances that prevents the contractors from finishing the project on time. If a contract completion date (“sun set provision”) was published in the Regulatory text and the project was not completed on time, then publication of an additional Temporary Final Rule would have been required that in all likelihood would not have provided a public comment period. Once the bridge project is complete, the USCG will disestablish this regulation via a Direct Final Rule.

As a result of the comment we received, we are making the following two changes to the regulatory text:

1. This regulation is assigned the permanent section number of 33 CFR

165.161, instead of the temporary section number of 33 CFR 165.T01–1044 as published in the NPRM. This is because we did not provide a project completion date in the regulatory text in case the project is not completed on time. We will disestablish this permanent rule by publishing a Direct Final Rule upon project completion.

2. The Enforcement Periods notification regulations proposed in § 165.161(c)(2) of the NPRM is revised to the standard notification requirement listed in 33 CFR 165.7. The two week notification process for channel closures does not allow sufficient time for us to draft, review, and obtain the COTP's signature, and have the Notification of Enforcement published in the **Federal Register** at least 30 days prior to each channel closure.

This rule establishes a safety zone on January 7, 2016. The safety zone will cover all navigable waters within 200 yards of the Shore (Belt) Parkway Mill Basin Bridge. The duration of the zone is intended to ensure the safety of vessels, workers, and the navigable waters in the safety zone associated with the bridge construction and demolition operations. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

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 size, location, duration, and time-of-day of the safety zone. This safety zone will impact a small designated area of Mill Basin for approximately 30 minute intervals during weekdays when vessel traffic is normally low. Safety zone enforcement times may be longer during demolition

operations of the old Shore (Belt) Parkway Bridge. Moreover, the Coast Guard will issue a District One Local Notice to Mariners (LNM) via <http://www.navcen.uscg.gov/?pageName=lnmMain> about the zone. In addition, NYC DOT has established a community liaison to notify affected mariners about this project. Persons requesting to be added to the liaison's notification list for project updates may email SevenBeltBridgesOutreach@gmail.com or call 347–702–6430 extension 114.

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 received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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 M16475.1D, 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 safety zone lasting less than 30 minutes during steel erection that will prohibit entry within 200 yards of the Shore (Belt) Parkway Bridge over Mill Basin. Enforcement times may last longer than 30 minutes during demolition of the old Shore (Belt) Parkway Bridge. 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 will be available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

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 AREA

■ 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 § 165.161 to read as follows:

§ 165.161 Safety Zone; Shore (Belt) Parkway Bridge Construction, Mill Basin, Brooklyn, NY.

(a) *Location.* The following area is a safety zone: All waters from surface to bottom of Mill Basin within 200 yards of the Shore (Belt) Parkway Mill Basin bridge, east of a line drawn from 40°36′24.29″ N., 073°54′02.59″ W. to 40°36′11.36″ N., 073°54′04.69″ W., and west of a line drawn from 40°36′21.13″ N., 073°53′47.38″ W. to 40°36′11.59″ N., 073°53′48.88″ W.

(b) *Definitions.* The following definitions apply to this section:

(1) *Designated representative.* A “designated representative” is any Coast Guard commissioned, warrant or petty

officer of the U.S. Coast Guard who has been designated by the Captain of the Port (COTP) New York, to act on his or her behalf. The designated representative may be on an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official patrol vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(c) *Enforcement periods.* (1) This safety zone is in effect permanently starting January 7, 2016, but will only be enforced when deemed necessary by the COTP.

(2) The COTP will rely on the methods described in § 165.7 to notify the public of the enforcement of this safety zone. Such notifications will include the date and times of enforcement, along with any pre-determined conditions of entry.

(d) *Regulations.* (1) The general regulations contained in § 165.23, as well as the regulations in paragraphs (d)(2) and (3) of this section, apply.

(2) During periods of enforcement, all persons and vessels must comply with all orders and directions from the COTP or a COTP’s designated representative.

(3) During periods of enforcement, upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of the vessel must proceed as directed.

Dated: November 24, 2015.

M.H. Day,

Captain, U.S. Coast Guard, Captain of the Port New York.

[FR Doc. 2015–30906 Filed 12–7–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–1008]

RIN 1625–AA00

Safety Zone; Witt-Penn Bridge Construction, Hackensack River; Jersey City, NJ

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a safety zone on the navigable waters of the Hackensack

River surrounding the Witt-Penn Bridge between Jersey City and Kearny, NJ. In response to a planned Witt-Penn Bridge construction project, this rule allows the Coast Guard to prohibit all vessel traffic through the safety zone during bridge replacement operations that could pose an imminent hazard to persons and vessels operating in the area. This rule is necessary to provide for the safety of life in the vicinity of the construction of the Witt-Penn Bridge.

DATES: This rule is effective January 7, 2016.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2014–1008 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 Mr. Jeff Yunker, Coast Guard Sector New York; telephone (718) 354–4195, or email jeff.m.yunker@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

COTP Captain of the Port New York
DHS Department of Homeland Security
E.O. Executive Order
FR Federal Register
NJ DOT New Jersey Department of Transportation
NPRM Notice of Proposed Rulemaking

II. Background Information and Regulatory History

On April 7, 2011 the Coast Guard issued a Bridge Permit approving the location and construction of the Witt-Penn Bridge across the Hackensack River, mile 3.1, between Kearny and Jersey City, NJ. The Coast Guard published a Solicitation of Comments from NJ DOT in the First Coast Guard District Local Notice to Mariners #16 (April 23, 2014) through #20 (May 21, 2014). This solicitation requested comments regarding impacts to navigation from NJ DOT’s proposed tentative channel closures/restrictions.

On June 26, 2015, we published an NPRM titled Safety Zone; Witt-Penn Bridge Construction, Hackensack River; Jersey City, NJ in the **Federal Register** (80 FR 36733). We invited comments on our proposed regulatory action related to the bridge construction project. During the comment period that ended August 25, 2015, we received one comment.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under the authority in 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. The COTP has determined that potential hazards associated with bridge construction will be a safety concern for anyone within approximately 500 feet of the Witt-Penn Bridge. The purpose of this rule is to ensure the safety of vessels and workers from hazards associated with construction of the replacement Witt-Penn Bridge and the follow-on demolition of the current Witt-Penn Bridge.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received one comment on our NPRM published June 26, 2015. We received one comment regarding nurse infection control in a rural area in the State of Missouri. This is outside the purview of this rulemaking. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a safety zone on January 7, 2016. The safety zone will cover all navigable waters within approximately 500 feet of the Witt-Penn Bridge (river mile 3.1) on the Hackensack River between Jersey City and Kearny, NJ. The duration of the zone, one to 21 days, is intended to ensure the safety of life and vessels during bridge construction and demolition operations. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and 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 safety zone will be limited to the Hackensack River area, closures will be of a limited duration

(one to 21 days), and waterway users have already been notified of the proposed closures through the Local Notice to Mariners. Moreover, the Coast Guard will issue advanced public notifications to local mariners through appropriate means, which may include but are not limited to marine broadcasts or Local Notice to Mariners which would allow the public an opportunity to plan for these closures.

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 received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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 M16475.1D, 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 safety zone lasting between one and 21 days that will prohibit entry within

approximately 500 feet of the Witt-Penn Bridge. 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 § 165.162 to read as follows:

§ 165.162 Safety Zone; Witt-Penn Bridge Construction, Hackensack River, Jersey City, NJ.

(a) *Location.* The following area is a safety zone: All waters from surface to bottom of the Hackensack River bound by the following approximate positions: North of a line drawn from 40°44'27.4" N., 074°05'09.8" W. to 40°44'22.9" N., 074°04'53.1" W. (NJ PATH Bridge at mile 3.0), and south of a line drawn from 40°44'33.2" N., 074°04'51.0" W. to 40°44'28.2" N., 074°04'42.7" W. (500 feet north of the new Witt-Penn Bridge) (NAD 83).

(b) *Definitions.* The following definitions apply to this section:

(1) *Designated representative.* A “designated representative” is any Coast Guard commissioned, warrant or petty officer of the U.S. Coast Guard who has been designated by the Captain of the Port (COTP) to act on his or her behalf. A designated representative may be on

an official patrol vessel or may be on shore and will communicate with vessels via VHF–FM radio or loudhailer. In addition, members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation.

(2) *Official patrol vessels.* Official patrol vessels may consist of any Coast Guard, Coast Guard Auxiliary, state, or local law enforcement vessels assigned or approved by the COTP.

(c) *Enforcement periods.* (1) This safety zone is in effect permanently starting January 7, 2016, but will only be enforced when deemed necessary by the COTP.

(2) The Coast Guard will rely on the methods described in § 165.7 to notify the public of the time and duration of any closure of the safety zone. Violations of this safety zone may be reported to the COTP at 718–354–4353 or on VHF–Channel 16.

(d) *Regulations.* (1) The general regulations contained in § 165.23, as well as paragraphs (d)(2) and (3) of this section, apply.

(2) During periods of enforcement, all persons and vessels must comply with all orders and directions from the COTP or a COTP’s designated representative.

(3) During periods of enforcement, upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of the vessel must proceed as directed.

Dated: November 6, 2015.

M.H. Day,

Captain, U.S. Coast Guard, Captain of the Port New York.

[FR Doc. 2015–30907 Filed 12–7–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2013–0047; FRL–9932–60–Region 8]

Air Plan Approval; ND; Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is updating the materials that are incorporated by reference (IBR) into the North Dakota State Implementation Plan (SIP). The regulations affected by this update have been previously submitted by the North Dakota Department of Health and approved by the EPA. In this action, the

EPA is also notifying the public of corrections to typographical errors and minor formatting changes to the IBR tables. This update affects the SIP materials that are available for public inspection at the EPA Regional Office.

DATES: This action is effective December 8, 2015.

ADDRESSES: The EPA has established a docket for this action under Docket Identification Number EPA–R08–OAR–2013–0047. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in the hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at EPA Region 8, Office of Partnership and Regulatory Assistance, Air Program, 1595 Wynkoop Street, Denver, Colorado 80202–1129. The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. An electronic copy of the State’s SIP compilation is also available at <http://www.epa.gov/region8/air/sip.html>.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

I. Background

The SIP is a living document which a state revises as necessary to address its unique air pollution problems. Therefore, the EPA, from time to time, must take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997 (62 FR 27968), the EPA revised the procedures for incorporating by reference federally-approved SIPs, as a result of consultation between the EPA and the Office of the Federal Register (OFR). The description of the revised SIP document, IBR procedures and “Identification of Plan” format are discussed in further detail in the May 22, 1997, **Federal Register** document. On April 21, 2009 (74 FR 18141) the EPA published an update to the IBR material for North Dakota as of March 1, 2009. Today’s action is an update to the March 1, 2009 document.

II. EPA Action

In this action, the EPA is announcing the update to the IBR material as of August 1, 2015. The EPA is also correcting typographical errors, including omissions and other minor errors in subsection 52.1820, paragraphs (c), (d), and (e).

III. Good Cause Exemption

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

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

IV. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866. Because the agency has made a "good cause" finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute as indicated in the **SUPPLEMENTARY INFORMATION** section, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does not have a

substantial direct effect on one or more Indian tribes, on the relationship between the federal government and Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. This rule does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying rules are discussed in previous actions taken on the State's rules.

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

B. Submission to Congress and the Comptroller General

The Congressional Review Act (5 U.S.C. 801 *et seq.*), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable,

unnecessary or contrary to the public interest. This action simply codifies provisions which are already in effect as a matter of law in federal and approved state programs. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding and established an effective date of December 8, 2015. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This change to the identification of plan for North Dakota is not a "major rule" as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

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

List of Subjects in 40 CFR Part 52

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

Dated: September 8, 2015.

Shaun L. McGrath,
Regional Administrator, Region 8.

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 JJ—North Dakota

■ 2. In § 52.1820 paragraphs (b), (c), (d) and (e) are revised to read as follows:

§ 52.1820 Identification of plan.

* * * * *

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval

date prior to August 1, 2015, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval

dates after August 1, 2015, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 8 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations

which have been approved as part of the SIP as of August 1, 2015.

(3) Copies of the materials incorporated by reference may be inspected at the EPA Region 8 Office, Office of Partnerships and Regulatory Assistance (OPRA), Air Program, 1595 Wynkoop Street, Denver, Colorado 80202-1129.

(c) *EPA-approved regulations.*

Rule No.	Rule title	State effective date	EPA effective date	Final rule citation/date	Comments
33-15-01. General Provisions					
33-15-01-01	Purpose	10/1/87	6/12/89	54 FR 20574, 5/12/89	
33-15-01-02	Scope	10/1/87	6/12/89	54 FR 20574, 5/12/89	
33-15-01-03	Authority	9/1/97	5/3/04	69 FR 17302, 4/2/04	
33-15-01-04	Definitions	4/1/11	6/2/14	79 FR 25021, 5/2/14	
33-15-01-05	Abbreviations	4/1/09	12/5/11	76 FR 68317, 11/4/11	
33-15-01-06	Entry onto Premises—Authority.	10/1/87	6/12/89	54 FR 20574, 5/12/89	
33-15-01-07	Variances	6/1/1990	8/25/1992	57 FR 28619, 6/26/92	
33-15-01-08	Circumvention	6/1/90	8/25/92	57 FR 28619, 6/26/92	
33-15-01-09	Severability	10/1/87	6/12/89	54 FR 20574, 5/12/89	
33-15-01-10	Land use plans and zoning regulations.	10/1/87	6/12/89	54 FR 20574, 5/12/89	
33-15-01-12	Measurement of emissions of air contaminants.	6/1/01	3/31/03	68 FR 9565, 2/28/03	
33-15-01-13	Shutdown and malfunction of an installation—Requirement for notification.	4/1/09	12/5/11	76 FR 68317, 11/4/11	
33-15-01-14	Time schedule for compliance	10/1/87	6/12/89	54 FR 20574, 5/12/89	
33-15-01-15	Prohibition of air pollution	6/1/01	3/31/03	68 FR 9565, 2/28/03	
33-15-01-16	Confidentiality of records	10/1/87	6/12/89	54 FR 20574, 5/12/89	
33-15-01-17	Enforcement	3/1/03	11/22/04	69 FR 61762, 10/21/04	
33-15-01-18	Compliance Certifications	3/1/03	11/22/04	69 FR 61762, 10/21/04	
33-15-02. Ambient Air Quality Standards					
33-15-02-01	Scope	10/1/87	6/12/89	54 FR 20574, 5/12/89	
33-15-02-02	Purpose	10/1/87	6/12/89	54 FR 20574, 5/12/89	
33-15-02-03	Air quality guidelines	10/1/87	6/12/89	54 FR 20574, 5/12/89	
33-15-02-04	Ambient air quality standards	4/1/11	6/2/14	79 FR 25021, 5/2/14	
33-15-02-05	Method of sampling and analysis.	12/1/94	12/9/96	61 FR 52865, 10/8/96	
33-15-02-06	Reference conditions	10/1/87	6/12/89	54 FR 20574, 5/12/89	
33-15-02-07	Concentration of air contaminants in the ambient air restricted.	4/1/11	6/2/14	79 FR 25021, 5/2/14	
Table 1	Ambient Air Quality Standards	4/1/11	6/2/14	77 FR 25021, 5/2/14	
Table 2	National Ambient Air Quality Standards.	4/1/11	6/2/14	79 FR 25021, 5/2/14	
33-15-03. Restriction of Emission of Visible Air Contaminants					
33-15-03-01	Restrictions applicable to existing installations.	10/1/87	6/12/89	54 FR 20574, 5/12/89	
33-15-03-02	Restrictions applicable to new installations and all incinerators.	10/1/87	6/12/89	54 FR 20574, 5/12/89	
33-15-03-03	Restrictions applicable to fugitive emissions.	10/1/87	6/12/89	54 FR 20574, 5/12/89	
33-15-03-03.1	Restrictions applicable to flares.	10/1/87	6/12/89	54 FR 20574, 5/12/89	
33-15-03-04	Exceptions	1/1/13	10/22/14	79 FR 63045, 11/21/14	
33-15-03-05	Method of measurement	10/1/87	6/12/89	54 FR 20574, 5/12/89	
33-15-04. Open Burning Restrictions					
33-15-04-01	Refuse burning restrictions	1/1/07	7/28/08	73 FR 30308, 5/27/08	

Rule No.	Rule title	State effective date	EPA effective date	Final rule citation/date	Comments
33-15-04-02	Permissible open burning	1/1/07	7/28/08	73 FR 30308, 5/27/08	
33-15-05. Emissions of Particulate Matter Restricted					
33-15-05-01	Restriction of emission of particulate matter from industrial processes.	1/1/13	10/22/14	79 FR 63045, 11/21/14	
33-15-05-02	Maximum allowable emission of particulate matter from fuel burning equipment used for indirect heating.	3/1/03	11/22/04	69 FR 61762, 10/21/04	
33-15-05-03.2	Refuse incinerators	4/1/09	12/5/11	76 FR 68317, 11/4/11	
33-15-05-03.3	Other waste incinerators	3/1/03	11/22/04	69 FR 61762, 10/21/04	
33-15-05-04	Methods of measurement	3/1/03	11/22/04	69 FR 61762, 10/21/04	
33-15-06. Emissions of Sulfur Compounds Restricted.					
33-15-06-01	Restriction of emissions of sulfur dioxide from use of fuel.	3/1/03	11/22/04	69 FR 61762, 10/21/04	See 63 FR 45722 (8/27/98) for additional material.
33-15-06-02	Restriction of emissions of sulfur oxides from industrial processes.	6/1/92	12/20/93	58 FR 54041, 10/20/93	
33-15-06-03	Methods of measurement	3/1/03	11/22/04	69 FR 61762, 10/21/04	
33-15-06-04	Continuous emission monitoring requirements.	6/1/92	12/20/93	58 FR 54041, 10/20/93	
33-15-06-05	Reporting and recordkeeping requirements.	6/1/92	12/20/93	58 FR 54041, 10/20/93	
33-15-07. Control of Organic Compounds Emissions					
33-15-07-01	Requirements for construction of organic compounds facilities.	9/1/98	11/1/99	64 FR 47395, 8/31/99	
33-15-07-02	Requirements for organic compounds gas disposal.	6/1/92	10/20/95	60 FR 43396, 8/21/95	
33-15-08. Control of Air Pollution from Vehicles and Other Internal Combustion Engines.					
33-15-08-01	Internal combustion engine emissions restricted.	7/1/78	11/2/79	44 FR 63102, 11/2/79	
33-15-08-02	Removal and/or disabling of motor vehicle pollution control devices prohibited.	7/1/78	11/2/79	44 FR 63102, 11/2/79	
33-15-10. Control of Pesticides					
33-15-10-01	Pesticide use restricted	1/1/89	9/10/90	55 FR 32403, 8/9/90	
33-15-10-02	Restrictions on the disposal of surplus pesticides and empty pesticide containers.	6/1/90	8/25/92	57 FR 28619, 6/26/92	
33-15-11. Prevention of Air Pollution Emergency Episodes					
33-15-11-01	Air pollution emergency	10/1/87	6/12/89	54 FR 20574, 5/12/89	
33-15-11-02	Air pollution episode criteria ..	10/1/87	6/12/89	54 FR 20574, 5/12/89	
33-15-11-03	Abatement strategies emission reduction plans.	10/1/87	6/12/89	54 FR 20574, 5/12/89	
33-15-11-04	Preplanned abatement strategies plans.	1/1/89	9/10/90	55 FR 32403, 8/9/90	
Table 6	Air pollution episode criteria ..	8/1/95	6/20/97	62 FR 19224, 4/21/97	
Table 7	Abatement strategies emission reduction plans.	8/1/95	6/20/97	62 FR 19224, 4/21/97	
33-15-14. Designated Air Contaminant Sources Permit to Construct Minor Source Permit to Operate Title V Permit to Operate					
33-15-14-01	Designated air contaminant sources.	4/1/11	6/2/14	79 FR 25021, 5/2/14	
33-15-14-01.1	Definitions	1/1/96	6/20/97	62 FR 19224, 4/21/97	

Rule No.	Rule title	State effective date	EPA effective date	Final rule citation/date	Comments
33–15–14–02	Permit to construct	4/1/11	6/2/14	79 FR 25021, 5/2/14	Excluding subsections 1, 12, 13, 3.c., 13.b.1., 5, 13.c., 13.i(5), 13.o., and 19 (one sentence) which were subsequently revised and approved. See 57 FR 28619 (6/26/92), regarding State's commitment to meet requirements of EPA's "Guideline on Air Quality Models (revised)."
33–15–14–03	Minor source permit to operate.	4/1/11	6/2/14	79 FR 25021, 5/2/14	
33–15–14–07	Source exclusion from title V permit to operate requirements.	6/1/01	3/31/03	68 FR 9565, 2/28/03	
33–15–15. Prevention of Significant Deterioration of Air Quality					
33–15–15–01.1	Purpose	2/1/05	8/20/07	72 FR 39564, 7/19/07	See 40 CFR 52.1829(c) and (d).
33–15–15–01.2	Scope	1/1/13	8/29/13	78 FR 45866, 7/30/13	
33–15–15–02	Reclassification	2/1/05	8/20/07	72 FR 39564, 7/19/07	
33–15–17. Restriction of Fugitive Emissions					
33–15–17–01	General provisions—applicability and designation of affected facilities.	6/1/01	3/31/03	68 FR 9565, 2/28/03	
33–15–17–02	Restriction of fugitive particulate emissions.	1/1/07	7/28/08	73 FR 30308, 5/27/08	
33–15–17–03	Reasonable precautions for abating and preventing fugitive particulate emissions.	7/1/78	11/2/79	44 FR 63102, 11/2/79	
33–15–17–04	Restriction of fugitive gaseous emissions.	7/1/78	11/2/79	44 FR 63102, 11/2/79	
33–15–18. Stack Heights					
33–15–18–01	General provisions	10/1/87	1/13/89	53 FR 45763, 11/14/88	
33–15–18–02	Good engineering practice demonstrations.	10/1/87	1/13/89	53 FR 45763, 11/14/88	
33–15–18–03	Exemptions	10/1/87	1/13/89	53 FR 45763, 11/14/88	
33–15–19. Visibility Protection					
33–15–19–01	General provisions	10/1/87	11/28/88	53 FR 37757, 9/28/88	
33–15–19–02	Review of new major stationary sources and major modifications.	10/1/87	11/28/88	53 FR 37757, 9/28/88	
33–15–19–03	Visibility monitoring	10/1/87	11/28/88	53 FR 37757, 9/28/88	
33–15–20. Control of Emissions from Oil and Gas Well Production Facilities					
33–15–20–01	General provisions	6/1/92	10/20/95	60 FR 43396, 8/21/95	
33–15–20–02	Registration and reporting requirements.	6/1/92	10/20/95	60 FR 43396, 8/21/95	
33–15–20–03	Prevention of significant deterioration applicability and source information requirements.	6/1/92	10/20/95	60 FR 43396, 8/21/95	
33–15–20–04	Requirements for control of production facility emissions.	6/1/90	8/25/92	57 FR 28619, 6/26/92	
33–15–23. Fees					
33–15–23–01	Definitions	8/1/95	6/20/97	62 FR 19224, 4/21/97	
33–15–23–02	Permit to construct fees	8/1/95	6/20/97	62 FR 19224, 4/21/97	
33–15–23–03	Minor source permit to operate fees.	4/1/09	12/5/11	76 FR 68317, 11/4/11	

Rule No.	Rule title	State effective date	EPA effective date	Final rule citation/date	Comments
33–15–25. Regional Haze Requirements					
33–15–25–01	Definitions	1/1/07	5/7/12	77 FR 20894, 4/6/12	
33–15–25–02	Best available retrofit technology.	1/1/07	5/7/12	77 FR 20894, 4/6/12	
33–15–25–03	Guidelines for best available retrofit technology determinations under the regional haze rule.	1/1/07	5/7/12	77 FR 20894, 4/6/12	
33–15–25–04	Monitoring, recordkeeping, and reporting.	1/1/07	5/7/12	77 FR 20894, 4/6/12	

(d) *EPA-approved source specific requirements.*

Rule No.	Rule title	State effective date	EPA effective date	Final rule citation/date	Comments
American Crystal Sugar at Drayton.					
Chapter 8, Section 8.3., Permit 730015.	Continuous Emission Monitoring Requirements for Existing Stationary Sources, including Amendments to Permits to Operate and Department Order.	5/6/77	10/17/77	42 FR 55471, 10/17/77	
Coal Creek Station Units 1 and 2.					
PTC10005	Air pollution Control permit to construct for best available retrofit technology (BART).	2/23/10	5/7/12	77 FR 20894, 4/6/12	Excluding disapproved NO _x BART emissions limits for Units 1 and 2 and corresponding monitoring, recordkeeping, and reporting requirements.
Heskett Station Units 1 and 2.					
Chapter 8, Section 8.3., Permit F76001.	Continuous Emission Monitoring Requirements for Existing Stationary Sources, including amendments to Permits to Operate and Department Order.	5/6/77	10/17/77	42 FR 55471, 10/17/77	
PTC 10028	Air Pollution Control Permit to Construct for Best Available Retrofit Technology (BART) Heskett Unit 2.	7/22/10	5/7/12	77 FR 20894, 4/6/12	
Leland Olds Units 1 and 2.					
Chapter 8, Section 9.3., Permit 730004.	Continuous Emission Monitoring Requirements for Existing Stationary Sources, including amendments to Permits to Operate and Department Order.	5/6/77	10/17/77	42 FR 55471, 10/17/77	
PTC10004	Air pollution control permit to construct for best available retrofit technology (BART).	2/23/10	5/7/12	77 FR 20894, 4/6/12	
Milton R. Young Station Units 1 and 2.					
Chapter 8, Section 8.3.2.	Continuous Opacity Monitoring for M.R. Young Station Unit 1 Main Boiler.	3/1/13	8/31/15	80 FR 37157, 6/30/15	

Rule No.	Rule title	State effective date	EPA effective date	Final rule citation/date	Comments
PTC10007	Air pollution control permit to construct for best available retrofit technology (BART).	2/23/10	5/7/12	77 FR 20894, 4/6/12	
Stanton Station Unit 1.					
Chapter 8, Section 8.3.1., Permit F76007.	Compliance Schedule for Installation of Continuous Opacity Monitoring Instruments.	3/15/77	5/7/12	77 FR 20894, 4/6/12	
PTC 10006	Air Pollution Control Permit to Construct for Best Available Retrofit Technology (BART).	2/23/10	5/7/12	77 FR 20894, 4/6/12	
Tesoro Mandan Refinery.					
77–311 APC	Compliance Schedule for Continuous Opacity Monitoring Instruments.	5/9/77	7/28/08	73 FR 30308, 5/27/08	
Chapter 8, Section 8.3.1.	Continuous Opacity Monitoring for Fluid Bed Catalytic Cracking Units: Tesoro Refining and Marketing Co., Mandan Refinery.	2/27/07	7/28/08	73 FR 30308, 5/27/08	

(e) *EPA-approved nonregulatory provisions.*

Rule No.	Rule title	State effective date	EPA effective date	Final rule citation/date	Comments
Chapter 1. Introduction.					
Sections 1.1. thru 1.7.	Section 1.1., Purpose; 1.2., Scope; 1.3., Classification of Regions; 1.4., Public Hearings; 1.5., Reports; 1.6., Provisions for Making Emissions Data Available to the Public; 1.7., Revisions, Individually Negotiated Compliance Schedules—Public Hearing (5/15/1973).	1/24/72	6/30/72	37 FR 10842, 5/31/72	
Section 1.8	Revisions: Public Hearing (11/20/1973).	11/20/73	11/16/77	42 FR 55471, 10/17/77	
Section 1.9	Revisions: Public Hearing (5/22/1974).	5/22/74	11/16/77	42 FR 55471, 10/17/77	
Section 1.10	Public Hearing: (11/17/1975) Adoption of regulations Pursuant to Request for Delegation of Authority to Implement and Enforce Federal NSPS, NESHAPS, and PSD Programs.	11/17/75	11/16/77	42 FR 55471, 10/17/77	
Section 1.13	Revisions, Public Hearing—Adoption of New and Revised Air Pollution Control Regulations and Revisions to the Implementation Plan.	11/2/79	8/12/80	45 FR 53475, 8/12/80	
Section 1.14	Revisions to the Implementation Plan.	4/1/09	10/17/12	77 FR 57029, 9/17/12	

Rule No.	Rule title	State effective date	EPA effective date	Final rule citation/date	Comments
Chapter 2. Legal Authority.					
Sections 2.1. thru 2.10.	2.1., Introduction; 2.2., 420.11(a); 2.3., 420.11(b); 2.4., 420.11(c); 2.5., 420.11(d); 2.6., 420.11(e); 2.7., 420.11(f); 2.8., Future Legal Authority Needs; 2.9., Legal Authority to Control Indirect Sources of Air Pollution; 2.10., Legal Authority to Implement and Enforce Federal NSPS, NESHAPS, and PSD Programs.	1/24/72	5/31/72	37 FR 10842, 5/31/72	
Section 2.11	Legal Authority for Collection of Permit or Registration Processing Fees and Inspection Program Fees and Registration of Certain Air Contaminant Sources.	7/1/79	8/12/80	45 FR 53475, 8/12/80	
Section 2.15	Respecting Boards	3/1/13	8/28/13	78 FR 45867, 7/29/13	
Chapter 3. Control Strategy.					
Section 3.1	Introduction	1/24/72	5/31/72	37 FR 10842, 5/31/72	
Section 3.2	Control Strategy: Particulate Matter.	1/24/72	5/31/72	37 FR 10842, 5/31/72	
Section 3.2.1	Control Strategy: Particulate Matter (PM ₁₀).	1/1/89	9/10/90	55 FR 32403, 8/0/90	
Section 3.3	Control Strategy: Sulphur Oxides.	1/24/72	5/31/72	37 FR 10842, 5/31/72	
Section 3.4	Control Strategy: Carbon Monoxide, Hydrocarbons, Photochemical Oxidants, and Nitrogen Dioxide.	1/24/72	5/31/72	37 FR 10842, 5/31/72	
Section 3.5	Future Control Strategy Needs.	1/24/72	5/31/72	37 FR 10842, 5/31/72	
Section 3.6	Identification and Designation of Air Quality Maintenance Areas.	1/24/72	5/31/72	37 FR 10842, 5/31/72	
Section 3.7	Visibility—Long-Term Strategy		12/4/89	54 FR 41094, 10/5/89	
Chapter 4. Compliance Schedules.					
Chapter 4	Compliance Schedules	2/19/74	5/31/72	37 FR 10842, 5/31/72	
Chapter 5. Prevention of Air Pollution Emergency Episodes.					
Chapter 5	Prevention of Air Pollution Emergency Episodes.	1/24/72	5/31/72	37 FR 10842, 5/31/72	
Section 5.2.1	Replacement of TSP levels with PM ₁₀ levels.	1/1/89	9/10/90	55 FR 32403, 8/9/90	
Chapter 6. Air Quality Surveillance.					
Section 6.1 thru 6.7	6.1., Introduction; 6.2., Ambient Air Quality Monitoring Network Design; 6.3., Ambient Air Quality Monitoring Network Description; 6.4., Station Designations; 6.5., Air Quality Monitoring Criteria; 6.6., Episode Monitoring; 6.7., Data Reporting.	1/1/80	8/12/80	45 FR 53475, 8/12/80	
Section 6.8	Annual Network Review	4/1/09	10/17/12	77 FR 57029, 9/17/12	
Section 6.9	Public Notification	1/1/80	8/12/80	45 FR 53475, 8/12/89	
Section 6.10	Visibility Monitoring	10/1/87	11/28/88	53 FR 37757, 9/28/88	
Section 6.11	Particulate Matter (PM ₁₀)	1/1/89	9/10/90	55 FR 32403, 8/9/90	
Section 6.11.3	Ozone	4/1/09	10/17/12	77 FR 57029, 9/17/12	

Rule No.	Rule title	State effective date	EPA effective date	Final rule citation/date	Comments
Section 6.13	Visibility Monitoring: Theodore Roosevelt National Park.	1/9/96	6/20/97	62 FR 19224, 4/21/97	
Chapter 7. Review of New Sources and Modifications.					
Sections 7.1 thru 7.6.	Review of New Sources and Modifications.	1/24/72	5/31/72	37 FR 10842, 5/31/72	
Chapter 7.7. Air Quality Modeling.					
Section 7.7	Air Quality Modeling	4/1/09	10/17/09	77 FR 57029, 9/17/09	
Chapter 7.8. Interstate Transport.					
Section 7.8	Interstate Transport of Air Pollution.	4/1/09	7/6/10	75 FR 31290, 6/3/10	
Section 7.8.1	Interstate Transport Relating to the 1997 8-hour Ozone and PM _{2.5} National Ambient Air Quality Standards.	4/1/09	12/22/10	75 FR 71023, 11/22/10	
Chapter 8. Source Surveillance.					
Chapter 8	Source Surveillance	1/24/72	5/31/72	37 FR 10842, 5/31/72	
Chapter 9. Resources.					
Chapter 9	Resources	4/1/09	10/17/12	77 FR 57029, 9/17/12	
Chapter 10. Intergovernmental Cooperation.					
Chapter 10.	Intergovernmental Cooperation.	1/24/72	5/31/72	37 FR 10842, 5/31/72	
Chapter 12. The Small Business Assistance Program.					
Chapter 12	The Small Business Assistance Program.	10/23/92	2/10/94	59 FR 1485, 1/11/94	

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52****[EPA-R09-OAR-2015-0690; FRL-9937-29-Region 9]****Approval of California Air Plan Revisions, South Coast Air Quality Management District and Yolo-Solano Air Quality Management District****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the South Coast Air Quality Management District (SCAQMD) and Yolo-Solano Air Quality Management District (YSAQMD) portions of the California State Implementation Plan (SIP). These

revisions concern emissions of volatile organic compounds (VOCs) from motor vehicle and mobile equipment refinishing coating operations. We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: This rule is effective on February 8, 2016 without further notice, unless the EPA receives adverse comments by January 7, 2016. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit comments, identified by docket number [EPA-R09-OAR-2015-0690, by one of the following methods:

1. *Federal eRulemaking Portal:* www.regulations.gov. Follow the online instructions.
2. *Email:* steckel.andrew@epa.gov.
3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Instructions: Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. If you need to include CBI as part of your comment, please visit <http://www.epa.gov/dockets/comments.html> for further instructions. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. For the full EPA public comment policy and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

Docket: Generally, documents in the docket for this action are available electronically at www.regulations.gov or in hard copy at EPA Region IX, 75

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

FOR FURTHER INFORMATION CONTACT:
Arnold Lazarus, EPA Region IX, (415) 972–3024, lazarus.arnold@epa.gov.

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

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I. The State’s Submittal

A. What rules did the State submit?

Table 1 lists the rules addressed by this action with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted/ revised	Submitted
SCAQMD	1151	Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations.	09/05/14	04/07/15
YSAQMD	2.26	Motor Vehicle and Mobile Equipment Coating Operations	10/10/08	06/26/15

On April 30, 2015 and August 13, 2015, the EPA determined that the submittals for SCAQMD Rule 1151 and YSAQMD Rule 2.26 respectively met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of these rules?

There are previous versions of Rules 1151 and 2.26 in the SIP. The SCAQMD and the YSAQMD adopted earlier versions of these rules on June 13, 1997 and April 27, 1994 respectively, and CARB submitted them to us on March 10, 1998 and February 24, 1995 respectively. We approved these versions of Rules 1151 and 2.26 into the SIP on August 13, 1999 (64 FR 44134) and April 30, 1996 (61 FR 18962) respectively. The SCAQMD amended Rule 1151 on December 2, 2005, and CARB submitted the amended rule to us on April 6, 2009. We approved this version of Rule 1151 on September 24, 2013 (78 FR 58459).

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

VOCs help produce ground-level ozone, smog and particulate matter (PM), which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC emissions. Rules 1151 and 2.26 establish limits on the emission of VOC and workplace standards for motor vehicle and mobile equipment coating operations. They also regulate related recordkeeping, reporting, and monitoring requirements. The EPA’s technical support documents

(TSDs) have more information about these rules.

II. The EPA’s Evaluation and Action

A. How is the EPA evaluating the rules?

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

Generally, SIP rules must require Reasonably Available Control Technology (RACT) for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each major source of VOCs in ozone nonattainment areas classified as moderate or above (see CAA section 182(b)(2)). SCAQMD and YSAQMD regulate ozone nonattainment areas classified as extreme and severe respectively for the 2008 8-Hour Ozone National Ambient Air Quality Standards (NAAQS) (40 CFR 81.305). There are no EPA CTG documents relevant to the sources addressed by these rules. However, CARB’s “Suggested Control Measures for Automotive Coating” is useful in defining RACT for these activities.

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

1. “State Implementation Plans; General Preamble for the Implementation of Title I of

the Clean Air Act Amendments of 1990” (57 FR 13498, April 16, 1992 and 57 FR 18070, April 28, 1992).

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

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

4. The Code of Federal Regulations (CFR) Title 40 Subpart B National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings § 59.102 Standards table 1 (40 CFR 59.102, table 1).

5. SCAQMD Rule 1151, “Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations,” approved into the SIP on September 24, 2013 (78 FR 58459).

6. SCAQMD Rule 1151, “Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations,” amended September 5, 2014.

7. YSAQMD Rule 2.26, “Motor Vehicle and Mobile Equipment Coating Operations,” approved into the SIP on April 30, 1996 (61 FR 18962).

8. YSAQMD Rule 2.26, “Motor Vehicle and Mobile Equipment Coating Operations,” amended October 10, 2008.

B. Do the rules meet the evaluation criteria?

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

C. EPA Recommendations To Further Improve The Rule(s)

The TSDs describe additional rule revisions that we recommend for the next time the local agency modifies the

rules but are not currently the basis for rule disapproval.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, the EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by January 7, 2016, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on February 8, 2016. This will incorporate these rules into the federally enforceable SIP.

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

III. Incorporation by Reference

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

IV. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

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

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

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

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

- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

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

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of

Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 8, 2016. 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, Inter-governmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 5, 2015.

Jared Blumenfeld,

Regional Administrator, Region IX.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(461)(i)(C) and (c)(463)(i)(B) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(461) * * *

(i) * * *

(C) South Coast Air Quality Management District.

(1) Rule 1151, "Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations," amended on September 5, 2014.

* * * * *

(463) * * *

(i) * * *

(B) Yolo-Solano Air Quality Management District.

(1) Rule 2.26, "Motor Vehicle and Mobile Equipment Coating Operations," revised on December 10, 2008.

* * * * *

[FR Doc. 2015-30828 Filed 12-7-15; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2015-0619; FRL-9936-67-Region 9]

Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District, Feather River Air Quality Management District and Santa Barbara County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the Antelope Valley Air Quality Management District (AVAQMD), Feather River Air Quality Management District (FRAQMD), and Santa Barbara County Air Pollution Control District (SBCAPCD) portions of the California State Implementation Plan (SIP). These revisions concern emissions of volatile

organic compounds (VOCs) from architectural coatings. We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: This rule is effective on February 8, 2016 without further notice, unless the EPA receives adverse comments by January 7, 2016. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit comments, identified by docket number [EPA-R09-OAR-2015-0619, by one of the following methods:

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

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

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

Instructions: Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. If you need to include CBI as part of your comment, please visit <http://www.epa.gov/dockets/comments.html> for further instructions. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. For the full EPA public comment policy and general guidance on making effective comments, please visit <http://www.epa.gov/dockets/comments.html>.

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

FOR FURTHER INFORMATION CONTACT: Arnold Lazarus, EPA Region IX, (415) 972 3024, lazarus.arnold@epa.gov.

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

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I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules we are approving with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted/amended	Submitted
AVAQMD	1113	Architectural Coatings	3/18/2003	5/13/2014
FRAQMD	3.15	Architectural Coatings	8/4/2014	11/6/2014
SBCAPCD	323.1	Architectural Coatings	6/19/2014	11/6/2014

On May 13, 2014 the EPA determined that the submittal for AVAQMD Rule 1113 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

On December 18, 2014, the submittal for FRAQMD Rule 3.15 and SBCAPCD Rule 323.1 was deemed by operation of law to meet the completeness criteria in 40 CFR part 51 Appendix V.

B. Are there other versions of these rules?

There is a previous version of AVAQMD 1113 adopted by the district on March 18, 2003. The EPA finalized a simultaneous limited approval and limited disapproval of this version on August 26, 2004 (69 FR 52432).

We approved Sutter County Air Pollution Control District (SCAPCD)

Rule 3.15, "Architectural Coatings," and Yuba County Air Pollution Control District (YCAPCD) Rule 3.15, "Architectural Coatings," into the California SIP on May 3, 1982. SCAPCD and YCAPCD joined together to form the FRAQMD on September 3, 1991; however, SCAPCD Rule 3.15 and YCAPCD Rule 3.15 have remained in the SIP. The EPA is approving removal

of these rules because the SCAPCD and the YCAPCD no longer exist and the requirements are superseded by

FRAQMD Rule 3.15. Table 2 lists the two superseded rules.

TABLE 2—RULES TO BE SUPERSEDED

Local agency	Rule No.	Rule title	Submitted
SCAPCD	3.15	Architectural Coatings	1/28/1981
YCAPCD	3.15	Architectural Coatings	3/30/1981

There are no previous versions of SBCAPCD Rule 323.1 in the SIP.

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

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC emissions. Architectural coatings are coatings that are applied to stationary structures and their accessories. They include house paints, stains, industrial maintenance coatings, traffic coatings, and many other products. VOCs are emitted from the coatings during application and curing, and from the associated solvents used for thinning and clean-up.

AVAQMD Rule 1113 controls VOC emissions from architectural coatings by establishing VOC limits on any architectural coating supplied, sold, offered for sale or manufactured for use within the AVAQMD. The major revision to Rule 1113 is elimination of the averaging provision which was the primary basis for the EPA's 2004 limited disapproval of a prior version of this rule.

Rule 3.15 and SBCAPCD Rule 323.1 similarly control VOC emissions by establishing VOC limits on architectural coatings supplied, sold, offered for sale or manufactured for use within the FRAQMD and SBCAPCD.

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

II. The EPA's Evaluation and Action

A. How is the EPA evaluating the rules?

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

Generally, SIP rules must require Reasonably Available Control Technology (RACT) for each category of

sources covered by a Control Techniques Guidelines (CTG) document as well as each major source of VOCs in ozone nonattainment areas classified as moderate or above (see CAA sections 182(b)(2)). The EPA has designated a portion of the FRAQMD (specifically, southern Sutter County) as a severe nonattainment area for the 1-hour ozone national ambient air quality standards (NAAQS or standards) and the 1997 and 2008 8-hour ozone standards. Similarly, the EPA has designated the AVAQMD as severe nonattainment for the 2008 8-hour ozone NAAQS, and the SBCAPCD as unclassifiable/attainment for the 2008 8-Hour Ozone NAAQS. See 40 CFR 81.305. Because there are no relevant EPA CTG documents and because there are no major architectural coating sources, architectural coatings are considered area sources of VOC and are not subject to RACT requirements. However, architectural coatings are subject to other VOC content limits and control measures described in the TSDs.

Guidance and policy documents that we used to evaluate the enforceability, revision/relaxation and stringency requirements of this rule include the following:

1. "State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," (57 FR 13498, April 16, 1992 and 57 FR 18070, April 28, 1992).
2. "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations" ("the Bluebook," U.S. EPA, May 25, 1988; revised January 11, 1990).
3. "Guidance Document for Correcting Common VOC & Other Rule Deficiencies" ("the Little Bluebook," EPA Region 9, August 21, 2001).
4. National Volatile Organic Compound Emission Standards for Architectural Coatings, 40 CFR 59.400, Subpart D, Table 1, VOC Content Limits for Architectural Coatings.
5. California Air Resources Board (CARB) "Suggested Control Measure for Architectural Coatings," Approved 2007, February 1, 2008.
6. AVAQMD Rule 1113, "Architectural Coatings," EPA Limited Approval and Disapproval on August 26, 2004 (69 FR 52432).
7. South Coast Air Quality Management District Rule 1113, "Architectural Coatings," amended June 3, 2011, and approved into the SIP on March 26, 2013 (78 FR 18244).

8. SCAPCD Rule 3.15, Architectural Coatings, submitted January 28, 1981, and approved by the EPA May 3, 1982 (47 FR 18856).

9. YCAPCD Rule 3.15, Architectural Coatings, submitted March 30, 1981, and approved by the EPA November 10, 1982 (47 FR 50865).

10. FRAQMD Rule 3.15, Architectural Coatings, adopted June 19, 2014, and submitted November 6, 2014.

11. SBCAPCD Rule 323.1 Architectural Coatings, adopted June 19, 2014, and submitted November 6, 2014.

12. Final Rule To Implement the 8-Hour Ozone NAAQS—Phase 2, 70 FR 71612 (Nov. 25, 2005).

B. Do the rules meet the evaluation criteria?

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

C. EPA Recommendations to Further Improve the Rules

The TSDs describe additional rule revisions that we recommend for the next time the local agencies modify the rules, but are not currently the basis for rule disapproval.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, the EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by January 7, 2016, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on February 8, 2016. This will incorporate these rules into the federally enforceable SIP.

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

III. Incorporation by Reference

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

IV. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 8, 2016. 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, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: October 19, 2015.

Jared Blumenfeld,

Regional Administrator, Region IX.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

- 2. Section 52.220 is amended by adding paragraphs (c)(89)(iii)(E), (c)(98)(i)(G), (c)(441)(i)(E)(3), (c)(457)(i)(A)(5), and (c)(457)(i)(G) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *
(89) * * *
(iii) * * *

(E) Previously approved on May 3, 1982, in paragraph (c)(89)(iii)(A) of this section and now deleted with replacement in paragraph (c)(457)(i)(A)(5) by Feather River Air Quality Management District Rule 3.15, "Architectural Coatings."

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(98) * * *
(i) * * *

(G) Previously approved on May 3, 1982, in paragraph (c)(98)(i)(A) of this section and now deleted with replacement in paragraph (c)(457)(i)(A)(5) by Feather River Air Quality Management District Rule 3.15, "Architectural Coatings."

* * * * *

(441) * * *
(i) * * *
(E) * * *

(3) Rule 1113, “Architectural Coatings,” amended on March 18, 2003.

* * * * *

(457) * * *

(i) * * *

(A) * * *

(5) Rule 3.15, “Architectural Coatings,” amended on August 4, 2014.

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(G) Santa Barbara County Air Pollution Control District.

(1) Rule 323.1, “Architectural Coatings,” adopted on June 19, 2014.

* * * * *

[FR Doc. 2015–30809 Filed 12–7–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2013–0786; A–1–FRL–9936–08–Region 1]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Transit System Improvements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. This revision removes from the SIP the design aspect of the Red Line/Blue Line Connector transportation control measure as a requirement in the Massachusetts SIP, without substitution or replacement, and in addition implements administrative changes that lengthen the existing public process requirement so that a public meeting on the annual update and status report be held within seventy-five days of its July 1st submittal date and replaces references to the Executive Office of Transportation (EOT) with references to the Massachusetts Department of Transportation (MassDOT). This action is being taken in accordance with the Clean Air Act.

DATES: This rule is effective on January 7, 2016.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2013–0786. All documents in the docket are listed on the <http://www.regulations.gov> Web site. 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 through <http://www.regulations.gov> or at the U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square–Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact 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 legal holidays.

Copies of the documents relevant to this action are also available for public inspection during normal business hours, by appointment at the Air and Climate Division, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Donald O. Cooke, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, 5 Post Office Square–Suite 100, (Mail code OEP05–2), Boston, MA 02109–3912, telephone number (617) 918–1668, fax number (617) 918–0668, email cooke.donald@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

Organization of this document. The following outline is provided to aid in locating information in this preamble.

- I. Background and Purpose
- II. Response to Comments
- III. Final Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. Background and Purpose

On December 1, 2014 (79 FR 71061), EPA published a Notice of Proposed Rulemaking (NPR) for the Commonwealth of Massachusetts. The NPR proposed approval of a revised version of 310 Code of Massachusetts Regulations (CMR) 7.36, “Transit System Improvements,” effective under Massachusetts law on October 25, 2013. An earlier version of this rule had previously been approved by EPA into the Massachusetts SIP. See 73 FR 44654.

The revised regulation: (1) Deletes the SIP requirement to design the Red Line/Blue Line Connector from the Blue Line at Government Center to the Red Line at Charles Station; (2) lengthens by fifteen days (from sixty days to within seventy-

five days of the July 1 submittal date) the time period within which MassDEP must hold a public meeting to take public comment on MassDOT’s annual update and status report for each project required by 310 CMR 7.36(2)(f) through (j) and any project implemented pursuant to 310 CMR 7.36(4) and (5); and (3) replaces references to the Commonwealth’s Executive Office of Transportation and EOT with Massachusetts Department of Transportation and MassDOT, respectively. The formal SIP revision was submitted to EPA by Massachusetts on November 6, 2013.

EPA’s role in reviewing SIP revisions is to approve state choices, provided they meet the criteria of the Clean Air Act. An adequate SIP revision is one that, among other things, meets the Clean Air Act requirement under CAA section 110(l) that a SIP revision must not interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in CAA section 171) in relation to the national air quality standards (NAAQS) or any other applicable requirement of the Act. The Commonwealth has flexibility to revise SIP-approved transportation control measures (TCMs), provided the revisions are consistent with attaining and maintaining compliance with the NAAQS. EPA has determined that the removal of the design aspect of the Red Line/Blue Line Connector from the SIP, as well as the administrative revisions included in Massachusetts’ November 6, 2013 SIP submittal, do not interfere with attainment or with reasonable further progress or any other applicable Clean Air Act requirement. Therefore, we are approving Massachusetts’ revised 310 CMR 7.36, “Transit System Improvements.”

II. Response to Comments

EPA received forty-one comments on our December 1, 2014 NPR. Comments were received from: U.S. Senators Elizabeth Warren and Edward J. Markey; U.S. Representatives Michael Capuano and Katherine Clark; Edward W. Deveau, Candidate for State Representative, 1st Suffolk District; Boston Councilor Salvatore LaMattina; Massachusetts Port Authority (Massport); Conservation Law Foundation (CLF); A Better City (ABC); and Frederick Salvucci (former Secretary of Massachusetts Department of Transportation). In addition, comments were received from East Boston, Dorchester, and Medford, Massachusetts residents. Although six of the forty-one comments were received after the public comment

period closed, all comments have been fully considered and responded to in this final action.

Copies of the public comments have been placed in the public docket without change and are available online at <http://www.regulations.gov>, docket number EPA-R01-OAR-2013-0786, document numbers EPA-R01-OAR-2013-0786-0040 through EPA-R01-OAR-2013-0786-0080.

Comment #1: Commenters urged the EPA to deny MassDEP's request to amend the SIP and to continue to include the design aspect of the Red Line/Blue Line Connector in the Commonwealth's program. Some of these comments related to a desire to decrease traffic congestion and to improve commuting convenience for riders of the mass transit system. Other comments identified a concern about adverse impacts of the SIP revision to lower income communities, sometimes raising the concept of environmental justice in that context.

Response #1: EPA acknowledges the commenters' support for the design of the Red Line/Blue Line Connector, and the variety of reasons for their support. However, the relevant question before EPA in deciding whether or not to approve the proposed Massachusetts SIP revision before us is whether Massachusetts' deletion of the design of the Red Line/Blue Line Connector from the SIP would interfere with any applicable requirement concerning attainment or reasonable further progress, or any other applicable Clean Air Act requirement. See CAA section 110(l). As noted in EPA's December 1, 2014 NPR, the previously approved SIP requirement at issue is for the design aspect of a project only; consequently, removing this particular requirement from the SIP will not affect the total emission reductions achieved from the projects included in the Massachusetts Transit System Improvements Regulation and also would not interfere with any applicable requirement concerning attainment, reasonable further progress, or any other applicable Clean Air Act requirements, thereby satisfying the requirements set forth in section 110(l) of the Clean Air Act. Therefore, EPA is approving the revised regulation.

Comment #2: Commenters expressed concern that removing the design of the Red Line/Blue Line Connector from the SIP would free the MassDOT (Massachusetts Department of Transportation) from its commitment to move forward on the project, thus jeopardizing the prospects of the Red Line/Blue Line Connector ever becoming a reality.

Response #2: As noted above in our response to Comment #1, EPA's role is to determine whether or not removing the commitment to design the Red Line/Blue Line Connector from the SIP is consistent with the requirements of the Clean Air Act. We note that the Massachusetts SIP does not contain any provision requiring Massachusetts to implement and operate the Red Line/Blue Line Connector. In fact, that requirement was previously removed from the SIP after notice and comment, as discussed in the notice of proposed rulemaking. We also, note, that approving the removal of the requirement to design the Red Line/Blue Line Connector from the SIP, does not preclude this project from moving forward at a later date. Whether or not the project and/or its design is in the Massachusetts SIP, the Commonwealth is free to implement the project in the future if it so chooses.

Comment #3: Commenters stated that full design of the Red Line/Blue Line Connector is a commitment MassDOT made in 2006, and if MassDOT had no intention of building the Red Line/Blue Line Connector, that would have been the time to decline to take on the design as a legal commitment.

Response #3: Again, we note that EPA's role in reviewing SIP revisions is to approve state choices, provided they meet the relevant requirements of the Clean Air Act. However, for completeness, we also note the following regarding MassDOT's stated rationale regarding this project. MassDOT took a number of steps since 2006 to advance the Red Line/Blue Line Connector design, including, but not limited to, allocating resources to advance the conceptual design, completing a Draft Environmental Impact Report, and forming and meeting with a working group. MassDOT has estimated that \$50 million would be needed to complete the final design, far exceeding the \$29 million last identified in the Boston Metropolitan Planning Organization (MPO) 2009 Regional Transportation Plan (RTP). MassDOT determined as part of this effort and as a result of its findings, that allocating additional and scarce transportation funding to the final design of this particular project is not justified at this time, and that emissions reductions that will occur pursuant to other approved transportation control measures are adequate.

Comment #4: Commenters noted that they want all "Big Dig" mitigation requirements enforced by EPA and requested that EPA insist that the Commonwealth of Massachusetts finish the final design plans for the Red Line/

Blue Line Connector project. Similarly, other commenters stated that they wish to protest the possible negation of the commitment, made during the Big Dig, to finally connect the Blue Line to the Red Line at Charles Street in Boston, Massachusetts.

Response #4: Again, EPA acknowledges the commenters' support for the Red Line/Blue Line Connector project, but we reiterate that EPA's role in reviewing SIP revisions is to approve state choices, provided they meet the relevant requirements of the Clean Air Act. As explained earlier, Massachusetts' proposed SIP revision and EPA's approval of it, meet all relevant CAA requirements, including those contained within CAA section 110(l). In addition, we note that not *all* of the mitigation projects associated with the "Depression of the Central Artery and Third Harbor Tunnel Project" (known as CA/THT or the Big Dig) were submitted by the Commonwealth of Massachusetts to be part of its SIP, and were not required to be under the CAA. Those mitigation measures adopted into the Massachusetts SIP in 1991 (see October 4, 1994; 59 FR 2795) and modified in 2006 (see July 31, 2008; 73 FR 44654) are clearly identified in the December 1, 2014 NPR (79 FR 71061).

Comment #5: One commenter stated that MassDEP's proposed SIP revision should be disapproved or denied by EPA as inconsistent with the requirements of the CAA because Massachusetts has not offered a substitution project or measure in place of, or in substitution for, the design for the Red Line/Blue Line Connector project. Similarly, another commenter noted that the air quality benefits from the Red Line/Blue Line Connector project are implicit in the initial inclusion of the design requirement into the SIP, and therefore cannot be removed without substitution. Another commenter further commented that if the original inclusion of the Red Line/Blue Line Connector project design in the revised SIP helped the state achieve compliance with the NAAQS, it would be inconsistent to remove it now without substitution.

Response #5: As stated in EPA's December 1, 2014 NPR, because the previously approved SIP requirement is for design of the project only, removing this requirement from the SIP will not affect the total emission reductions achieved from the totality of the projects included in the Massachusetts Transit System Improvements Regulation and would not interfere with any applicable requirement concerning attainment, reasonable further progress, or any other

applicable Clean Air Act requirement, thereby satisfying the requirements set forth in section 110(l) of the Clean Air Act. Moreover, MassDEP has demonstrated that the requirements of SIP-approved regulation 310 CMR 7.36, "Transit System Improvements" have been met. That regulation contains specific provisions under 310 CMR 7.36 (5), "Substitute Transit System Improvement Projects," and 310 CMR 7.36 (8), "Determination of Air Quality Emission Reductions" that govern the requirements that MassDOT must meet when substituting for certain projects required by 310 CMR 7.36. Those projects include the Fairmount Line improvements outlined in 310 CMR 7.36(2)(h)1. and Green Line Extension projects outlined in 310 CMR 7.36(2)(i). For those projects, the substitution provisions are very specific and must include a demonstration that the proposed substitute project will achieve 110% of the emission reductions of NMHC, CO and NO_x that would have been achieved had all components of the project required by 310 CMR 7.36 been completed. These substitution provisions do not include the design of the Red Line/Blue Line Connector project which MassDEP has concluded will achieve no air quality benefits. As such, as discussed above in an earlier response to comment, no substitution for this SIP revision is required under the SIP.

Comment #6: A commenter noted that there will be a time in the not too distant future when it will be apparent that the Red Line/Blue Line Connector project must be built, either for Clean Air Act attainment purposes, or for economic development and/or environmental justice reasons. According to the commenter, since MassDOT clearly has no intention of preparing for that moment, it must be forced to do so.

Response #6: The transportation measure in the Massachusetts' SIP is a requirement to design the Red Line/Blue Line Connector project. EPA has no authority under the CAA or any other statute or regulation to require the Commonwealth to build a particular transportation measure which is not part of the approved SIP. Moreover, not including a transportation project in the SIP does not in any way prevent the Commonwealth from constructing the project. The legal analysis as to whether or not EPA must, under the CAA, approve Massachusetts' SIP revision in this instance, particularly because it is only a design requirement with no air quality or emissions implications, does not change in light of potential

economic development or environmental justice concerns.

Comment #7: One commenter stated that the EPA should consider requiring the Commonwealth to remain committed to complete the design of the project while investigating innovative finance options for its implementation.

Response #7: The Commonwealth has flexibility to revise its SIP-approved transportation control measures (TCMs), provided the revisions are consistent with attaining and maintaining compliance with the NAAQSs, reasonable further progress, and any other applicable requirements of the CAA. EPA has no authority to require the Commonwealth to investigate innovative finance options for the Red Line/Blue Line Connector project's implementation.

Comment #8: One commenter expressed that there was a very serious harm caused by the MBTA's failure to complete in a timely manner the final design for the Red Line/Blue Line Connector project, because the Commonwealth's project to relocate Storrow Drive at Charles Street into a straighter alignment is located in the same area identified in the Blue-Red DEIS (Draft Environmental Impact Statement) as needed for an underground rail track.

Response #8: This comment is not germane to the requirements of the CAA pursuant to which EPA must evaluate the Commonwealth's SIP revision. As noted earlier, the SIP revision only relates to a provision that requires design, not implementation, of a project. However, for completeness, we note that completion of the design of the Red Line/Blue Line Connector would not preserve the right of way for the Red Line/Blue Line Connector, nor prevent any state, county or city transportation project from incursion into the area defined as project limits or right of way in the Red Line/Blue Line Connector design. The Boston Metropolitan Planning Organization which includes the Mass DOT, and the City of Boston must establish priority of transportation projects and in their transportation planning avoid or mitigate conflicts with future transportation projects.

Comment #9: A commenter presented the idea of a pedestrian connection between State Street and Downtown Crossing as an alternative to the Red Line/Blue Line Connector project. As described by the commenter, this alternative project would extend the existing Orange Line Southbound platform at State Street to connect with the existing Orange Line Northbound platform at Downtown Crossing. The commenter notes that this connection

would allow fare-paying riders to walk under Washington Street between State Street and Downtown Crossing, thus providing an alternative Red Line/Blue Line connection. The commenter noted that the Jeffries Point Neighborhood Association (JPNA) strongly supports the engineering and construction of the Red Line/Blue Line Connector project. However, the commenter also noted that should the EPA allow the Commonwealth to abandon the Red Line/Blue Line Connector, it must mandate the Commonwealth to pursue alternatives, such as the pedestrian tunnel outlined above.

Response #9: As noted earlier, EPA's role in this rulemaking action is to approve state choices, provided they meet the requirements of the Clean Air Act. As we've explained, the CAA does not provide EPA with the authority in the context of this particular SIP revision to require the Commonwealth to implement any alternative project(s), including those identified by a number of commenters. Thus, the issue of alternatives to the Red Line/Blue Line Connector is not germane to EPA's approval or disapproval of the Commonwealth's request to remove the design of the Red Line/Blue Line Connector project from the Massachusetts SIP without substitution or replacement.

Comment #10: One commenter noted that with the announcement that Boston was chosen as the U.S. delegate to host the 2024 Summer Olympics, now is as good a time as any to revisit the Commonwealth's transportation issues.

Response #10: The Commonwealth's transportation planning efforts will continue over time to evaluate and prioritize transportation projects in the Boston area and across the Commonwealth. The removal of the design of the Red Line/Blue Line Connector project is consistent with Massachusetts Department of Transportation's planning process. The CAA does not provide EPA with the authority to disapprove the Commonwealth's SIP revision as a result of the possibility that Boston may host the 2024 Olympic Games.

Comment #11: One commenter asserted that there are clearly air quality benefits associated with designing a transit project. Specifically, the commenter stated:

For a transit project to be constructed, it has to be designed first. Frequently, funding becomes available for a transit project only after it has been designed. Increasingly, only projects that are shovel-ready are eligible to apply when Federal funding opportunities arise. Thus, designing a transit project, more than anything else, raises its chances of being

built. As a result, air quality benefits can be calculated by applying a discounted percentage of those the constructed project would produce . . . Even if discounted by ninety percent, the design of the Connector would still provide emission reductions of 15.6 kilograms for carbon monoxide, 0.4 kilograms for nitrogen oxides, and 0.9 kilograms for volatile organic compounds per day.

Response #11: EPA agrees that designing a project and having the project “shovel-ready” increases a project’s chance of being implemented, but disagrees that any air quality benefits necessarily would be obtained or derived from a project which only involves the requirement to design the project on paper. A project must be completed and operational to derive any air quality benefits and the SIP revision does not include removal of any provisions that require completion of the project or its operation. EPA does not believe that estimating air quality benefits or emissions reductions using discount factors reflecting probabilities that a project will or will not occur is appropriate in this context, and nothing in the CAA suggests that EPA is obligated, or even has the authority, to do so.

Comment #12: A commenter noted that, ultimately, the SIP has to allow the Commonwealth to attain and/or maintain compliance with the NAAQS and that MassDEP has not provided any modeling as part of this proposal to amend the SIP to demonstrate that the remaining projects are sufficient. The commenter further stated that to even be able to evaluate this request to amend the SIP properly, EPA should require MassDEP to remodel the air quality benefits expected from the projects remaining in the revised SIP and then compare those benefits to those of the remaining transit system improvement projects without the Red Line/Blue Line Connector project.

Response #12: The three changes being considered by EPA in this SIP revision, (removal of the design of the Red Line/Blue Line Connector from the Massachusetts SIP, without substitution or replacement; implementation of administrative changes that lengthen the existing public process by fifteen days; and replacement of references to the Executive Office of Transportation (EOT) with references to the Massachusetts Department of Transportation (MassDOT)), would not affect the assumptions used in, or the results of, the air quality modeling conducted when the transportation control measures currently in the SIP, and which will remain in the SIP, were previously approved by EPA; nor would

any of the revisions EPA is approving in this final action alter the air quality results.

Comment #13: A number of commenters presented the merits of a completed Red Line/Blue Line Connector project.

Response #13: EPA acknowledges the potential benefits associated with a completed Red Line/Blue Line Connector Project. However, the project as defined in the Massachusetts SIP is only for design of the Red Line/Blue Line Connector. EPA and the Massachusetts Department of Environmental Protection have concluded that there are no air quality benefits achieved by the inclusion in the Commonwealth’s SIP of the requirement to only design the Red Line/Blue Line Connector.

Comment #14: One commenter expressed concern that, if EPA does not enforce regulations which it encouraged the state to adopt in conjunction with the largest highway construction project in recent history, what reason is there to take EPA seriously when it talks about new regulations about climate change? Additionally, the commenter noted:

It may be difficult to get Massachusetts to behave responsibly, but the least the public should be able to expect out of EPA is that it clearly find fault with the ridiculously delayed non-performance of Massachusetts, and not endorse the cynical effort to drop a commitment that has been included in Big Dig regulations since the 1990 final EIR (Environmental Impact Report) and 1991 DEP vent shaft regulations, and the 1993 SIP, and part of the basis of the 2006 court settlement.

Response #14: As noted in the December 1, 2014 NPR, the original commitment to construct the Red Line/Blue Line Connector project was changed to a design only commitment in a 2006 SIP revision, which was approved by EPA on July 31, 2008 (73 FR 44654). Under consideration in today’s action is EPA’s approval of the removal of the commitment to design the Red Line/Blue Line Connector project. Climate change-related regulations, and whether persons believe there are reasons to take EPA’s efforts to address climate change seriously, are not relevant to today’s action. Moreover, the commenter’s reference to Massachusetts’ alleged “ridiculously delayed non-performance,” is misplaced because it makes reference to projects that are either (1) no longer part of the Massachusetts SIP and which have been replaced by other projects or (2) addressed by provisions in the Massachusetts regulation at 310 CMR 7.36(4) “Project Delays and Implementation of Interim Emission

Reduction Offset Projects and Measures.” In the case of delayed projects, MA DOT has submitted the appropriate “petition to delay the project,” which identifies the necessary interim offset project(s); has undergone the required public review, and has received approval by the Massachusetts Department of Environmental Protection. And nothing contained in the commenter’s comment leads EPA to conclude that any relevant requirement of the CAA is not being complied with or is being violated. Finally, EPA believes that Massachusetts’ administrative record, which included a public hearing, a comment period and responses to public comments, indicates that Massachusetts had rational reasons for concluding that finishing the design for the Red Line/Blue Line Connector would not be prudent.

Comment #15: One commenter stated that inaction by Massachusetts on the transit and other SIP commitments has caused substantially more damage to air quality than the standard traffic and air quality prediction methods predict. In particular, the commenter stated that the delay in implementation of the original commitments has resulted in land use adjustments that are less transit oriented than would have been the case, and auto ownership patterns higher than would have been the case, with lasting negative impacts that are not factored into the standard models used by Massachusetts. Another commenter also stated, “The situation cries out for at least a transparent re-evaluation of the original 1990 commitments, and begs the question of the need for much more aggressive implementation of transit improvements to get the horse back into the barn, now that it has been allowed to run amuck in the garden.”

Response #15: As noted above, not all of the mitigation projects associated with the “Depression of the Central Artery and Third Harbor Tunnel Project” (known as CA/THT or the Big Dig) were submitted by the Commonwealth of Massachusetts to be part of its SIP; nor were they required to be by the CAA. Those mitigation measures adopted into the Massachusetts SIP in 1991 (see October 4, 1994; 59 FR 2795) and modified in 2006 (see July 31, 2008; 73 FR 44654) are clearly identified in the December 1, 2014 NPR (79 FR 71061). EPA concluded in the 1994 and 2008 approval actions, that the Massachusetts transportation control measures incorporated into the SIP were consistent with the requirements of the CAA, including CAA section 110(l) for the 2008 approval action. As noted earlier on several occasions, today’s

action is limited to EPA's approval of the removal of the commitment to design the Red Line/Blue Line Connector project. EPA finds no basis or authority under the CAA that would require the Agency to undertake the steps and analysis suggested by the commenter as a result of the SIP revision at issue today.

Comment #16: One commenter recommended that the Commonwealth be required to perform a comprehensive re-analysis of emerging congestion on the center of the interstate network, including analysis of the capacity of the system to handle the Everett Casino, The Seaport Innovation District projected build-out, the Kendall square expected build-out, additional parking under consideration at Logan Airport, and identification of further needed transit investment to support these added traffic generators.

Response #16: Overall transportation planning considerations are not germane to this SIP revision and EPA has no authority under the CAA to require the Commonwealth to undertake such analyses in the context of EPA's action on the Commonwealth's submitted SIP revision. Requiring the Commonwealth, the Metropolitan Planning Organization, or the Cities of Boston, Cambridge and Everett to conduct additional transportation planning is outside EPA's authority to evaluate and approve the Massachusetts SIP revision before EPA.

III. Final Action

EPA is approving Massachusetts' revised 310 CMR 7.36, "Transit System Improvements," submitted on November 6, 2013, as a revision to the Massachusetts SIP. This revised rule: (1) Deletes the existing SIP requirement to design the Red Line/Blue Line Connector project from the Blue Line at Government Center to the Red Line at Charles Station; (2) lengthens by fifteen days the time period during which MassDEP must hold a public meeting and take public comment on MassDOT's annual update and status report; and (3) replaces references to Executive Office of Transportation and EOT with references to Massachusetts Department of Transportation and MassDOT, respectively.

EPA's review of the material submitted on November 6, 2013 to remove the "design only" of the Red Line/Blue Line Connector project from the Massachusetts SIP; add administrative changes to lengthen portions of the public process under 310 CMR 7.36(2)(i); and update references to the appropriate State transportation agency, indicates that these

modifications would not interfere with any applicable requirement concerning attainment, reasonable further progress, or any other applicable Clean Air Act requirement.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Massachusetts' regulation 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 <http://www.regulations.gov> and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

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

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 8, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference,

Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 29, 2015.

H. Curtis Spalding,

Regional Administrator, EPA New England.

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

PART 52—[AMENDED]

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

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

Subpart W—Massachusetts

■ 2. Section 52.1120 is amended by adding paragraph (c)(143) to read as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(143) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on November 6, 2013.

(i) Incorporation by reference.

(A) Massachusetts Regulation 310 CMR 7.36 entitled “U Transit System Improvements,” effective in the

Commonwealth of Massachusetts on October 25, 2013.

(ii) Additional materials.

(A) Letter from the Massachusetts Department of Environmental Protection dated November 6, 2013 submitting a revision to the Massachusetts State Implementation Plan.

■ 3. In § 52.1167, Table 52.1167 is amended by adding a new entry to the existing state citation for 310 CMR 7.36 to read as follows:

§ 52.1167 EPA-approved Massachusetts State regulations.

* * * * *

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS

[See notes at end of table]

State citation	Title/subject	Date submitted by state	Date approved by EPA	Federal Register citation	52.1120(c)	Comments/unapproved sections
* 310 CMR 7.36	* Transit System Improvements.	* 11/6/13	* 12/8/15	* [Insert Federal Register citation].	* 143	* Removes from the SIP the commitment to design the Red Line/Blue Line Connector project.
*	*	*	*	*	*	*

Notes: 1. This table lists regulations adopted as of 1972. It does not depict regulatory requirements which may have been part of the Federal SIP before this date.

2. The regulations are effective statewide unless otherwise stated in comments or title section.

[FR Doc. 2015–30819 Filed 12–7–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2015–0689; FRL–9936–83–Region 9]

Approval of California Air Plan Revisions, Placer County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve a revision to the Placer County Air Pollution Control District (PCAPCD) portion of the California SIP. We are approving a local emergency episode plan that describes actions that PCAPCD will take to prevent dangerously high ambient emission levels under the Clean Air Act (CAA or the Act).

DATES: This rule is effective on February 8, 2016 without further notice, unless the EPA receives adverse comments by January 7, 2016. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2015–0689, by one of the following methods:

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

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

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

Instructions: Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. If you need to include CBI as part of your comment,

please visit <http://www.epa.gov/dockets/comments.html> for further instructions. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. For the full EPA public comment policy and general guidance on making effective comments, please visit <http://www.epa.gov/dockets/comments.html>.

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

FOR FURTHER INFORMATION CONTACT:

Vanessa Graham, EPA Region IX, (415) 947-4120 graham.vanessa@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, “we,” “us,” and “our” refer to the EPA.

Table of Contents**I. The State’s Submittal****A. What plan did the State submit?**

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A. How is the EPA evaluating the plan?
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C. EPA Recommendations To Further Improve the Plan

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III. Incorporation by Reference**IV. Statutory and Executive Order Reviews****I. The State’s Submittal****A. What plan did the State submit?**

Table 1 lists the plan addressed by this action with the date that it was adopted by the PCAPCD and submitted by California Air Resources Board (ARB).

TABLE 1—SUBMITTED PLAN

Local agency	Plan title	Adopted	Submitted
PCAPCD	Ozone Emergency Episode Plan	June 11, 2015	July 15, 2015.

On August 11, 2015, the EPA determined that the submittal for the PCAPCD Ozone Emergency Episode Plan met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of this plan?

There are no previous versions of this plan adopted by PCAPCD or approved by EPA in the SIP.

C. What is the purpose of the submitted plan?

The CAA requires the EPA to establish National Ambient Air Quality Standards (NAAQS) for Ozone and five other pollutants that are harmful to public health and the environment. Each state is required to submit to the EPA, within three years after the promulgation of a primary or secondary NAAQS, or any revision thereof, an infrastructure SIP revision that provides for the implementation, maintenance, and enforcement of such NAAQS. CAA § 110(a)(2) describes the contents required of such a plan that constitute the “infrastructure” of a state’s air quality management program. The PCAPCD Ozone Emergency Episode Plan is intended to fulfill the CAA § 110(a)(2)(G) infrastructure SIP requirement for states to submit an air pollution emergency contingency plan as required by 40 CFR part 51, subpart H.

II. The EPA’s Evaluation and Action**A. How is the EPA evaluating the rule?**

SIPs must be enforceable (see CAA section 110(a)(2)) and SIP revisions are restricted in how they can relax approved SIPs. This plan must also meet the infrastructure SIP requirements found in 40 CFR part 51, subpart H (51.150 through 51.153).

Guidance that we used to evaluate section 110(a)(2) CAA requirements includes: “Guidance Document for Infrastructure State Implementation

Plan” Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2), EPA (September 2013).

B. Does the plan meet the evaluation criteria?

We believe this plan is consistent with the relevant policy and guidance regarding enforceability, SIP relaxations and infrastructure SIPs. The EPA’s technical support document (TSD) has more information about this plan and our evaluation.

C. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, the EPA is fully approving the submitted plan because we believe it fulfills all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted plan. If we receive adverse comments by January 7, 2016, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on February 8, 2016. This will incorporate the rule into the federally enforceable SIP.

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the PCAPCD rule described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents available electronically through

www.regulations.gov and in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

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

- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 8, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today’s **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that

EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: October 26, 2015.

Jared Blumenfeld,

Regional Administrator, Region IX.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLAN

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(465) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(465) New regulation for the following APCD was submitted on July 15, 2015 by the Governor’s designee.

(i) Incorporation by reference.

(A) Placer County Air Pollution Control District.

(1) “Ozone Emergency Episode Plan,” adopted on June 11, 2015.

[FR Doc. 2015–30831 Filed 12–7–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R09–OAR–2015–0633; FRL–9939–48–Region 9]

PM₁₀ Plans and Redesignation Request; Truckee Meadows, Nevada; Deletion of TSP Area Designation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve two revisions to the Nevada state implementation plan. The first

revision provides a demonstration of implementation of best available control measures (BACM) for control of particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers (PM₁₀) within Truckee Meadows. The second revision is a plan that provides for the maintenance of the national ambient air quality standard (NAAQS or “standard”) for PM₁₀ in Truckee Meadows through 2030, includes an emissions inventory consistent with attainment, and establishes motor vehicle emissions budgets. In connection with these approvals, the EPA is taking final action to determine that major stationary sources of PM₁₀ precursors do not contribute significantly to elevated PM₁₀ levels in the area. Also, based in part on the approvals of the BACM demonstration and maintenance plan and determination regarding PM₁₀ precursors, the EPA is taking final action to approve the State of Nevada’s request for redesignation of the Truckee Meadows nonattainment area to attainment for the PM₁₀ standard. Lastly, the EPA is taking final action to delete the area designation for Truckee Meadows for the revoked standard for total suspended particulate (TSP). The EPA is taking these actions because the SIP revisions meet the applicable statutory and regulatory requirements for such plans and related motor vehicle emissions budgets and because the area meets the Clean Air Act requirements for redesignation of nonattainment areas to attainment.

DATES: This rule is effective on January 7, 2016.

ADDRESSES: The EPA has established a docket for this action under Docket ID Number EPA–R09–OAR–2015–0633. Generally, documents in the docket for this action are available electronically at www.regulations.gov and in hard copy at the EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at www.regulations.gov, some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., confidential business information or “CBI”). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: John Ungvarsky, Air Planning Office (AIR–2), U.S. Environmental Protection Agency, Region IX, (415) 972–3963, ungvarsky.john@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, “we,” “us,” or “our” refer to the EPA. This supplementary information section is arranged as follows:

Table of Contents

- I. Proposed Actions
- II. Public Comments
- III. Final Action
- IV. Statutory and Executive Order Reviews

I. Proposed Actions

On September 30, 2015 (80 FR 58640), under Clean Air Act (CAA or “Act”) section 110(k)(3), the EPA proposed to approve the BACM-related portion of the submittal from the Nevada Division of Environmental Protection (NDEP) dated August 5, 2002 of *Revisions to the Nevada Particulate Matter (PM₁₀) State Implementation Plan for the Truckee Meadows Air Basin* (August 2002) (“2002 PM₁₀ Attainment Plan”), and the submittal from NDEP dated November 7, 2014 of the *Redesignation Request and Maintenance Plan for the Truckee Meadows 24-Hour PM₁₀ Nonattainment Area* (August 28, 2014) (“2014 PM₁₀ Maintenance Plan”) as revisions to the Nevada state implementation plan (SIP). In so doing, we found that the BACM demonstration in the 2002 PM₁₀ Attainment Plan satisfied the BACM requirement in CAA section 189(b)(1)(B) and that the 2014 PM₁₀ Maintenance Plan adequately demonstrates that the area will maintain the PM₁₀ standard for 10 years beyond redesignation. We also found that that major stationary sources of PM₁₀ precursors do not contribute significantly to elevated PM₁₀ levels in the area. In connection with the 2014 PM₁₀ Maintenance Plan, we found that it includes sufficient contingency provisions to promptly correct any violation of the PM₁₀ standard which occurs after redesignation and thereby meets the requirements for maintenance plans under CAA section 175A. We also proposed to approve the motor vehicle emissions budgets (MVEBs) in the 2014 PM₁₀ Maintenance Plan because we found they meet the applicable transportation conformity requirements under 40 CFR 93.118(e).

In our September 30, 2015 proposed rule, under CAA section 107(d)(3)(D), we proposed to grant NDEP’s request to redesignate the Truckee Meadows PM₁₀ nonattainment area from “nonattainment” to “attainment” for the PM₁₀ standard. We proposed to do so based on our conclusion that Truckee Meadows has attained the PM₁₀ standard; that the relevant portions of the Nevada SIP are fully approved; that the improvement in air quality is due to permanent and enforceable emissions

reductions; that the State of Nevada has met all of the requirements applicable to the Truckee Meadows PM₁₀ nonattainment area with respect to section 110 and part D of the CAA; and, based on our proposed approval as described above, that the 2014 PM₁₀ Maintenance Plan meets the requirements for maintenance plans under section 175A of the CAA; and that, therefore, the State of Nevada has met the criteria for redesignation under CAA section 107(d)(3)(E) for the Truckee Meadows PM₁₀ nonattainment area.

We also proposed to delete the area designation for Truckee Meadows for the revoked NAAQS for TSP.

Please see our September 30, 2015 proposed rule for a detailed discussion of the background for these actions, and the rationale for approval of the 2014 PM₁₀ Maintenance Plan, for granting NDEP’s request for redesignation of Truckee Meadows to attainment, and for deleting the TSP designation for Truckee Meadows.

II. Public Comments

Our September 30, 2015 proposed rule provided a 30-day public comment period, which closed on October 30, 2015. We received no comments on our proposal during this period.

III. Final Action

Under CAA section 110(k)(3), and for the reasons set forth in our September 30, 2015 proposed rule, the EPA is taking final action to approve the BACM demonstration submitted by the NDEP on August 5, 2002 as part of the 2002 Truckee Meadows PM₁₀ Attainment Plan and the 2014 Truckee Meadows PM₁₀ Maintenance Plan submitted by the NDEP on November 7, 2014 as revisions of the Nevada SIP. In so doing, the EPA finds that the 2011 attainment inventory in the maintenance plan meets the requirements of CAA section 172(c)(3) and finds that the maintenance demonstration showing how Truckee Meadows will continue to attain the PM₁₀ standard through 2030, and the contingency provisions describing the actions that the Washoe County Health District’s Air Quality Management Division (“WCAQMD”) will take in the event of a future monitored violation, meet all applicable requirements for maintenance plans and related contingency provisions in CAA section 175A. The EPA is also approving the following MVEBs in the 2014 PM₁₀ Maintenance Plan because we find they meet the applicable adequacy criteria under 40 CFR 93.118(e):

**2014 PM₁₀ MAINTENANCE PLAN
MOTOR VEHICLE EMISSIONS BUDGETS**
[Average winter day, lbs/day]

Budget year	PM ₁₀
2015	5,638
2020	6,088
2025	6,473
2030	6,927

Source: 2014 PM₁₀ Maintenance Plan at table 6–6, page 28.

In addition, under CAA section 107(d)(3)(D), we are approving the State’s request, which accompanied the submittal of the 2014 PM₁₀ Maintenance Plan, to redesignate the Truckee Meadows PM₁₀ nonattainment area to attainment for the PM₁₀ standard. We are doing so based on our conclusion that the area has met, or will meet as part of this action, all of the criteria for redesignation under CAA section 107(d)(3)(E). More specifically, we find that Truckee Meadows has attained the PM₁₀ standard based on the most recent three-year period (2012–2014) of quality-assured, certified, and complete (or otherwise validated) PM₁₀ data; that relevant portions of the Nevada SIP are fully approved; that the improvement in air quality is due to permanent and enforceable reductions in emissions; that Nevada has met all requirements applicable to the Truckee Meadows PM₁₀ nonattainment area with respect to section 110 and part D of the CAA; and that Truckee Meadows has a fully approved maintenance plan meeting the requirements of CAA section 175A.

In connection with the above approvals and determinations, and as authorized under CAA section 189(e), we are determining that major stationary sources of PM₁₀ precursors do not contribute significantly to PM₁₀ exceedances in the Truckee Meadows nonattainment area.

Lastly, the EPA is taking final action to delete the area designation for Truckee Meadows for the revoked national standard for TSP because the designation is no longer necessary.

IV. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by State law. Redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of

requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, these actions merely approve a State plan and redesignation request as meeting Federal requirements and do not impose additional requirements beyond those by State law. For these reasons, these actions:

- Are 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 Executive Order 13563 (76 FR 3821, January 21, 2011);
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are 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.*);
- Do 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);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Do not provide the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the State plan that the EPA is approving does not 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, as it relates to the maintenance plan, does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). However, prior to its September 30, 2015 proposal, the EPA offered to consult with representatives of the Reno-Sparks Indian Colony, which consists of members of three Great Basin Tribes—the Paiute, the Shoshone, and the Washo—and which has Indian country within the Truckee Meadows air quality planning area because the Indian country within the Truckee Meadows area is being redesignated to attainment along with State lands. The Reno-Sparks Indian Colony did not respond to the EPA's offer to consult.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 8, 2016. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

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

Dated: November 16, 2015.

Jared Blumenfeld,

Regional Administrator, Region IX.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart DD—Nevada

- 2. Section 52.1470 is amended by adding in paragraph (e), under the table heading "Air Quality Implementation Plan for the State of Nevada" an entry for "Revisions to the Nevada Particulate Matter (PM₁₀) State Implementation Plan for the Truckee Meadows Air Basin (August 2002), Section V; Section VI, Table 4; and Appendix B, Tables 1–2 and 1–3 only" and an entry for "Redesignation Request and Maintenance Plan for the Truckee Meadows 24-Hour PM₁₀ Nonattainment Area (August 28, 2014)" after the entry for "State Implementation Plan for a Basic Program for the Inspection and Maintenance of Motor Vehicles for the Truckee Meadows Planning Area, Nevada (June 1994), including the cover page through page 9, appendix 1, appendix 2 (only the certification of compliance and Nevada attorney general's opinion), and appendices 3, 6, 8, and 10."

The added text reads as follows:

§ 52.1470 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NEVADA NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA Approval date	Explanation
Air Quality Implementation Plan for the State of Nevada ¹				
* Revisions to the Nevada Particulate Matter (PM ₁₀) State Implementation Plan for the Truckee Meadows Air Basin (August 2002), Section V; Section VI, Table 4; and Appendix B, Tables 1–2 and 1–3 only.	* Truckee Meadows, Washoe County.	* 8/5/02	* [INSERT Federal Register CITATION], 12/8/15.	* Approval of the portion of the 2002 PM ₁₀ Attainment Plan that demonstrates implementation of best available control measures in compliance with section 189(b)(1)(B) of the Clean Air Act.
* Redesignation Request and Maintenance Plan for the Truckee Meadows 24-Hour PM ₁₀ Nonattainment Area (August 28, 2014).	* Truckee Meadows, Washoe County.	* 11/7/14	* [INSERT Federal Register CITATION], 12/8/15.	*
* 	* 	* 	* 	*

¹ The organization of this table generally follows from the organization of the State of Nevada's original 1972 SIP, which was divided into 12 sections. Nonattainment and maintenance plans, among other types of plans, are listed under Section 5 (Control Strategy). Lead SIPs and Small Business Stationary Source Technical and Environmental Compliance Assistance SIPs are listed after Section 12 followed by nonregulatory or quasi-regulatory statutory provisions approved into the SIP. Regulatory statutory provisions are listed in 40 CFR 52.1470(c).

§ 52.1476 [Amended]

■ 3. Section 52.1476 is amended by removing and reserving paragraph (a).

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

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

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

Subpart C—Section 107 Attainment Status Designations

■ 5. Section 81.329 is amended by:

■ a. Removing the table titled “Nevada—TSP”; and

■ b. Revising in the table under “Nevada—PM–10,” the entry for “Washoe County” to read as follows:

§ 81.329 Nevada.

* * * * *

NEVADA—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
Washoe County: Reno planning area	1/7/16	Attainment.		
Hydrographic area 87				
* * * * *				

* * * * *
[FR Doc. 2015–30487 Filed 12–7–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

[Docket No. FWS–R8–ES–2013–0133;
4500030113]

RIN 1018–AY78

Endangered and Threatened Wildlife and Plants; Removal of the Modoc Sucker From the Federal List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are removing the Modoc sucker (*Catostomus microps*) from the Federal List of Endangered and Threatened Wildlife. This determination is based on a thorough review of the best available scientific and commercial information, which indicates that the threats to this species have been eliminated or reduced to the point that the species no longer meets the definition of an endangered species or a threatened species under the Endangered Species Act of 1973, as

amended (Act). Because we are removing the Modoc sucker from the List of Endangered and Threatened Wildlife, we are also removing the designated critical habitat for this species. In addition, we are making available the final post-delisting monitoring plan for the species.

DATES: This rule is effective January 7, 2016.

ADDRESSES: *This rule:* This final rule is available on the Internet at <http://www.regulations.gov> and <http://www.fws.gov/klamathfallsfwo/>. Comments and materials we received, as well as supporting documentation we used in preparing this rule, are available for public inspection at <http://www.regulations.gov> under Docket No. FWS-R8-ES-2013-0133. All of the comments, materials, and documentation that we considered in this rulemaking are available by appointment, during normal business hours at: U.S. Fish and Wildlife Service, Klamath Falls Fish and Wildlife Office, 1936 California Avenue, Klamath Falls, OR 97601; by telephone 541-885-8481; or by facsimile 541-885-7837.

The post-delisting monitoring plan: The post-delisting monitoring plan for the Modoc sucker is available on our Endangered Species Program's national Web site (<http://endangered.fws.gov>), on the Klamath Falls Fish and Wildlife Office Web site (<http://www.fws.gov/klamathfallsfwo/>), and on the Federal eRulemaking Portal (<http://www.regulations.gov>).

FOR FURTHER INFORMATION CONTACT:

Laurie Sada, Field Supervisor, U.S. Fish and Wildlife Service, Klamath Falls Fish and Wildlife Office, 1936 California Avenue, Klamath Falls, OR 97601; by telephone 541-885-8481; or by facsimile 541-885-7837. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339.

SUPPLEMENTARY INFORMATION:

Previous Federal Actions

The Modoc sucker was added to the List of Endangered and Threatened Wildlife on June 11, 1985, as an endangered species (50 FR 24526). Critical habitat for the species was designated at the time of listing. A recovery plan was adopted for the species in 1992. On June 4, 2012, we published in the **Federal Register** a 90-day finding (77 FR 32922) for a 2011 petition to reclassify the species from an endangered species to a threatened species. In our 90-day finding, we determined that the 2011 petition provided substantial information

indicating the petitioned action may be warranted, and we initiated a status review for Modoc sucker. On February 13, 2014, we published in the **Federal Register** a combined 12-month finding and proposed rule (79 FR 8656) to remove the Modoc sucker from the Federal List of Endangered and Threatened Wildlife. On February 13, 2015, we published a document in the **Federal Register** (80 FR 8053) that reopened the public comment period on the February 13, 2014, proposed rule. Please refer to the February 13, 2014, proposed rule for a detailed description of previous Federal actions concerning this species.

Background

Please refer to the February 13, 2014, proposed rule (79 FR 8656) for a summary of background information on the Modoc sucker's taxonomy, life history, and distribution. A completed scientific analysis is presented in detail in the Modoc Sucker Species Report (Service 2015a, entire) (Species Report), which is available at <http://www.regulations.gov> at Docket Number FWS-R8-ES-2013-0133. The Species Report was prepared by Service biologists to provide a thorough discussion of the species' ecology and biological needs, and an analysis of the stressors that may be impacting the species. For a detailed discussion of biological information on the Modoc sucker, please see the "Background" section of the Species Report, which has been updated since the proposed rule and includes discussions on taxonomy and species description, habitat, biology, and distribution and abundance of the species (Service 2015a, p. 4-14).

Range of the Species

We consider the "range" of Modoc sucker to include an estimated 42.5 mi (68.4 km) of occupied habitat in 12 streams in the Turner Creek, Ash Creek, and Goose Lake sub-basins of the Pit River in northeastern California. This amount has increased substantially since the time of listing, when the known distribution of Modoc sucker was limited to an estimated 12.9 mi (20.8 km) of occupied habitat in seven streams in the Turner Creek and Ash Creek sub-basins. This distribution represents its entire known historical range, with the exception of Willow Creek within the Ash Creek sub-basin. Previous reports of Modoc suckers in Willow Creek are based on limited and unverifiable reports (Reid 2009, p. 14), and their present existence in Willow Creek remains questionable (Reid 2008a, p. 25). Therefore, we consider the

confirmed historical range to be occupied.

Summary of Changes From the Proposed Rule

We have not made any substantive changes in this final rule based on the comments that we received during the public comment period, but we have added or corrected text to clarify the information which we presented. One peer reviewer provided information on hybridization between Modoc suckers and Sacramento suckers (*Catostomus occidentalis*). This information and other clarifications have been incorporated into the Species Report for the species as discussed below in the Summary of Comments and Recommendations section.

Recovery and Recovery Plan Implementation

Section 4(f) of the Act directs us to develop and implement recovery plans for the conservation and survival of endangered and threatened species unless we determine that such a plan will not promote the conservation of the species. At the time of listing, the Service, the California Department of Fish and Wildlife (CDFW), and the U.S. Forest Service (USFS) were developing an "Action Plan for the Recovery of the Modoc sucker" (Action Plan). The April 27, 1983, Action Plan was formally signed by all participants in 1984 (Service 1984, entire). The Action Plan was revised in 1989 (Service 1989, entire). We determined that the Action Plan and its 1989 revision (Service 1984, 1989) adequately fulfilled the requirements of a recovery plan, and in a 1992 memorandum from the Regional Director (Region 1) to the Service's Director, we adopted it as the recovery plan for the Modoc sucker ("1992 Recovery Plan"; Service 1992) and determined we would not prepare a separate recovery plan pursuant to section 4(f) of the Act.

The 1992 Recovery Plan included downlisting and delisting objectives (considered to be equivalent to criteria). In the February 13, 2014, proposed rule (79 FR 8656), we outlined the objectives to reclassify the Modoc sucker from an endangered species to a threatened species and the objectives to remove the Modoc sucker from the List of Endangered and Threatened Wildlife, and we discussed progress towards meeting the objectives. Please see the February 13, 2014, proposed rule for a detailed discussion of the downlisting and delisting objectives and how they apply to the status of the Modoc sucker. The objectives are summarized below.

Downlisting Objectives

Downlisting objective 1: Maintain the integrity of extant habitats and prevent the invasion of Sacramento suckers into isolated stream reaches of the Turner-Hulbert-Washington Creek system and upper Johnson Creek. The intent of meeting this objective was to halt the threat of further loss and degradation of habitat (Factor A) and to address the threat of genetic introgression from hybridization with Sacramento sucker (Factor E).

Downlisting objective 2: Restore and maintain the quality of aquatic habitat conditions within these watersheds and thereby increase their carrying capacity for Modoc suckers. The intent of this objective was to further address habitat loss and degradation (Factor A) through active restoration, with the ultimate goal to allow the habitat to support an increase in population numbers.

Downlisting objective 3: Secure populations of Modoc sucker have been maintained in these creeks for 3 consecutive years. The intent of this objective was to monitor Modoc sucker populations to ensure recruitment had occurred and is based on the life history of Modoc suckers, in which individuals mature at age 2+ years.

Delisting Objectives

Delisting objective 1: The remaining suitable, but presently unoccupied, stream reaches within Turner-Hulbert Creek-Washington Creek and Rush-Johnson Creek drainages must be renovated and restored to Modoc sucker. The intent of this objective was to further address habitat loss and degradation (Factor A) through active restoration, as well as to increase population sizes and resiliency.

Delisting objective 2: Secure populations of Modoc suckers must be reestablished in at least two other streams outside of the above drainages, but within the historical range. The intent of this objective was to increase both habitat available and the number of populations, thereby increasing redundancy of the Modoc sucker populations.

Delisting objective 3: All populations must have sustained themselves through a climatic cycle that includes drought and flood events. The intent of this objective was to determine if Modoc suckers have responded positively to habitat protection and restoration, and have a sufficient number of populations and individuals to withstand and recover from environmental variability and stochastic events.

Since the time of listing, actions have been taken to maintain or improve

Modoc sucker habitat within Turner Creek, Hulbert Creek, Washington Creek, and Johnson Creek in support of downlisting objectives 1 and 2. The Service and partners have implemented projects and management that maintain the integrity of extant habitat (downlisting objective 1) and restore and maintain the quality of habitat (downlisting objective 2) via effective stabilization of stream banks, fencing to exclude livestock grazing in riparian areas, restoration of riparian vegetation, and increased instream habitat. On public lands, 1.5 miles (mi) (2.4 kilometers (km)) of Washington Creek, 0.2 mi (0.3 km) of Hulbert Creek, 0.5 mi (0.8 km) of Coffee Mill Creek, and approximately 1.5 mi (2.4 km) of Turner Creek have been fenced to protect riparian habitat (Reid 2008a, p. 85; M. Yamagiwa, USFS, personal communication). Additionally, since the Modoc sucker was listed in 1985, fencing has been constructed to exclude cattle on Rush Creek and Johnson Creek below Higgins Flat (Modoc National Forest). Fencing led to immediately protecting extant habitat (immediate, near-term), and allowed habitat to recover. This improved the quality and carrying capacity in the long term, thus addressing downlisting objectives 1 and 2. Extensive landowner outreach by the Service, USFS, and State agencies (CDFW, Oregon Department of Fish and Wildlife (ODFW)), and improved livestock grazing management practices in Modoc and Lassen Counties, have also resulted in improved protection of riparian corridors on private lands in the Turner and Ash Creek sub-basins. Protection of riparian habitat by excluding cattle and by improving livestock grazing management practices on both public and private lands has resulted in improved habitat conditions along these streams as a result of reduced erosion and improved vegetative and hydrologic characteristics (Reid 2008a, pp. 41, 85–86).

Active habitat restoration (downlisting objective 2) has been implemented in many locations throughout the species' range since the species was listed. Restoration on the Modoc National Forest has led to improved habitat conditions in riparian areas along many of the streams occupied by Modoc suckers. Willows have been planted along portions of streams occupied by Modoc suckers in the Turner Creek and Ash Creek sub-basins to stabilize streambanks and provide shading and cover (Reid 2008a, pp. 85–86; USFS 2008, p. 16). As a result of riparian habitat improvements

and improved livestock grazing management practices, channel widths have narrowed and created deeper habitat preferred by Modoc suckers (USFS 2008, p. 16). Other habitat restoration activities include juniper revetment (the use of cut juniper trees to stabilize streambanks), creation and expansion of pool habitat, placement of boulders within streams to provide cover and shade, and restoration of channel headcuts (areas of deep erosion) to prevent further downcutting of channels (Reid 2008a, pp. 85–86; USFS 2008, p. 16).

Habitat conditions in designated critical habitat and other occupied streams have steadily improved since listing and have sustained populations of Modoc suckers for at least 25 years, although recent habitat surveys indicate erosion and sedimentation continue to be a problem along lower Turner Creek. However, this degraded reach amounts to only 2.4 percent (1.01 mi (1.63 km)) of the total length (42.5 mi (68.4 km)) of streams occupied by Modoc sucker. Land management practices employed on public and private lands since the early 1980s are expected to continue, or improve, thereby maintaining stable to upward habitat trends. Thus, we have determined that the integrity of extant habitat has been maintained (part of downlisting objective 1) and the quality of habitat has been restored and maintained through restoration efforts (downlisting objective 2), and we conclude that these portions of the downlisting objectives have been met.

While part of downlisting objective 1 was to prevent invasion of Sacramento sucker, further research into the magnitude and consequences of genetic introgression with Sacramento suckers has led us to conclude that this part of the objective is no longer relevant. Observed levels of genetic introgression by Sacramento suckers in streams dominated by Modoc suckers are low (Smith *et al.* 2011, pp. 79–83), even when there are no physical barriers between the two species (Topinka 2006, pp. 64–65). This suggests that either ecological differences, selective pressures, or other natural reproductive-isolating mechanisms are sufficient to maintain the integrity of the species, even after more than a century of habitat alteration by human activities. Currently, only Ash Creek exhibits a considerable degree of introgression. Scientists who have studied suckers in western North America consider that, throughout their evolutionary history, hybridization among sympatric native fishes is not unusual and may actually provide an adaptive advantage (Dowling and Secor 1997, pp. 612–613; Dowling

2005, p. 10; Topinka 2006, p. 73; Tranah and May 2006, p. 313). Reexamination of information on natural barriers, information on morphological characters, and new genetic information that was unavailable at the time of listing indicates that hybridization is not a threat to the Modoc sucker and may be part of its natural evolutionary history. Thus, because of the new information that has become available since the time of listing, we have determined this portion of the downlisting criterion (to prevent the invasion of Sacramento suckers) is not a valid concern for the conservation of the species and no longer needs to be met for Modoc sucker recovery.

Several estimates of population size of Modoc suckers in Turner Creek, Hulbert Creek, Washington Creek, and Johnson Creek have been completed since the 1970s, and found that Modoc sucker populations have been maintained in the Turner-Hulbert-Washington Creek system and upper Johnson Creek for 3 consecutive years (downlisting objective 3). Modoc suckers appear broadly distributed throughout suitable habitat in these streams. Although the observations during each survey may not be directly comparable due to differences in sampling methods, there does not appear to be any major changes in observations of these stream populations over time. Observations of Modoc suckers in Hulbert Creek and Johnson Creek prior to 2008 appear to be greater than observations made in 2008 and 2012. However, this may be explained by differences in survey methods, inclusion of young-of-the-year suckers in earlier counts, and the fact that some numbers reported are population estimates rather than counts of individuals. Although population monitoring has not been conducted on an annual basis, sucker surveys conducted in 2008 and 2012 show that Modoc sucker populations have been maintained, and are still well-established, in Turner Creek, Washington Creek, Hulbert Creek, and Johnson Creek—as well as in each of the other streams known to be occupied at the time of listing—more than 25 years after listing. Thus, we have determined that populations of Modoc sucker have demonstrated persistence, have had successful recruitment (given that individuals mature at 2+ years), and remain stable over this timeframe. As a result we conclude that downlisting objective 3 has been met.

At the time of listing in 1985, it was estimated that Modoc suckers occupied 2.0 mi (3.2 km) of habitat in Turner Creek, 0.8 mi (1.3 km) of habitat in Hulbert Creek, 0.5 mi (0.8 km) of habitat

in Washington Creek, 4.6 mi (7.4 km) in Rush Creek, and 1.2 mi (1.9 km) of habitat in Johnson Creek (Reid 2008a, p. 25) (50 FR 24526). Since the time of listing, Reid (2008a, p. 25) estimated that there was 5.5 mi (8.9 km) of available habitat in Turner Creek, 3.0 mi (4.8 km) in Hulbert Creek, 4.1 mi (6.6 km) in Washington Creek, 4.6 mi (7.4 km) in Rush Creek, and 2.7 mi (4.3 km) in Johnson Creek. Habitat conditions along Turner Creek, Hulbert Creek, Washington Creek, and Johnson Creek have improved since the time of listing. Modoc suckers currently occupy all available habitats within Turner Creek, Hulbert Creek, Rush Creek, and Johnson Creek; Modoc suckers occupy 3.4 mi (5.5 km) of the available habitat in Washington Creek (Reid 2008a, p. 25). Therefore, we have determined that delisting objective 1, restoring Modoc suckers to unoccupied habitat, has been met.

The 1992 Recovery Plan stated that additional populations were needed to provide population redundancy (delisting objective 2). New information indicates the presence of Modoc sucker populations in four streams that were not known to be occupied at the time of listing (Garden Gulch Creek in the Turner Creek sub-basin; and Thomas Creek, an unnamed tributary to Thomas Creek, and Cox Creek in the Goose Lake sub-basin). In addition, in 1987, CDFW transplanted Modoc suckers from Washington Creek to Coffee Mill Creek to establish an additional population in the Turner Creek sub-basin (CDFW 1986, p. 11). In those four populations, Modoc suckers appear to be well-established and relatively abundant; spawning adult and juvenile suckers have been consistently observed there during visual surveys (Reid 2009, p. 25). Therefore, we have determined that the intent of delisting objective 2 has been met by the discovery of Modoc sucker populations in additional locations and the establishment of one population.

The northwestern corner of the Great Basin where the Modoc sucker occurs is naturally subject to extended droughts, during which even the larger water bodies such as Goose Lake have dried up (Laird 1971, pp. 57–58). Regional droughts have occurred every 10 to 20 years in the last century (Reid 2008a, pp. 43–44). Collections of Modoc suckers from Rush Creek and Thomas Creek near the end of the “dustbowl” drought of the 1920s to 1930s (Hubbs 1934, p. 1; Reid 2008a, p. 79) indicate that the species was able to persist in those streams even through a prolonged and severe drought. Modoc suckers have persisted throughout the species’ historical range since the time it was

listed in 1985, even though the region has experienced several pronounced droughts as well as heavy-precipitation, high-water years (for example, 2011), indicating that the species is at least somewhat resilient to weather and hydrologic fluctuations. Therefore, we have determined that delisting objective 3 has been met.

The 1992 Recovery Plan was based on the best scientific and commercial information available at the time. In evaluating the extent to which recovery objectives have been met, we must also assess new information that has become available since the species was listed and the 1992 Recovery Plan adopted. As noted above, research and new information since the time of listing and the completion of the 1992 Recovery Plan indicate that hybridization and introgression with Sacramento sucker is not a substantial threat to Modoc suckers. Additionally, Modoc suckers were found occupying areas they were not known to occupy at the time of listing. This new information alters the extent to which the recovery objectives related to hybridization and establishing new populations need to be met. In the case of hybridization and genetic introgression, we find that this objective is no longer relevant given the lack of threat to the species. With regard to the objective to establish new populations, we find that the discovery of additional populations has substantially met the intent of the objective to provide for population redundancy so that reestablishing two additional populations is no longer needed.

Additionally, we have assessed whether the 1992 Recovery Plan adequately addresses all the factors affecting the species. The recovery objectives did not directly address predation by brown trout (*Salmo trutta*) and other nonnative fish or the point at which that threat would be ameliorated, although actions to address these threats were included in the plan. Since the time of listing, additional predatory nonnative fish have been recorded in streams containing Modoc suckers. Actions to address nonnative predatory species and an assessment of their impact are discussed below. While not specific to predatory nonnative fish, attainment of delisting objective 3, indicating that Modoc sucker populations have sustained themselves since listing in 1985, provides some indication that nonnative predatory fish are no longer a serious threat to the species’ persistence. Effects of climate change is an additional threat identified since listing and preparation of the 1992 Recovery Plan. All threats, including those identified since listing and

preparation of the 1992 Recovery Plan, are discussed further later in this rule. Based on our analysis of the best available information, we conclude that the downlisting and delisting objectives have been substantially met. Additional threats not directly addressed in the recovery objectives are discussed below. Additional information on recovery and the 1992 Recovery Plan's implementation is described in the "Recovery" section of the Species Report (Service 2015a, pp. 30–33).

Summary of Factors Affecting the Species

Section 4 of the Act and its implementing regulations (50 CFR part 424) set forth the procedures for listing species, reclassifying species, or removing species from listed status. "Species" is defined by the Act as including any species or subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature (16 U.S.C. 1532(16)). A species may be determined to be an endangered or threatened species because of any one or a combination of the five factors described in section 4(a)(1) of the Act: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or human-made factors affecting its continued existence. A species may be reclassified or delisted on the same basis.

A recovered species is one that no longer meets the Act's definition of an endangered species or a threatened species. Determining whether a species is recovered requires consideration of whether the species is endangered or threatened because of the same five categories of threats specified in section 4(a)(1) of the Act. For species that are already listed as endangered or threatened species, this analysis of threats is an evaluation of both the threats currently facing the species and the threats that are reasonably likely to affect the species in the foreseeable future following the delisting or downlisting and the removal or reduction of the Act's protections.

A species is an "endangered species" for purposes of the Act if it is in danger of extinction throughout all or a significant portion of its range and is a "threatened species" if it is likely to become an endangered species within the foreseeable future throughout all or

a significant portion of its range. The Act does not define the term "foreseeable future." For the purposes of this rule, we define the "foreseeable future" to be the extent to which, given the amount and substance of available data, we can anticipate events or effects, or reliably extrapolate threat trends, such that we reasonably believe that reliable predictions can be made concerning the future as it relates to the status of Modoc sucker. Specifically, for Modoc sucker, we consider two factors: the management of threats and the response of the species to management. First, as described below, the threats to the species have been successfully ameliorated, largely due to management plans that are currently in place, being fully implemented, expected to stay in place, and expected to successfully continue to control potential threats (USFS 1989, entire; USFS 1991, entire). Management plans that consider natural resources are required by law for all Federal lands on which Modoc sucker occurs, which encompass greater than 50 percent of the species' range. Management plans are required to be in effect at all times and to be in compliance with various Federal regulations. Additionally, efforts to promote conservation of Modoc sucker habitat on private lands have been successful and are expected to continue into the future. Second, the Modoc sucker has demonstrated a quick positive response to management over the past 28 years since the species was listed; based on this, we anticipate being able to detect the species' response to any changes in the management that may occur because of a plan amendment. Therefore, in consideration of Modoc sucker's positive response to management and our partners' commitment to continued management, as we describe below, we do not foresee that management practices will change, and we anticipate that threats to the Modoc sucker will remain ameliorated into the foreseeable future.

The word "range" in the significant portion of its range phrase refers to the range in which the species currently exists. For the purposes of this analysis, we first evaluate the status of the species throughout all its range, then consider whether the species is in danger of extinction or likely to become so in any significant portion of its range.

At the time of listing, the primary threats to Modoc sucker were from habitat degradation and loss due to activities (such as overgrazing by cattle) that cause erosion and siltation, and elimination of natural barriers that resulted in loss of genetic integrity of the species due to hybridization with

Sacramento suckers. Predation by the nonnative brown trout was also identified as a threat to Modoc sucker.

A thorough analysis and discussion of the current status of the Modoc sucker and stressors faced by the species is detailed in the Species Report (Service 2015a, entire). The following sections provide a summary of the past, current, and potential future threats impacting the Modoc sucker. These threats include activities (such as overgrazing) that cause erosion and siltation (Factor A); elimination of natural barriers (Factor A); effects of climate change and drought (Factor A); predation by nonnative species (Factors C); and hybridization and genetic introgression (infiltration of genes of another species) (Factor E).

Erosion and Cattle Grazing

The 1985 listing rule (50 FR 24526; June 11, 1985) stated that activities (such as overgrazing) that cause a reduction in riparian vegetation, which then leads to stream erosion, siltation, and incision, were a threat to the species. An increase in silt from eroding banks may fill in the preferred pool habitat of Modoc suckers and can cover gravel substrate used for spawning (50 FR 24526, June 11, 1985; Moyle 2002, p. 190). Sediment introduced into streams can adversely affect fish populations by inducing embryo mortality, affecting primary productivity, and reducing available habitat for macroinvertebrates that Modoc suckers feed upon (Moyle 2002, p. 191). However, land and resource management, as guided through regulations and policies, can effectively reduce or control threats to Modoc sucker.

Federal Management

The National Forest Management Act (NFMA; 16 U.S.C. 1600 *et seq.*) and regulations and policies implementing the NFMA are the main regulatory mechanisms that guide land management on the Fremont-Winema and Modoc National Forests, which contain about 51 percent of the Modoc sucker's range. Since listing, the Fremont-Winema National Forest (USFS 1989, entire) and Modoc National Forest (USFS 1991, entire) have each addressed the Modoc sucker and its habitat in their resource management plans. These plans are required by NFMA and the Federal Land Policy and Management Act of 1976 (FLPMA; 43 U.S.C. 1701 *et seq.*). The NFMA requires revision of the plans every 15 years; however, plans may be amended or revised as needed. Management plans are required to be in effect at all times (in other words, if the revision does not

occur, the previous plan remains in effect) and to be in compliance with various Federal regulations. The plans direct these national forests to maintain or increase the status of populations of federally endangered or threatened species and their habitats. In addition, these plans guide riparian management with a goal of restoring and maintaining aquatic and riparian ecosystems to their desired management potential (USFS 1989, Appendix p. 86; USFS 1991, pp. 4–26, Appendix pp. M–1–M–2).

Management direction for grazing on Forest-managed lands is provided through allotment management plans and permits, which stipulate various grazing strategies that will minimize adverse effects to the watershed and listed species. The allotment management plans outline grazing management goals that dictate rangeland management should maintain productive riparian habitat for endangered, threatened, and sensitive species (USFS 1995, p. 1). These grazing permits are valid for 10 years, but operating instructions for these permits are issued on an annual basis. Also, as Federal agencies, the Fremont-Winema and Modoc National Forests comply with the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) process when evaluating potential land-disturbing projects or changes in National Forest management. Federal agency compliance with NEPA allows the public to comment on Federal actions that may impact the natural environment and thus allow for, in some circumstances, implementation of those actions that may have less environmental impact.

State and Private Land Management

In California, the California Fish and Game Code affords some protection to stream habitats for all perennial, intermittent, and ephemeral rivers and streams by minimizing impacts. In Oregon, the Oregon Department of Land Conservation and Development requires local land use planning ordinances to protect natural resources, including riparian and wetland habitats. In addition to State protections, extensive landowner outreach and improved grazing management practices in Modoc and Lassen Counties have also resulted in improved protection of riparian corridors on private lands.

Improved livestock grazing management practices on Federal, State, and private lands as a result of Federal, State, and private landowner management efforts have greatly reduced impacts to Modoc sucker habitat from poor livestock grazing practices since the Modoc sucker's

listing in 1985. Since listing, some of the Modoc sucker streams on public and private land have been fenced to exclude or actively manage livestock grazing for the benefit of Modoc sucker conservation (Reid 2008a, pp. 34–36, 85). Riparian fencing along occupied streams to exclude cattle during the past 25 years has resulted in continued improvements in riparian vegetative corridors, in-stream cover, and channel morphology.

In 2012, the most recent habitat assessment, the Klamath Falls Fish and Wildlife Office completed habitat surveys in Washington Creek, Garden Gulch Creek, Coffee Mill Creek, Dutch Flat Creek, Turner Creek, Hulbert Creek, and Johnson Creek within the Ash Creek and Turner Creek sub-basins. Data collected indicated that the average percent bank erosion was low (less than 40 percent) at Garden Gulch Creek, Coffee Mill Creek, Hulbert Creek, Washington Creek, and Johnson Creek. Bank erosion appeared moderate at the Dutch Flat Creek site (49 percent) and was highest at the Turner Creek site (75 percent). Bank erosion along these creeks has resulted in an introduction of silt, which can cover gravel substrate used for spawning by Modoc suckers (Moyle 2002, p. 191). However, these two degraded reaches (Dutch Flat Creek and Turner Creek) combined amount to only 4.1 percent (1.76 mi/42.5 mi) of the Modoc sucker's total occupied habitat. These results indicate that management efforts have substantially reduced erosion throughout the range of the species, with the exception of two sites comprising a small percentage of the species' range.

Land management practices employed on public and private lands since the early 1980s are expected to continue, or improve, thereby maintaining upward habitat trends as documented by survey data. On public lands, the resource management plans are required by NFMA and FLPMA, and continue to be in effect until revised. Continued commitment to protection of resources, including the Modoc sucker and riparian areas, in future revisions is expected. As an example, within the Fremont-Winema National Forest, Thomas Creek is a Priority Watershed under their Watershed Condition Framework, and Fremont-Winema National Forest is currently working on a watershed restoration action plan. The action plan will identify individual projects such as fish passage, instream restoration, and road treatments/closures. The California Fish and Game Code affords some protection to stream habitats for all perennial, intermittent, and ephemeral rivers and streams in

California. The Oregon Department of Land Conservation and Development requires local land use planning ordinances to protect natural resources, including riparian and wetland habitats. There are no formalized agreements in place with private landowners that specifically establish protection of Modoc sucker habitat, although continued outreach and technical assistance, along with other partnerships and management efforts, is expected to continue into the future (e.g., through the Service's Partners for Fish and Wildlife Program) that may result in benefits to Modoc sucker habitat.

Although the 2012 habitat surveys indicate that livestock grazing still results in stream bank erosion along a small percentage of streams occupied by Modoc suckers, these surveys and the 2008 and 2012 fish surveys indicate that livestock grazing management has improved greatly, and as a result of reduced impact to habitat, there has been no reduction in the distribution of Modoc suckers. Management plans that consider natural resources are required by law for all Federal lands on which Modoc sucker occurs. Management plans are required to be in effect at all times (in other words, if the revision does not occur, the previous plan remains in effect) and to be in compliance with various Federal regulations. Further, several organizations have partnered with private landowners to complete habitat restoration on the private land parcels to benefit fish passage and riparian habitat. Therefore, based on the best available information and expectation that current management practices will continue into the future, we conclude that livestock grazing and erosion do not constitute substantial threats to the Modoc sucker now and are not expected to in the future.

Elimination of Natural Barriers

The 1985 listing rule (50 FR 24526; June 11, 1985) stated that natural passage barriers in streams occupied by Modoc suckers had been eliminated by human activities, allowing hybridization between the Modoc and Sacramento suckers (see *Hybridization and Genetic Introgression*, below). The lack of barriers was also thought to provide exposure to nonnative predatory fishes (see *Predation by Nonnative Species*, below). However, surveys completed since the time of listing reveal no evidence of historical natural barriers that would have acted as a physical barriers to fish movement. This is particularly true during higher springtime flows, when Sacramento

suckers make their upstream spawning migrations (Moyle 2002, p. 187). The source of this misunderstanding appears to have been a purely conjectural discussion by Moyle and Marciochi (1975, p. 559) that was subsequently accepted without validation, and Moyle makes no mention of it in his most recent account of Modoc sucker status (Moyle 2002, pp. 190–191). Since our current understanding is that the elimination of passage barriers did not occur, we conclude that elimination of passage barriers was incorrectly identified as a threat, and we no longer consider it a threat to Modoc sucker.

Predation by Nonnative Species

The 1985 listing rule (50 FR 24526; June 11, 1985) identified predation by nonnative brown trout as a threat to Modoc suckers. Since the time of listing, the following additional predatory nonnative fish species have been recorded in streams containing Modoc suckers (Service 2009): largemouth bass, sunfish (green and bluegill), and brown bullheads. Two of the three known sub-basins with Modoc suckers contain introduced predatory fishes. The Ash Creek sub-basin contains brown trout and possibly largemouth bass in downstream reaches of Ash Creek. The Turner Creek sub-basin contains a number of warm-water predatory fish. The Goose Lake sub-basin was previously stocked with brook trout (*Salvelinus fontinalis*), and they still occur in the Cottonwood Creek drainage, a tributary to Goose Lake. However, we do not consider the brook trout to be a concern at this time, as they do not coexist with Modoc sucker.

The Ash Creek sub-basin contains brown trout, which have co-existed with Modoc suckers for over 70 years, but may suppress local native fish populations in small streams. In 2009 and 2010, a substantial eradication effort in Johnson Creek, within the Ash Creek sub-basin, removed most brown trout from occupied Modoc sucker habitat (Reid 2010, p. 2). There are no sources of largemouth bass upstream of Modoc sucker populations in the Ash Creek basin, although they may be present downstream in warmer, low-gradient reaches of Ash Creek proper.

The Turner Creek sub-basin contains largemouth bass, sunfish (green and bluegill), and brown bullheads, of which only the bass are considered a significant predator on Modoc suckers. Bass do not appear to reproduce or establish stable populations in Turner Creek because the creek's cool-water habitat is generally unsuitable for supporting largemouth bass populations. Since 2005, the Service has

supported a successful program of active management for nonnative fishes in the Turner Creek basin, targeting bass and sunfishes with selective angling and hand-removal methods that do not adversely impact native fish populations (Reid 2008b, p. 1).

Redband trout (*Oncorhynchus mykiss newberri*), the only native potential predator of Modoc sucker, also occupies upper Thomas Creek, but there are no nonnative fishes there (Scheerer *et al.* 2010, pp. 278, 281). The upper reaches of Thomas Creek occupied by Modoc suckers are unlikely to be invaded by nonnative fishes given the lack of upstream source populations and presence of a natural waterfall barrier in the lowest reach.

While Modoc suckers may be negatively impacted by introduced predatory fishes, such as brown trout and largemouth bass, they have persisted in the presence of nonnative predators, and populations have remained relatively stable in the Ash Creek and Turner Creek sub-basins (the two sub-basins with documented nonnative predatory fish), prior to and since the time of listing. The separation of the three known basins containing Modoc suckers further reduces the probability that a new or existing nonnative predator would impact all three basins simultaneously. In some instances, natural constraints, such as cool-water habitat, limit the distribution of nonnative predators. In other cases, natural or manmade barriers limit potential introductions, as do policies and regulations within Oregon and California. State regulations and fish stocking policies, in both California and Oregon, prohibit transfer of fish from one water body to another. Regulations prohibiting transfer of fish between water bodies discourage the spread of predatory fish species such as brown trout and largemouth bass throughout the Modoc sucker's range. In addition, CDFW has discontinued stocking of the predatory brown trout into streams in the Pit River basin, and the ODFW does not stock brown trout in the Goose Lake sub-basin. Based on current policies and regulations, we do not expect additional predatory fish to be introduced into Modoc sucker habitat in the future. Therefore, based on the best available information, we conclude that introduced predators do not constitute a substantial threat to the Modoc sucker now or in the future.

Climate Change and Drought

Our analyses under the Act include consideration of ongoing and projected changes in climate. The terms "climate" and "climate change" are defined by the

Intergovernmental Panel on Climate Change (IPCC). The term "climate" refers to the mean and variability of different types of weather conditions over time, with 30 years being a typical period for such measurements (IPCC 2013, p. 1450). The term "climate change" thus refers to a change in the mean or variability of one or more measures of climate (for example, temperature or precipitation) that persists for an extended period, whether the change is due to natural variability or human activity (IPCC 2013, p. 1450). Various changes in climate may have direct or indirect effects on species. These effects may be positive, neutral, or negative, and they may change over time, depending on the species and other relevant considerations, such as threats in combination and interactions of climate with other variables (for example, habitat fragmentation) (IPCC 2014, pp. 4–11). In our analyses, we use our expert judgment to weigh relevant information, including uncertainty, in our consideration of various aspects of climate change.

The 1985 listing rule did not identify the effects of drought or climate change as threats to the continued existence of the Modoc sucker. However, the northwestern corner of the Great Basin is naturally subject to extended droughts, during which streams and even the larger water bodies such as Goose Lake have dried up (Laird 1971, pp. 57–58). Regional droughts have occurred every 10 to 20 years in the last century, and Goose Lake went dry as recently as 1992 and 2010 (Reid 2008a, pp. 43–44; R. Larson, KFFWO, personal communication). We have no records of how frequently Modoc sucker streams went dry. Some reaches of occupied streams have been observed to dry up (or flow goes subsurface through the gravel instead of over the surface) nearly every summer under current climatic conditions (Reid 2008, p. 42), indicating that headwater reaches did stop flowing. In extreme droughts, the suckers may have withdrawn to permanent main-stem streams, such as Rush, Ash, and Turner Creeks, and later recolonized the tributaries. Suckers also take refuge in natural spring-fed headwater reaches and in deeper, headwater pools that receive subsurface flow even when most of the stream channel is dry (Reid 2008, p. 43). Collections of Modoc suckers from Rush Creek and Thomas Creek near the end of the "dustbowl" drought (Hubbs 1934, p. 1; Reid 2008a, p. 79) and the continued persistence of Modoc suckers throughout their known range through substantial local drought years since 1985, including up to the present,

demonstrate the resiliency of Modoc sucker populations to drought.

Human-induced climate change could exacerbate low-flow conditions in Modoc sucker habitat during future droughts. A warming trend in the mountains of western North America is expected to decrease snowpack, hasten spring runoff, reduce summer stream flows, and increase summer water temperatures (Poff *et al.* 2002, p. 11; Koopman *et al.* 2009, p. 3; PRBO Conservation Science 2011, p. 15). Lower flows as a result of smaller snowpack could reduce sucker habitat, which might adversely affect Modoc sucker reproduction and survival.

Warmer water temperatures could lead to physiological stress and could also benefit nonnative fishes that prey on or compete with Modoc suckers. Increases in the number and size of forest fires could also result from climate change (Westerling *et al.* 2006, p. 940) and could adversely affect watershed function resulting in faster runoff, lower base flows during the summer and fall, and increased sedimentation rates. It is possible that lower flows may result in increased groundwater withdrawal for agricultural purposes and thus reduced water availability in certain stream reaches occupied by Modoc suckers. While these are all possible scenarios, we have no data on which to predict the likelihood or magnitude of these outcomes. However, improved habitat conditions may also offset some of the potential effects of climate change. Increased riparian vegetation, increased instream cover, and improved channel morphology (including deeper pools) may help to moderate water temperatures, reduce erosion and sedimentation, and improve water retention for refugia during droughts.

In summary, droughts may be a concern because they could likely constrict the amount of available habitat and reduce access to spawning habitat. However, the species has not declined in distribution since the time of listing in 1985, even though during this time the region where the species exists has experienced several pronounced droughts when total annual precipitation was approximately half of the long-term average (Western Regional Climate Center, <http://www.wrcc.dri.edu/cgi-bin/cliMONtpre.pl?ca0161>, accessed December 20, 2013). Because we are unable at this time to predict how climate change may exacerbate the effects of drought within the Modoc sucker's range, we cannot make meaningful projections on how the species may react to climate change or how its habitat may be affected. Also, although we cannot predict future

climatic conditions accurately, the persistence of Modoc sucker across its range through the substantial droughts of the last century suggests that the species is resilient to drought and reduced water availability. In addition, improved habitat conditions may increase the resiliency of both the Modoc sucker and its habitat to the effects of climate change. Therefore, based on the best available information, we conclude that the effects of droughts and climate change, while likely affecting Modoc sucker populations, do not constitute substantial threats to Modoc sucker now and are not expected to in the future.

Hybridization and Genetic Introgression

The 1985 listing rule (50 FR 24526; June 11, 1985) identified hybridization with the Sacramento sucker as a threat to the Modoc sucker. Hybridization can be cause for concern in a species with restricted distribution, particularly when a closely related, nonnative species is introduced into its range, which can lead to loss of genetic integrity or even extinction (Rhymmer and Simberloff 1996, p. 83). At the time of listing, it was assumed that hybridization between Modoc suckers and Sacramento suckers had been prevented in the past by the presence of natural physical barriers, but that the loss of these stream barriers was allowing interaction and hybridization between the two species (see *Elimination of Natural Barriers*, above). However, the assumption that extensive hybridization was occurring was based solely on the two species occurring in the same streams, and the identification of a few specimens exhibiting what were thought to be intermediate morphological characters. At the time of listing in 1985, genetic and complete morphological information to assess this assumption were not available.

The morphological evidence for hybridization in the 1985 listing rule was based on a limited understanding of morphological variation in Modoc suckers and Sacramento suckers, derived from the small number of specimens available at that time. The actual number of specimens identified as apparent hybrids by earlier authors was very small, and many of these specimens came from streams without established Modoc sucker populations. Subsequent evaluation of variability in the two species was based on a larger number of specimens. It showed that the overlapping characteristics (primarily lateral line and dorsal ray counts) that had been interpreted by earlier authors as evidence of hybridization are actually part of the natural meristic (involving

counts of body parts such as fins and scales) range for the two species. As a result, this variability is no longer thought to be the result of genetic introgression between the two species (Kettrated 2001, pp. 52–53).

In 1999, we initiated a study to examine the genetics of suckers in the Pit River basin and determine the extent and role of hybridization between the Modoc and Sacramento suckers using both nuclear and mitochondrial genes (Palmerston *et al.* 2001, p. 2; Wagman and Markle 2000, p. 2; Dowling 2005, p. 3; Topinka 2006, p. 50). The two species are genetically similar, suggesting that they are relatively recently differentiated or have a history of introgression throughout their ranges that has obscured their differences (Dowling 2005, p. 9; Topinka 2006, p. 65). Although the available evidence cannot differentiate between the two hypotheses, the genetic similarity in all three sub-basins, including those populations shown to be free of introgression based on species-specific genetic markers (Topinka 2006, pp. 64–65), suggests that introgression has occurred on a broad temporal and geographic scale and is not a localized or recent phenomenon. Consequently, the genetic data suggest that introgression is natural and is not caused or measurably affected by human activities.

In a later study, Topinka (2006, p. 50) analyzed nuclear DNA from each of the two species and identified species-specific markers indicating low levels of introgression by Sacramento sucker alleles into most Modoc sucker populations. However, there was no evidence of first generation hybrids, and it is not clear whether introgression occurred due to local hybridization or through immigration by individual Modoc suckers carrying Sacramento alleles from other areas where hybridization had occurred.

Scientists who have studied suckers in western North America consider that, throughout their evolutionary history, hybridization among sympatric native fishes is not unusual and may provide an adaptive advantage (Dowling and Secor 1997, pp. 612–613; Dowling 2005, p. 10; Topinka 2006, p. 73; Tranah and May 2006, p. 313). Further, despite any hybridization that has occurred in the past, the Modoc sucker maintains its morphological and ecological distinctiveness, even in populations showing low levels of introgression, and is clearly distinguishable in its morphological characteristics from the Sacramento sucker (Kettrated 2001, p. 3; Smith *et al.* 2011, pp. 79–83). The low levels of observed introgression by

Sacramento suckers in streams dominated by Modoc suckers, even when there are no physical barriers between the two species, suggests that ecological differences, selective pressures, or other natural reproductive-isolating mechanisms are sufficient to maintain the integrity of the species, even after more than a century of habitat alteration by human activities. Therefore, given the low levels of observed introgression in streams dominated by Modoc suckers, the lack of evidence of first-generation hybrids, the fact that Modoc suckers and Sacramento suckers are naturally sympatric, and the continued ecological and morphological integrity of Modoc sucker populations, we conclude that hybridization and genetic introgression do not constitute threats to the Modoc sucker now and are not expected to in the future.

Overall Summary of Factors Affecting the Modoc Sucker

Threats to the Modoc sucker that were considered in the 1985 listing rule (50 FR 24526; June 11, 1985) included habitat loss and degradation, hybridization with Sacramento sucker due to loss of natural barriers, and predation by nonnative brown trout. Climate change, drought, and predation by additional nonnative fish species are threats identified since listing. We summarize our evaluation of these threats below.

In our evaluation of the threat of habitat loss and degradation as a result of land management practices, we find that habitat conditions on both public and private lands have improved since the time of listing as a result of improved livestock grazing management practices and construction of fencing to exclude cattle from riparian areas on several of the streams occupied by Modoc suckers. We expect habitat conditions to remain stable or improve. Although recent habitat surveys indicate erosion continues to be a problem along lower Turner Creek and in Dutch Flat Creek, these areas represent only 4.1 percent (1.76 mi/42.5 mi) of Modoc sucker's total occupied habitat. Habitat threats are addressed through multiple Federal and State regulations, including NFMA, California and Oregon State water regulations, and the California Fish and Game Code. Therefore, these impacts are not considered a substantial threat to the species.

We also evaluated whether several introduced nonnative fish species that could be potential predators may be a threat to Modoc suckers. Modoc suckers have coexisted with brown trout for more than 70 years in the Ash Creek

sub-basin. For other species, we found that the overlap in distribution of largemouth bass and Modoc suckers is limited because bass are warm-water fish that occur in lower elevation reaches downstream of many of the reaches occupied by Modoc sucker, and reservoir outflows have been screened to reduce the risk of bass being flushed into streams occupied by Modoc sucker. Brook trout occur in a tributary of the Goose Lake sub-basin but do not overlap with the range of the species. Further, State regulations in both California and Oregon prohibit transfer of fish from one water body to another. Thus, introduced predators are not a significant risk to Modoc sucker populations.

We also evaluated new information regarding hybridization of Modoc sucker with Sacramento sucker. As discussed above, a greater understanding of the genetic relationships and natural gene flow between the Modoc sucker and Sacramento sucker has reduced concerns over hybridization between the two naturally sympatric species.

Threats to the Modoc sucker that were considered in the 1985 listing rule, including habitat loss and degradation, hybridization with Sacramento sucker due to loss of natural barriers, and predation by nonnative brown trout, have been reduced or ameliorated, or are no longer considered to have been actual threats at the time of listing. Further, climate change and drought and are not considered substantial threats.

Although none of the factors discussed above is having a major impact on Modoc sucker, a combination of factors could potentially have a greater effect. For example, effects of erosion on habitat resulting from poor livestock grazing management practices could worsen during periods of prolonged, severe drought when some water sources may dry up, resulting in greater pressure from cattle on the remaining available water sources, which would likely degrade Modoc sucker habitat. However, the impacts of livestock grazing on Modoc sucker habitat have been greatly reduced or eliminated by improved grazing management practices and management plans, which are not expected to change. Although the types, magnitude, or extent of cumulative impacts are difficult to predict, we are not aware of any combination of factors that has not already been addressed, or would not be addressed, through ongoing conservation measures. Based on this assessment of factors potentially impacting the species, we consider the Modoc sucker to have no substantial

threats now or in the future (see "Summary of Factors Affecting the Species" section of the Species Report (Service 2015a, pp. 14–30).

Summary of Comments and Recommendations

In the proposed rule published on February 13, 2014 (79 FR 8656), and in the document reopening the comment period published on February 13, 2015 (80 FR 8053), in the **Federal Register**, we requested that all interested parties submit written comments on the proposal by April 14, 2014, and March 16, 2015, respectively. We also contacted appropriate Federal and State agencies, Tribal entities, scientific experts and organizations, and other interested parties and invited them to comment on the proposal. A newspaper notice inviting general public comment was published in the Herald and News of Klamath Falls, Oregon. We did not receive any requests for a public hearing. All substantive information provided during comment periods has either been incorporated directly into this final determination or is addressed below.

Peer Reviewer Comments

In accordance with our peer review policy published on July 1, 1994 (59 FR 34270), we solicited expert opinion from three knowledgeable individuals with scientific expertise that included familiarity with the Modoc sucker and its habitat, biological needs, and threats. We received responses from all three of the peer reviewers.

We reviewed all comments we received from the peer reviewers for substantive issues and new information regarding the status of the Modoc sucker. The peer reviewers generally concurred with our methods and conclusions, and provided additional information, clarifications, and suggestions to improve the final rule. This information has been incorporated into the final rule or species report as appropriate. The peer reviewer comments are addressed in the following summary.

Comments From Peer Reviewers

(1) *Comment:* One peer reviewer noted the status of the Modoc sucker in Dutch Flat Creek (California) was not addressed adequately within the Recovery and Recovery Plan Implementation section of the proposed rule and provided additional information. In the downlisting and delisting objectives that were listed under the Recovery and Recovery Plan Implementation section of the proposed rule, the peer reviewer indicated that

Dutch Flat Creek should be added to the text in several of the discussions of recovery objectives.

Our Response: We did not specifically include Dutch Flat Creek in our discussions of how each objective had been met because the objectives as written did not specifically include Dutch Flat Creek. While the proposed and final rules contain only a general summary discussion, our overall assessment of the species status and its progress toward recovery considered all streams occupied by the Modoc sucker, including those previously not known to be occupied. The Species Report includes Dutch Flat Creek in its assessment and contains numerous references to the status of Modoc suckers and their habitat in Dutch Flat Creek.

(2) *Comment:* One peer reviewer provided additional citations within the Summary of Factors Affecting Species section for amendments to the Forest Plans of the Fremont-Winema and Modoc National Forests. Both amendments provided habitat conservation measures within riparian areas, primarily by prescribing riparian conservation area widths.

Our Response: We appreciate the reviewer providing additional citations further supporting that the threats to the species have been successfully ameliorated. We incorporated this information into the revised Species Report (Service 2015a).

(3) *Comment:* One peer reviewer provided an additional reference that included additional information related to nonnative fish removal in the Turner Creek sub-basin.

Our Response: We appreciate the reviewer providing a citation with additional background information on nonnative fish removal from the Turner Creek sub-basin. We incorporated this information into the revised Species Report (Service 2015a).

(4) *Comment:* One peer reviewer noted that the statement that Modoc suckers are present in only 3.4 mi (5.5 km) of available habitat Washington Creek, citing Reid 2008a (Conservation Review), is somewhat inaccurate. It is true that they were encountered in only 3.4 mi (5.5 km) during surveys carried out in July 2008, when higher reaches were naturally dry; however, as mentioned in the same survey report, young of the year (indicative of local spawning) have been found (2006) as far upstream as near Loveness Road, the upper limit of potential habitat, earlier in the year when the stream channel still has water, indicating that Modoc suckers are actually using the entire reach.

Our Response: The Service has noted this comment and made corrections to the Species Report to reflect this clarification.

(5) *Comment:* Recent Oregon survey data by USFS (2013) were not included in the draft Species Report (Service 2013).

Our Response: We did not include data from 2013 in the draft Species Report (Service 2013) or proposed rule due to the required timelines involved with preparation of the proposed rule. The information did not change the distribution, but reaffirmed the presence of the Modoc sucker in upper Thomas Creek, above Cox Flat. We reviewed these data and determined that they indicate no change in the status of the species from information provided in the proposed rule. We included the information in the revised Species Report (Service 2015a).

(6) *Comment:* One peer reviewer stated that the proposed rule suggests that continued grazing is causing erosion on Turner Creek and represents an adverse effect on sucker populations and that there no scientific evidence provided to support this conclusion. This reach has steadily improved in condition over the last 15 years under current management. The down-cutting observed in the meadow is apparently a legacy effect from a major storm in the 1940s and 1950s, and the creek is slowly healing in a steady upward trend, albeit less rapidly than it would without grazing. The reviewer also noted extreme downcutting in Dutch Flat is also a legacy effect (of ditching to dry out the meadow), but that erosion does still occur at failed points in the cattle fencing.

Our Response: We agree with the peer reviewer that erosion due to grazing effects on Modoc sucker habitat is generally a legacy effect from historic grazing practices. The Service has noted this comment and made corrections to the Species Report to reflect this clarification.

(7) *Comment:* An additional reference (Smith *et al.* 2011, pp. 72–84) was provided to support the conclusion under Factor E that hybridization between Modoc and Sacramento suckers is not a threat.

Our Response: We appreciate the reviewer providing a citation that further supports that hybridization between the Modoc sucker and the Sacramento sucker is not a threat to the Modoc sucker. We have incorporated this reference into the Species Report and this final rule.

Comments From Federal Agencies

(8) *Comment:* The USFS (Fremont-Winema National Forest) noted that the “dustbowl” drought was more than 80 years ago and the Goose Lake basin has changed since that time. There is more pressure on fish habitat now than there was 80 years ago, so we cannot assume that the effects of drought conditions are the same now as they were back then.

Our Response: The northwestern corner of the Great Basin is naturally subject to extended droughts, during which streams and even the larger water bodies such as Goose Lake have dried up. The Service agrees droughts may be a concern because they could likely constrict the amount of available habitat and reduce access to spawning habitat. However, the species has not declined in distribution since the time of listing in 1985, even though the region where it exists has experienced several pronounced droughts (when total annual precipitation was approximately half of the long-term average) since then. Although the Service cannot predict future climatic conditions with certainty, the persistence of the Modoc sucker across its range through the substantial droughts of the last century suggests that the species is resilient to drought and reduced water availability. Additionally, while there is some uncertainty regarding how the Modoc sucker may respond to future droughts, continued monitoring and management through the post-delisting monitoring plan (Service 2015b) are designed to detect any unanticipated changes in the species’ status and habitat conditions. We also expect continued monitoring and management through implementation of Federal and State management plans and through riparian restoration and management efforts on private lands.

(9) *Comment:* The USFS noted an incorrect citation for their management plan that has successfully ameliorated threats to the Modoc sucker for the Fremont-Winema National Forest. The correct citation for the Fremont National Forest Land and Resource Management Plan should be: U.S Forest Service. 1989. Land and Resource Management Plan.

Our Response: The Service has noted this correction and has updated the references cited document supporting this rule to reflect the change.

(10) *Comment:* The Fremont-Winema National Forest noted the most significant USFS regulatory mechanism to successfully ameliorate threats to the Modoc sucker was the Inland Native Fish Strategy (InFish) amendment to the Fremont National Forest Land and

Resource Management Plan. InFish was developed as an ecosystem-based, interim strategy designed to arrest the degradation of habitat and begin restoration of in-stream and riparian habitats on lands administered by the USFS in eastern Oregon.

Our Response: The Service has noted this comment and made changes to the Species Report to reflect this additional information.

(11) *Comment:* The Fremont-Winema National Forest noted that in the *Erosion and Cattle Grazing* discussion in the Summary of Factors Affecting the Species section in the proposed rule (79 FR 8656; February 13, 2014), the Service failed to mention work completed and proposed by the Lake County Umbrella Watershed Council to improve fish habitat throughout the Goose Lake sub-basin, including upper and lower Thomas Creek, and the historic work done by the Goose Lake fishes working group.

Our Response: We recognize that land management practices employed on public and private lands by a diverse group of entities are expected to continue, or improve, thereby maintaining upward instream and riparian habitat trends. We noted efforts of the Fremont-Winema National Forest to restore habitat as one example in the proposed rule. We now also acknowledge and include reference to such groups in the revised Species Report, to recognize that many groups (including private landowners and State agencies) have, and are continuing, to complete restoration for the benefit of Modoc sucker and other native fishes.

(12) *Comment:* The Fremont-Winema National Forest indicated in the *Predation by Nonnative Species* discussion in the Summary of Factors Affecting the Species section in the proposed rule (79 FR 8656; February 13, 2014) that what was described as a natural waterfall barrier at the downstream end of Modoc sucker distribution in Thomas Creek may be navigable by brook trout (*Salvelinus fontinalis*), and therefore Thomas Creek is susceptible to invasion of nonnative species that could prey on Modoc suckers.

Our Response: The Service has determined that the natural waterfall is likely a barrier to upstream movement by nonnative species, such as brook trout, as surveys since at least 2007 have not documented nonnative species upstream from the waterfall. Further, Sheerer *et al.* (2010) indicate no brook trout occur downstream of habitat occupied by Modoc sucker in Thomas Creek.

(13) *Comment:* The Fremont-Winema National Forest noted that brook trout had been stocked in the Goose Lake basin in the past and they still occur in the Cottonwood Creek drainage, a tributary to Goose Lake.

Our Response: The Service has noted this comment and made reference to this in the revised Species Report.

(14) *Comment:* In the *Climate Change and Drought* discussion of the Summary of Factors Affecting the Species section of the proposed rule, the Fremont-Winema National Forest noted there is a lack of data to support future impacts of climate change on the Modoc sucker, particularly without a baseline level of monitoring.

Our Response: As stated in the proposed rule (79 FR 8656; February 13, 2014), we cannot predict future climatic conditions with certainty or their effects on the Modoc sucker, but the persistence of the Modoc sucker across its range through the substantial droughts of the last century suggests that the species is resilient to drought and reduced water availability. Because we are unable at this time to predict how climate change will exacerbate the effects of drought within the Modoc sucker's range, we cannot make meaningful projections on how the species may react to climate change or how its habitat may be affected. However, we believe continued monitoring and management can detect any unanticipated changes in the species' status and habitat conditions.

Comments From Tribes

(15) *Comment:* The Pit River Tribe opposes the delisting of Modoc sucker because the delisting would allow the Pit River to continue to be degraded and polluted.

Our Response: The Modoc sucker occupies habitat in the Turner Creek and Ash Creek sub-basins in northeastern California, which are tributaries of the Pit River. However, the Modoc sucker does not occupy the mainstem Pit River. Therefore, delisting the Modoc sucker will not change activities in the Pit River. Moreover, we do not have direct regulatory authority over the water management within the Pit River. However, the California Fish and Game Code affords some protection to stream habitats for all perennial, intermittent, and ephemeral rivers and streams. Under the California Fish and Game Code, any person, State or local governmental agency, or public utility must notify CDFW prior to conducting activities that would divert or obstruct stream flow, use or alter streambed and stream bank materials, or dispose of debris that may enter streams (California

Fish and Game Code section 1602). This section of the California Fish and Game Code provides some level of protection to the mainstem Pit River.

Comments From States

(16) *Comment:* Both the CDFW and ODFW responded in support of the proposed delisting of Modoc sucker.

Our Response: We appreciate the review and feedback provided by both State agencies.

Public Comments

(17) *Comment:* Three commenters were opposed to the delisting of the Modoc sucker, in part due to the perceived threat from drought.

Our Response: At the time of listing in 1985, the Service, CDFG, and USFS were in the process of developing an action plan for the recovery of the Modoc sucker. In 1992, the Service adopted this action plan as the recovery plan for the Modoc sucker. Three downlisting objectives and three delisting objectives were identified in the 1992 Recovery Plan, which included a delisting objective related to drought. Because we are unable at this time to predict to what extent climate change will exacerbate the effects of drought within the Modoc sucker's range, we cannot make meaningful projections on how the species may react to climate change or how its habitat may be affected. However, Modoc suckers have persisted throughout the species' historical range since the time the species was listed in 1985, even though the region has experienced several pronounced droughts, indicating that the species is at least somewhat resilient to weather and hydrologic fluctuations. Therefore, we have determined that this delisting objective has been met and that the best available information does not indicate that the current level of drought is a threat to the species.

Determination

An assessment of the need for a species' protection under the Act is based on whether a species is in danger of extinction or likely to become so because of any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. As required by section 4(a)(1) of the Act, we conducted a review of the status of this species and assessed the five factors to evaluate whether the Modoc sucker is

in danger of extinction, or likely to become so throughout all of its range. We examined the best scientific and commercial information available regarding the past, present, and future threats faced by the species. We reviewed information presented in the 2011 petition, information available in our files and gathered through our 90-day finding in response to this petition, and other available published and unpublished information. We also consulted with species experts and land management staff with the USFS, CDFW, and ODFW, who are actively managing for the conservation of the Modoc sucker.

In considering what factors might constitute threats, we must look beyond the mere exposure of the species to the factor to determine whether the exposure causes actual impacts to the species. If there is exposure to a factor, but no response, or only a positive response, that factor is not a threat. If there is exposure and the species responds negatively, the factor may be a threat and we then attempt to determine how significant the threat is. If the threat is significant, it may drive, or contribute to, the risk of extinction of the species such that the species warrants listing as endangered or threatened as those terms are defined by the Act. This determination does not necessarily require empirical proof of a threat. The combination of exposure and some corroborating evidence of how the species is likely impacted could suffice. The mere identification of factors that could impact a species negatively is not sufficient to compel a finding that listing is appropriate; we require evidence that these factors are operative threats that act on the species to the point that the species meets the definition of an endangered species or threatened species under the Act.

Significant impacts at the time of listing (50 FR 24526; June 11, 1985) that could have resulted in the extirpation of all or parts of populations have been eliminated or reduced since listing. We conclude that the previously recognized impacts to Modoc sucker from the present or threatened destruction, modification, or curtailment of its habitat or range (specifically, erosion due to poor cattle grazing management) (Factor A); elimination of natural barriers (Factor A); predation by nonnative species (Factor C); hybridization or genetic introgression (specifically, from Sacramento sucker) (Factor E); and the effects of drought and climate change (Factor E) do not rise to a level of significance, such that the species is in danger of extinction

throughout all its range now or in the foreseeable future.

As a result of the discovery of five populations not known at the time of listing and the documentation of the genetic integrity of populations considered in the 1985 listing rule that were believed to have been lost due to hybridization, the known range of the Modoc sucker has increased, and it currently occupies its entire known historical range. Additionally, the distribution of occupied stream habitat for populations known at the time of listing has remained stable or expanded slightly since the time of listing, even though the region has experienced several droughts during this time period. Additionally, the relevant recovery objectives outlined in the 1992 Recovery Plan have been met, indicating sustainable populations exist throughout the species' range. Finally, our assessment of all potential stressors that may be impacting the species now or in the future did not reveal any significant threats to the species or its habitat. We have carefully assessed the best scientific and commercial data available and determined that Modoc sucker is no longer in danger of extinction throughout all of its range, nor is it likely to become so in the future.

Significant Portion of the Range

Having examined the status of Modoc sucker throughout all its range, we next examine whether the species is in danger of extinction, or likely to become so, in a significant portion of its range. Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so throughout all or a significant portion of its range. The Act defines "endangered species" as any species which is "in danger of extinction throughout all or a significant portion of its range," and "threatened species" as any species which is "likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." The term "species" includes "any subspecies of fish or wildlife or plants, and any distinct population segment [DPS] of any species of vertebrate fish or wildlife which interbreeds when mature." We published a final policy interpreting the phrase "significant portion of its range" (SPR) (79 FR 37578; July 1, 2014). The final policy states that (1) if a species is found to be endangered or threatened throughout a significant portion of its range, the entire species is listed as an endangered species or a threatened species, respectively, and the Act's protections

apply to all individuals of the species wherever found; (2) a portion of the range of a species is "significant" if the species is not currently endangered or threatened throughout all of its range, but the portion's contribution to the viability of the species is so important that, without the members in that portion, the species would be in danger of extinction, or likely to become so in the foreseeable future, throughout all of its range; (3) the range of a species is considered to be the general geographical area within which that species can be found at the time the Service or the National Marine Fisheries Service (NMFS) makes any particular status determination; and (4) if a vertebrate species is endangered or threatened throughout an SPR, and the population in that significant portion is a valid DPS, we will list the DPS rather than the entire taxonomic species or subspecies.

The SPR policy is applied to all status determinations, including analyses for the purposes of making listing, delisting, and reclassification determinations. The procedure for analyzing whether any portion is an SPR is similar, regardless of the type of status determination we are making. The first step in our analysis of the status of a species is to determine its status throughout all of its range. If we determine that the species is in danger of extinction, or likely to become so in the foreseeable future, throughout all of its range, we list the species as an endangered (or threatened) species and no SPR analysis will be required. If the species is neither in danger of extinction, nor likely to become so, throughout all of its range, we determine whether the species is in danger of extinction or likely to become so throughout a significant portion of its range. If it is, we list the species as an endangered species or a threatened species, respectively; if it is not, we conclude that listing the species is not warranted.

When we conduct an SPR analysis, we first identify any portions of the species' range that warrant further consideration. The range of a species can theoretically be divided into portions in an infinite number of ways. However, there is no purpose to analyzing portions of the range that are not reasonably likely to be significant and endangered or threatened. To identify only those portions that warrant further consideration, we determine whether there is substantial information indicating that (1) the portions may be significant and (2) the species may be in danger of extinction in those portions or likely to become so within the

foreseeable future. We emphasize that answering these questions in the affirmative is not a determination that the species is endangered or threatened throughout a significant portion of its range—rather, it is a step in determining whether a more detailed analysis of the issue is required. In practice, a key part of this analysis is whether the threats are geographically concentrated in some way. If the threats to the species are affecting it uniformly throughout its range, no portion is likely to warrant further consideration. Moreover, if any concentration of threats apply only to portions of the range that clearly do not meet the biologically based definition of “significant” (*i.e.*, the loss of that portion clearly would not be expected to increase the vulnerability to extinction of the entire species), those portions will not warrant further consideration.

If we identify any portions that may be both (1) significant and (2) endangered or threatened, we engage in a more detailed analysis to determine whether these standards are indeed met. The identification of an SPR does not create a presumption, prejudgment, or other determination as to whether the species in that identified SPR is endangered or threatened. We must go through a separate analysis to determine whether the species is endangered or threatened in the SPR. To determine whether a species is endangered or threatened throughout an SPR, we will use the same standards and methodology that we use to determine if a species is endangered or threatened throughout its range.

Depending on the biology of the species, its range, and the threats it faces, it may be more efficient to address the “significant” question first, or the status question first. Thus, if we determine that a portion of the range is not “significant,” we do not need to determine whether the species is endangered or threatened there; if we determine that the species is not endangered or threatened in a portion of its range, we do not need to determine if that portion is “significant.”

For the Modoc sucker, we examined whether any of the identified threats acting on the species or its habitat are geographically concentrated to indicate that the species could be endangered or threatened in that area. As stated earlier, we consider the “range” of Modoc sucker to include an estimated 42.5 mi (68.4 km) of occupied habitat in 12 streams in the Turner Creek, Ash Creek, and Goose Lake sub-basins of the Pit River. This distribution represents its entire known historical range, with the exception of Willow Creek within the Ash Creek sub-basin.

We considered whether any portions of the Modoc sucker range might be both significant and in danger of extinction or likely to become so in the foreseeable future. To identify whether any portions warrant further consideration, we first determine whether there is substantial information indicating that (1) the portions may be significant and (2) the species may be in danger of extinction in those portions or likely to become so within the foreseeable future. One way to identify portions that may be significant would be to identify natural divisions within the range that might be of biological or conservation importance. Modoc sucker inhabit three sub-basins of the Pit River, one of which, the Goose Lake sub-basin, is disjointed from the other two sub-basins (Turner Creek and Ash Creek sub-basins). These sub-basins have the potential to be significant areas to the species due to potential geographic isolation. Although the sub-basins have the potential to be significant, as described above, threats to populations of the species within each of the sub-basins have been ameliorated through restoration and active management as discussed above. Surveys indicate that Modoc sucker populations have been maintained and are well-established and remaining factors that may affect the Modoc sucker occur at similarly low levels throughout each sub-basin. There is no substantial information indicating the species is likely to be threatened or endangered throughout any of the sub-basins. Therefore, these portions, the three sub-basins do not warrant further consideration to determine whether the species may be endangered or threatened in a significant portion of its range.

Another way to identify portions for further consideration would be to consider whether there is substantial information to indicate any threats are geographically concentrated in some way that would indicate the species could be threatened or endangered in that area. With the exception of erosion at some locations, we have determined that threats have been ameliorated through restoration and active management as discussed above. Some factors may continue to affect Modoc sucker, such as drought, but would do so at uniformly low levels across the species range such that they are unlikely to result in adverse effects to populations of the species and do not represent a concentration of threats that may indicate the species could be threatened or endangered in a particular area. As noted above, erosion due to past poor grazing management still

occurs at two sites that make up approximately 4.1 percent of the Modoc sucker range, and has the potential to adversely affect Modoc sucker in those areas. These two areas where erosion is still occurring are within different sub-basins and, both collectively and per sub-basin, represent a very small fraction of the Modoc sucker's range. These areas, individually or collectively, are therefore unlikely to constitute a significant portion of the species' range. No other natural divisions occur, and no other potential remaining threats have been identified that may be likely to cause the species to be threatened or endangered in any particular area. We did not identify any portions that may be both (1) significant and (2) endangered or threatened. Therefore, no portion warrants further consideration to determine whether the species may be endangered or threatened in a significant portion of its range.

We have carefully assessed the best scientific and commercial data available and determined that the Modoc sucker is no longer in danger of extinction throughout all or significant portions of its range, nor is it likely to become so in the foreseeable future. As a consequence of this determination, we are removing this species from the Federal List of Endangered and Threatened Wildlife.

Future Conservation Measures

Section 4(g)(1) of the Act requires us, in cooperation with the States, to implement a monitoring program for not less than 5 years for all species that have been recovered and delisted. The purpose of this post-delisting monitoring (PDM) is to verify that a species remains secure from risk of extinction after the protections of the Act are removed, by developing a program that detects the failure of any delisted species to sustain itself. If, at any time during the monitoring period, data indicate that protective status under the Act should be reinstated, we can initiate listing procedures, including, if appropriate, emergency listing under section 4(b)(7) of the Act.

Post-Delisting Monitoring Plan

The Service has developed a final post-delisting monitoring (PDM) plan (Service 2015b). In addition, the USFS, CDFW, and ODFW have agreed to partner with us in the implementation of the PDM plan. The PDM plan is designed to verify that the Modoc sucker remains secure from risk of extinction after removal from the Federal List of Endangered and Threatened Wildlife by detecting

changes in its status and habitat throughout its known range. The final PDM plan consists of: (1) A summary of the species' status at the time of delisting; (2) a summary of the roles of PDM cooperators; (3) an outline of the frequency and duration of monitoring; (4) a description of monitoring methods and locations; (5) a definition of thresholds or triggers for potential monitoring outcomes and conclusions of the PDM effort; and (6) an outline of data compilation and reporting procedures.

A multi-state occupancy approach (MacKenzie *et al.* 2009, entire) will be used to estimate the proportion of sites occupied, change in site occupancy, and change in abundance of Modoc suckers. Surveys for Modoc suckers will be completed following a modified version of a sampling protocol developed for Modoc sucker (Reid 2008b) that is consistent with the approach used in surveys conducted since 2008. This approach will allow for monitoring population status over time as it permits the estimation of the proportion of sites (within a stream and among all streams) that are occupied and that are in each state of abundance (low and high). During occupancy and abundance surveys, we will also monitor threats and recruitment. To measure recruitment, we will estimate the size of individuals to the nearest centimeter. Examination of fish sizes will allow a determination to be made if recruitment is occurring over time. Ideally, survey results will indicate in diverse size classes of fish, indicating recruitment is occurring. Threats, both biotic (for example, nonnative predatory fish) and abiotic (for example, excessive sedimentation), will also be assessed during surveys (both day and night). Prior to completing surveys, sites (pools) within streams will be landmarked and georeferenced to allow relocation for subsequent surveys.

Although the Act has a minimum PDM requirement of 5 years, we will monitor Modoc sucker for a 10-year monitoring period to account for environmental variability (for example, drought) that may affect the condition of habitat and to provide for a sufficient number of surveys to document any changes in the abundance of the species. Based on the life history of the Modoc sucker, in which individuals mature at age 2+ years, a complete survey of previously surveyed areas should be conducted every 2 years within the 10-year monitoring period. This will allow us to assess changes in abundance or the extent of the species' range over time, changes in the level of recruitment of reproducing fish into the population,

and any potential changes in threats to the species. However, if a decline in abundance is observed or a substantial new threat arises, PDM may be extended or modified.

After each complete survey (conducted once every 2 years), the Service and its partners will compare the results with those from previous surveys and consider the implication of any observed reductions in abundance or changes in threats to the species. Within 1 year of the end of the PDM period, the Service will conduct a final internal review and prepare (or contract with an outside entity) a final report summarizing the results of monitoring. This report will include: (1) A summary of the results from the surveys of Modoc sucker occupancy, states of abundance, recruitment, and change in distribution; and (2) recommendations for any actions and plans for the future. The final report will include a discussion of whether monitoring should continue beyond the 10-year period for any reason.

The final PDM plan and any future revisions will be available on our national Web site (<http://endangered.fws.gov>) and on the Klamath Falls Fish and Wildlife Office's Web site (<http://www.fws.gov/klamathfallsfwo/>).

Required Determinations

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), need not be prepared in connection with listing or reclassification of a species as an endangered or threatened species under the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206

of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with tribes in developing programs for healthy ecosystems, to acknowledge that tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to tribes. Two tribes are near the range of the Modoc sucker: The Klamath Tribe and the Pitt River Tribe. The Klamath Tribe does not have an interest in this species, as it does not inhabit their historic reservation lands. We provided the proposed rule to the Pit River Tribe for comment. We received the Pit River Tribe's comments regarding the delisting of the Modoc sucker, and they disagree that the species should be delisted. The Pit River Tribe stated that the Pit River and habitat for the Modoc sucker continues to be degraded. We disagree with the Tribe's comments regarding the habitat for the species. See the *Comments from Tribes* section, above, for a summary of their comments and our response.

References Cited

A complete list of references cited in this rulemaking is available on the Internet at <http://www.regulations.gov> under Docket No. FWS-R8-ES-2013-0133 or upon request from the Klamath Falls Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this final rule are staff members of the Pacific Southwest Regional Office in Sacramento, California, in coordination with the Klamath Falls Fish and Wildlife Office in Klamath Falls, Oregon.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; 4201–4245, unless otherwise noted.

§ 17.11 [Amended]

■ 2. Amend § 17.11(h) by removing the entry for “Sucker, Modoc” under FISHES in the List of Endangered and Threatened Wildlife.

§ 17.95 [Amended]

■ 3. Amend § 17.95(e) by removing the entry for “Modoc Sucker (*Catostomus microps*)”.

Dated: November 30, 2015.

Stephen D. Guertin,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2015–30915 Filed 12–7–15; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 141021887–5172–02]

RIN 0648–XE344

Fisheries of the Exclusive Economic Zone Off Alaska; Several Groundfish Species 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; apportionment of reserves; request for comments.

SUMMARY: NMFS apportions amounts of the non-specified reserve to the initial total allowable catch (ITAC) and total allowable catch (TAC) of Bering Sea and Aleutian Islands (BSAI) northern rockfish, BSAI octopus, BSAI sculpins, and BSAI skates in the BSAI management area. This action is necessary to allow the fisheries to continue operating. It is intended to promote the goals and objectives of the fishery management plan for the BSAI management area.

DATES: Effective December 3, 2015 through 2400 hrs, Alaska local time, December 31, 2015. Comments must be received at the following address no later than 4:30 p.m., Alaska local time, December 18, 2015.

ADDRESSES: You may submit comments on this document, identified by FDMS Docket Number NOAA–NMFS–2014–0134 by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <http://www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2014-0134>, click

the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- *Mail:* Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. 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: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the (BSAI) exclusive economic zone 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 TAC of BSAI northern rockfish was established as 6,263 metric tons (mt), the 2015 TAC of BSAI octopus was established as 400 mt, the 2015 ITAC of BSAI sculpins was established as 3,995 mt, and the 2015 ITAC of BSAI skates was established as 21,845 mt by the final 2015 and 2016 harvest specifications for groundfish of the BSAI (80 FR 11919, March 5, 2015) and further revisions (80 FR 52204, August 28, 2015). In accordance with § 679.20(a)(3) the Regional Administrator, Alaska Region, NMFS, has reviewed the most current available data and finds that the ITACs and TACs for BSAI northern rockfish, BSAI octopus, BSAI sculpins, and BSAI skates need to be supplemented from the non-specified reserve to promote efficiency in the utilization of fishery resources in the BSAI and allow fishing operations to continue.

Therefore, in accordance with § 679.20(b)(3), NMFS apportions from the non-specified reserve of groundfish

1,000 mt to the BSAI northern rockfish TAC, 100 mt to the BSAI octopus TAC, 800 mt to the BSAI sculpins ITAC, and 3,428 mt to the BSAI skates ITAC. These apportionments are consistent with § 679.20(b)(1)(i) and do not result in overfishing of any target species because the revised ITACs and TACs are equal to or less than the specifications of the acceptable biological catch in the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015).

The harvest specification for the 2015 ITACs and TACs included in the harvest specifications for groundfish in the BSAI are revised as follows: The ITAC and TAC are increased to 7,263 mt for BSAI northern rockfish, 500 mt for BSAI octopuses, 4,795 mt for BSAI sculpins, and 25,273 mt for BSAI skates.

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) and § 679.20(b)(3)(iii)(A) as such a 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 apportionment of the non-specified reserves of groundfish to the BSAI northern rockfish, BSAI octopus, BSAI sculpins, and BSAI skates ITACs and TACs in the BSAI. 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 and processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of November 30, 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.

Under § 679.20(b)(3)(iii), interested persons are invited to submit written comments on this action (see **ADDRESSES**) until December 18, 2015.

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: December 3, 2015.

Alan D. Risenhoover,

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

[FR Doc. 2015-30875 Filed 12-3-15; 4:15 pm]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 141021887-5172-02]

RIN 0648-XE342

Fisheries of the Exclusive Economic Zone off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amounts of Pacific cod from catcher vessels greater than 60 feet (18.3 meters (m)) length overall (LOA) using pot gear, American Fisheries Act (AFA) trawl catcher processors (C/Ps), and catcher vessels using trawl gear to C/Ps using hook-and-line gear and C/Ps using pot gear in the Bering Sea and Aleutian Islands management area. This action is necessary to allow the 2015 total allowable catch of Pacific cod to be harvested.

DATES: Effective December 3, 2015 through 2400 hours, Alaska local time (A.l.t.), December 31, 2015.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the Bering Sea and Aleutian Islands (BSAI) according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP

appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2015 Pacific cod TAC specified for catcher vessels greater than 60 feet (18.3 m) LOA using pot gear in the BSAI is 16,641 metric tons (mt) as established by the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015) and reallocations (80 FR 57105, September 22, 2015 and 80 FR 65971, October 28, 2015). The Regional Administrator has determined that catcher vessels greater than 60 feet (18.3 m) LOA using pot gear in the BSAI will not be able to harvest 3,000 mt of the remaining 2015 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(5).

The 2015 Pacific cod TAC specified for catcher vessels using trawl gear in the BSAI is 39,354 mt as established by the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015) and reallocations (80 FR 57105, September 22, 2015 and 80 FR 65971, October 28, 2015). The Regional Administrator has determined that catcher vessels using trawl gear will not be able to harvest 1,500 mt of the remaining 2015 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(9).

The 2015 Pacific cod TAC specified for AFA trawl C/Ps in the BSAI is 4,623 mt as established by the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015) and reallocations (80 FR 57105, September 22, 2015 and 80 FR 65971, October 28, 2015). The Regional Administrator has determined that AFA trawl C/Ps will not be able to harvest 800 mt of the remaining 2015 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(7).

Therefore, in accordance with § 679.20(a)(7)(iii)(A) and § 679.20(a)(7)(iii)(B), NMFS reallocates 5,300 mt of Pacific cod to C/Ps using hook-and-line gear and C/Ps using pot gear in the Bering Sea and Aleutian Islands management area.

The harvest specifications for Pacific cod included in the final 2015 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015, 80 FR 51757, August 26, 2015, 80 FR 57105, September 22, 2015 and 80 FR 65971, October 28, 2015) are revised as follows: 13,641 mt for catcher vessels

greater than 60 feet (18.3 m) LOA using pot gear, 37,854 mt for catcher vessels using trawl gear, 3,823 mt to AFA trawl C/Ps, 115,371 mt for C/Ps using hook-and-line, and 6,829 mt for C/Ps using pot gear.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of Pacific cod specified from multiple sectors to C/Ps using hook-and-line gear and C/Ps using pot gear in the Bering Sea and Aleutian Islands management area. Since these fisheries are currently open, it is important to immediately inform the industry as to the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of December 1, 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: December 3, 2015.

Alan D. Risenhoover,

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

[FR Doc. 2015-30862 Filed 12-3-15; 4:15 pm]

BILLING CODE 3510-22-P

Proposed Rules

Federal Register

Vol. 80, No. 235

Tuesday, December 8, 2015

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

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 230

RIN 0596-AD23

Community Forest and Open Space Rule Revision

AGENCY: Forest Service, USDA.

ACTION: Notice of proposed rule; request for public comment.

SUMMARY: This proposed regulation would allow Community Forest and Open Space Program (Community Forest Program) grant recipients to issue conservation easements to funding entities and, in some circumstances consistent with the program's purposes, convey community forest land to other eligible entities. The proposed regulation would also clarify definitions of program-specific terms, streamline the application process, and implement Office of Management and Budget (OMB) and the Department of Agriculture's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR parts 200 and 400).

DATES: Comments on this proposed regulation must be received in writing by March 7, 2016.

ADDRESSES: Send written comments to USDA, Forest Service, Attention: Maya Solomon, Cooperative Forestry Staff, 1400 Independence Avenue SW., Mailstop 1123, Washington, DC. 202-205-1376. Electronic comments may be sent to communityforest@fs.fed.us. If comments are sent electronically, do not duplicate via regular mail. Comments should only address issues relevant to this proposed regulation. Make reference to the specific section being addressed, and explain any suggested changes.

Comments concerning the information collection requirements contained in this action should reference OMB No. 0596-0227.

Comments should be sent to the address listed in the above paragraph.

All comments, including provided names and addresses, will be placed in the record and made available for public inspection and copying. The public may inspect comments received on this proposed rule in the Cooperative Forestry Office, State & Private Forestry Deputy Area, Yates Building-Third Floor, 1400 Independence Avenue SW., Washington, DC. Visitors must call (202) 205-1376 to facilitate building entry.

FOR FURTHER INFORMATION CONTACT:

Maya Solomon, Program Specialist, State and Private Forestry, Cooperative Forestry Staff, (202) 205-1376. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at (800) 877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

The Community Forest Program is authorized by Section 8003 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246; 122 Stat. 1651). On October 20, 2011, the Forest Service issued regulations (36 CFR 230 Subpart A) implementing the program. After selecting and awarding the first round of grants under the current version of 36 CFR 230 Subpart A, the Agency identified some inconsistencies and inefficiencies in the regulation that hinder the Agency's ability to efficiently and effectively implement the program.

One of the critical inconsistencies is found in Section 230.8, which specifies the acquisition requirements for this program. Subpart 230.8(a) (5) lists the documents and statements that must be recorded with the deed as part of the Notice of Grant Requirement. It states that, “. . . the grant recipient will not convey or encumber the interest in real property, in whole or in part, to another party. . . .”. This language is more restrictive than necessary and is inconsistent with the grant assurances (OPM Form 424D), which allow a grant recipient to convey or encumber an interest in real property with prior approval from the granting Agency. Furthermore, the restrictive language prevents eligible entities from using funding mechanisms that require establishment of a conservation easement, even though this arrangement

could be compatible with Community Forest Program requirements. This provision also prevents the transfer of ownership interest in a Community Forest to another eligible entity if the original owner becomes unable to hold or maintain the parcel. This proposed regulation is designed to allow Community Forest Program grant recipients to grant conservation easements to funding entities, and, in some circumstances, to convey land to another eligible entity when consistent with the program's purposes.

Additionally, the Agency seeks to reduce the burden of paperwork and information collections on applicants. Currently, the Agency requests an eight-page application, a map of the parcel in question, all forms required for issuance of a federal grant, and a draft community forest plan. The current application process is overly burdensome and all elements of the process are not necessary to ensure the selection of high-quality community forest projects that meet the intent of the program.

The Agency also seeks to clarify definitions and refine provisions regarding the use of technical assistance funds. The language clarifies how technical assistance should be determined and requested. Some of the definitions in the current regulation are unclear and confuse the intent of the program. The Agency seeks to provide clarification and reduce the amount of confusion caused by the unclear definitions.

Lastly, the Agency is eliminating the separate cost share and grant requirements for non-profit organizations, Tribal governments, and local governments in ((§§ 230.6(c) and 230.7(a)(2)). The Agency will follow the guidance outlined in the OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR parts 200 and 400) for all eligible entities.

The changes made to the current version of this rule will apply to new grants as well as grants awarded prior to the issuance of this rule.

Need for the Proposed Regulation

The Forest Service is revising this regulation to correct inconsistencies and inefficiencies identified in administering the first round of grants, to clarify confusing language, reduce the paperwork collection burden for

applicants, and to update grant requirements to comply with current grant regulations. These changes will help ensure that the regulations align with the intent and purposes of the authorizing legislation.

Project Compliance With the National Environmental Policy Act

Project grants are subject to the National Environmental Policy Act (NEPA) and must comply with the Agency's NEPA implementing procedures as described in 36 CFR part 220, as well as the Council on Environmental Quality's NEPA procedures at 40 CFR parts 1500–1508. Community Forest Program grants are used to transfer title of private lands to third parties and will not fund any ground-disturbing activities. The Forest Service has concluded that Community Forest Program grants fall under the categorical exclusion provided in the Forest Service's NEPA procedures for "acquisition of land or interest in land" 36 CFR part 220.6(d)(6); 73 FR 43084 (July 24, 2008). As a result, Community Forest Program project grants are excluded from documentation in an environmental assessment or impact statement.

The changes made to the current version of this rule will apply to new grants as well as grants awarded prior to the issuance of this rule.

Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs

The Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 ("Uniform Act") (42 U.S.C. 4601, *et seq.*) provides guidance and procedures for the acquisition of real property by the Federal government, including relocation benefits to displaced persons. Department of Transportation regulations implementing the Uniform Act (49 CFR part 24) have been adopted by the Department of Agriculture (7 CFR part 21). However, the Community Forest Program is deemed exempt from the Uniform Act because it meets the exemption criteria stated at 49 CFR part 24.101(b)(1).

Federal Appraisal Standards

Section 7A(c)(4) of the Cooperative Forestry Assistance Act (16 U.S.C. 2103d(c)(4)), requires that land acquired under Community Forest Program be appraised in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions (Federal Appraisal Standards) in order to determine the non-Federal cost share of a parcel of privately-owned forest land.

The Federal Appraisal Standards are contained in a readily available public document, (http://www.usdoj.gov/enrd/Legal_Documents.html). A grant recipient is responsible for assuring that the appraisal of the Community Forest Program tract is done in conformance with the Federal Appraisal Standards. The Federal Appraisal Standards shall be used to determine reimbursement for non-Federal cost share. However, separate tracts donated for the purpose of providing the non-Federal cost share may be appraised using the Uniform Standards of Professional Appraisal Practice (USPAP) or the Internal Revenue Service (IRS) regulations for a donation in land. The Forest Service may be available to assist applicants with the appraisal and associated appraisal review, and will conduct spot checks to assure compliance with Federal Appraisal Standards.

Regulatory Certifications

Regulatory Planning and Review

This proposed rule has been reviewed under USDA procedures and Executive Order 12866. The OMB has determined that this proposed rule is non-significant for purposes of Executive Order 12866.

This proposed rule does not regulate the private use of land or the conduct of business. It is a grant program for local governments, Tribal Governments, and qualified nonprofit organizations for purposes of acquiring land for resource conservation and open space preservation. By providing funding to eligible entities for land acquisition, the Federal Government will promote the non-monetary benefits of sustainable forest management. These benefits include: improved air and water quality, wildlife and fish habitat, forest-based educational programs including vocational education programs in forestry, replicable models of effective forest stewardship for private landowners, open space preservation, carbon sequestration, and enhanced recreational opportunities including hunting and fishing.

Proper Consideration of Small Entities

This proposed rule has been considered in light of Executive Order 13272 regarding regulatory impacts on small entities and the Small Business Regulatory Enforcement Fairness Act of 1996. Voluntary participation in the Community Forest Program does not impose significant direct costs on small entities. This proposed rule imposes no additional requirements on the affected public. Entities most likely affected by this proposed rule are the local

governments, qualified nonprofit organizations, and Tribal governments eligible to receive a grant through Community Forest Program. The minimum requirements imposed on small entities by this proposed rule are necessary to protect the public interest and should be within the capabilities of small entities to perform; they should not be administratively burdensome or costly to meet. The proposed rule would not materially alter the budgetary impact of entitlements, user fees, loan programs, or the rights and obligations of program participants. It does not compel the expenditure of \$100 million or more by any State, local or Indian Tribal government, or anyone in the private sector. Under these circumstances, the Forest Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Agency has assessed the effects of this proposed rule on State, local, and Indian Tribal governments and the private sector. This proposed rule does not compel the expenditure of \$100 million or more by any State, local or Indian Tribal governments, or anyone in the private sector. Therefore, a statement under section 202 of that Act is not required.

Federalism

The Forest Service has considered this proposed rule under the requirements of Executive Order 13132, Federalism, and Executive Order 12875, Government Partnerships. The Forest Service has determined that the rule conforms to the federalism principles set out in these Executive Orders. The rule would not impose any compliance costs on the States or Tribal governments other than those imposed by statute, and would not have substantial direct effects on the States or Tribal governments, on the relationship between the Federal Government and the States or Tribal governments, or on the distribution of power and responsibilities among the various levels of government. Based on comments received on this proposed rule, the Agency will consider if any additional consultations will be needed with the State, local governments, and/or Tribal governments prior to adopting a final rule.

Controlling Paperwork Burdens on the Public

In accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. 3501–

3521], the Forest Service is requesting a new information collection that will supersede 0596–0227.

Title: Community Forest and Open Space Conservation Program.

OMB Number:

Type of Request: New Information Collection.

Abstract: The purpose of Community Forest Program is to achieve community benefits through grants to local governments, Tribal Governments, and qualified nonprofit organizations to establish community forests by acquiring and protecting private forestlands. This proposed rule includes information requirements necessary to implement the Community Forest Program and comply with grants regulations and OMB Circulars. The information requirements will be used to help the Forest Service:

- (1) Determine that the applicant is eligible to receive funds under the program,
- (2) Determine if the proposal meets the qualifications in the statute and regulations,
- (3) Evaluate and rank the proposals based on standard, consistent information, and
- (4) Determine if the project's costs are allowable and sufficient cost share is provided.

Local governmental entities, Tribal Governments, and qualified nonprofit organizations are the only entities eligible for the program and therefore are the only organizations from which information will be collected.

The information collection currently required for a request for proposals and grant application is approved and has been assigned the OMB Control No. 0596–0227.

Estimated Annual Number of Respondents: 150.

Estimated Burden per Response: 22.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 150.

Estimated Total Annual Burden on Respondents: 3,300 hours.

Comments: 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.

Consultations and Coordination With Indian Tribal Governments

This proposed rule has tribal implications as defined in Executive Order 13175. Section 7A (a)(1) of the Cooperative Forestry Assistance Act establishes that federally recognized Indian tribes are eligible to participate in the Community Forest Program. In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951); the Executive Order of November 6, 2000, "Consultation and Coordination With Indian Tribal Governments" (EO 13175); and with the directives of the Department of Agriculture (DR 1350–001); we have determined that this proposed rule may affect Indian Tribes. Tribal consultation will be coordinated through local and regional processes in coordination with the Washington Office of the Forest Service.

No Takings Implications

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12630 and it has been determined that the proposed rule does not pose the risk of a taking of constitutionally-protected private property. This proposed rule implements a program to assist eligible entities in acquiring land from willing sellers. Any land use restrictions on Community Forest Program parcels are agreed to voluntarily by program participants.

Environmental Impact

This proposed rule outlines processes for implementation of the Community Forest Program. Forest Service regulations at 36 CFR 220.6(d)(2) exclude "rules, regulations, or policies to establish Service-wide administrative procedures, program processes, or instructions" from documentation in an environmental assessment or environmental impact statement. The Department's preliminary assessment is that this proposed regulation falls within this category of actions, and that no extraordinary circumstances require preparation of an environmental assessment or environmental impact statement. A final determination will be made before publication of the final rule.

Energy Effects

This proposed rule has been reviewed under Executive Order 13211 of May 18, 2001, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. It has been determined that this proposed rule does not constitute a significant energy action as defined in the Executive Order.

Civil Justice Reform

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. The Forest Service has not identified any State or local laws or regulations that are in conflict with this proposed rule or that would impede full implementation of this proposed rule. Nevertheless, in the event that such a conflict is identified, the proposed rule would not preempt the State or local laws or regulations found to be in conflict. However, in that case, no retroactive effect would be given to this rule and the Forest Service would not require the use of administrative proceedings before parties could file suit in court challenging its provisions.

List of Subjects in 36 CFR Part 230

Grant programs, Grants administration, State and local governments, Tribal governments, Nonprofit organizations, Conservation, Forests and forest products, Land sales.

Therefore, for the reasons set forth in the preamble, the Forest Service proposes to amend part 230 of Title 36 of the Code of Federal Regulations as follows:

PART 230—STATE AND PRIVATE FORESTRY ASSISTANCE

- 1. The authority citation for part 230 continues to read as follows:

Authority: 16 U.S.C. 2109.

- 2. Subpart A is revised to read as follows:

Subpart A—Community Forest and Open Space Conservation Program

Sec.

- 230.1 Purpose and scope.
- 230.2 Definitions.
- 230.3 Application process.
- 230.4 Application requirements.
- 230.5 Ranking criteria and proposal selection.
- 230.6 Project costs and cost share requirements.
- 230.7 Grant requirements.
- 230.8 Acquisition requirements.
- 230.9 Ownership and use requirements.
- 230.10 Technical assistance funds.

Subpart A—Community Forest and Open Space Conservation Program

§ 230.1 Purpose and scope.

(a) The regulations of this subpart govern the rules and procedures for the Community Forest and Open Space Conservation Program (Community Forest Program), established under Section 7A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103d). Under the Community Forest Program, the Secretary of Agriculture, acting through the Chief of the Forest Service, awards grants to local governments, Indian tribes, and qualified nonprofit organizations to establish community forests for community benefits by acquiring and protecting private forestlands.

(b) The Community Forest Program applies to eligible entities within any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and the territories and possessions of the United States.

§ 230.2 Definitions.

The terms used in this subpart are defined as follows:

Borrowed funds. Funds used for the purpose of cost share which would encumber the subject property, in whole or in part, to another party.

Community benefits. One or more of the following:

(1) Economic benefits such as timber and non-timber products resulting from sustainable forest management and tourism;

(2) Environmental benefits, including clean air and water, stormwater management, wildlife habitat, and cultural resources;

(3) Benefits from forest-based experiential learning, including K–12 conservation education programs; vocational education programs in disciplines such as forestry and environmental biology; and environmental education through individual study or voluntary participation in programs offered by organizations such as 4–H, Boy or Girl Scouts, Master Gardeners, etc.;

(4) Benefits from serving as replicable models of effective forest stewardship for private landowners; and

(5) Recreational benefits such as hiking, hunting, and fishing secured with public access.

Community Forest. Forest land owned in fee-simple by an eligible entity that provides public access and is managed

to provide community benefits pursuant to a community forest plan.

Community Forest Plan. A tract-specific plan developed with community involvement that guides the management and use of a community forest and includes the following components:

(1) A description of all purchased tracts and cost share tracts, including acreage and county location, land use, forest type and vegetation cover;

(2) Objectives for the community forest and strategies to implement those objectives;

(3) A description of the long-term use and management of the property;

(4) Community benefits to be achieved from the establishment of the community forest;

(5) A description of ongoing activities that promote community involvement in the development and implementation of the Community Forest Plan;

(6) Plans for the utilization or demolition of existing structures and proposed needs for further improvements;

(7) A description of public access and the rationale for any limitations on public access, such as protection of cultural or natural resources or public health and safety concerns; and

(8) Maps of sufficient scale to show the location of the property in relation to roads, communities, and other improvements as well as nearby parks, refuges, or other protected lands and any additional maps required to display planned management activities.

Eligible entity. An organization that is qualified to acquire and manage land, limited to the following:

(1) Local governmental entity. Any municipal government, county government, or other local government body with jurisdiction over local land use decisions as defined by Federal or State law.

(2) Indian tribe. Defined by Section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); for the purpose of this rule, this includes federally recognized Indian tribes and Alaska Native Corporations.

(3) Qualified nonprofit organization. An organization that is described in Section 170(h)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 170(h)(3)) and operates in accordance with one or more of the conservation purposes specified in Section 170(h)(4)(A) of that Code (26 U.S.C. 170(h)(4)(A)). Conservation purposes include:

(i) The preservation of land areas for outdoor recreation by, or for the education of, the general public,

(ii) The protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem,

(iii) The preservation of open space (including farmland and forest land) where such preservation is for the scenic enjoyment of the general public or pursuant to a clearly delineated Federal, State, or local governmental conservation policy, and will yield a significant public benefit, or

(iv) The preservation of a historically important land area or a certified historic structure.

Eligible lands. Private forest lands that:

(1) Are threatened by conversion to nonforest uses;

(2) Are not lands held in trust by the United States, including Indian reservations and allotment land,

(3) Can provide defined community benefits under the Community Forest Program and allow public access if acquired by an eligible entity.

Equivalent officials of Indian tribes. Individual(s) designated and authorized by the Indian tribe to manage the forest proposed for acquisition.

Federal appraisal standards. The current Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference (also known as the yellow book).

Fee-simple. Absolute interest in real property, versus a partial interest such as a conservation easement.

Forest lands. Lands that are at least five acres in size, suitable to sustain natural vegetation, and at least 75 percent forested. Forests are determined both by the presence of trees and the absence of incompatible nonforest uses.

Grant recipient. An eligible entity that receives a grant from the Forest Service through the Community Forest Program.

Landscape conservation initiative. A conservation or management plan or activity that identifies conservation needs and goals of a locality, state, region, or Tribe. Examples of initiatives include community green infrastructure plans, a community or county land use plan, a Statewide Forest Action Plan, etc. The conservation goals identified in the plan must correspond with the community and environmental benefits outlined for the Community Forest Program project.

Nonforest uses. Uses other than forest management that may be compatible or incompatible with maintaining community forest purposes.

(1) Compatible nonforest uses that may be compatible with a community forest as part of an undeveloped landscape may include:

(i) Cultivated farmland, pasture, grassland, shrubland, open water, and wetlands;

(ii) Low-impact structures or facilities that support the purposes of the community forest and the Community Forest Program, such as recreational facilities, trails, concession and educational kiosks, energy development for onsite use, facilities associated with appropriate forest management, and parking areas.

(2) Incompatible nonforest uses are activities that threaten forest cover and are inconsistent with the Community Forest Plan. These uses may include, but are not limited to:

(i) Subdivision;

(ii) Residential development, except for a caretaker building;

(iii) Mining and nonrenewable resource extraction, except for activities that would not require surface disturbance of the community forest such as directional drilling for oil and gas development or onsite use of gravel from existing gravel pits;

(iv) Industrial use, including the manufacturing of products;

(v) Commercial use, except for sustainable timber or other renewable resources, and limited compatible commercial activities to support cultural, recreational and educational use of the community forest by the public; and

(vi) Structures, facilities, or organized, continuous, or recurring activities that disturb or compact the surface and/or impact forest and water resources in a manner that threatens the benefits and objectives of the community forest.

Public access. Access that is provided on a non-discriminatory basis at reasonable times and places, but may be limited to protect cultural and natural resources or public health and safety.

State Forester. The State employee who is responsible for administration and delivery of forestry assistance within a State, or equivalent official.

§ 230.3 Application process.

(a) The Forest Service will issue a national request for applications (RFA) for grants under the Community Forest Program. The RFA will be posted to <http://www.grants.gov> and other venues. The RFA will include the following information:

(1) The process and timeline for submitting an application;

(2) Application requirements (§ 230.4);

(3) Review process and criteria that will be used by the Forest Service (§ 230.5); and

(4) Additional information as the Forest Service determines appropriate.

(b) Pursuant to the RFA, interested eligible entities will submit an application for program participation to:

(1) The State Forester or equivalent official, for local governments and qualified nonprofit organizations, or

(2) The equivalent officials of the Indian tribe, for applications submitted by an Indian tribe.

(c) Interested eligible entities will also notify the Forest Service, official identified in the RFA, when submitting an application to the State Forester or equivalent officials of the Indian tribe.

(d) The State Forester or equivalent official of the Indian tribe will forward all applications to the Forest Service and, as time and resources allow, provide a review of each application to help the Forest Service determine:

(1) That the applicant is an eligible entity;

(2) That the land is eligible;

(3) That the proposed project has not been submitted for funding consideration under the Forest Legacy Program; and

(4) Whether the project contributes to a landscape conservation initiative.

(e) If an applicant seeks technical assistance from the State Forester, nontribal applicants should contact the State Forester to discuss what technical assistance is needed and confirm that the State Forester is willing to provide that assistance. Tribal applicants should work with their equivalent officials (as defined in § 230.2) to discuss and arrange similar technical assistance needs. Applicants must include a separate budget that outlines the financial needs associated with technical assistance activities (§ 230.10).

(f) A proposed application cannot be submitted for funding consideration simultaneously for both the Community Forest Program and the Forest Service's Forest Legacy Program (16 U.S.C. 2103c).

§ 230.4 Application requirements.

An application must include:

(a) Documentation verifying that the applicant is an eligible entity and that the proposed acquisition is of eligible lands.

(b) Details of the property proposed for acquisition:

(1) A description of the property, including acreage and county location;

(2) A description of current land uses, including improvements and plans for utilization or demolition of existing structures;

(3) A description of forest type and vegetative cover;

(4) A map of sufficient scale to show the location of the property in relation to roads and other improvements as

well as parks, refuges, or other protected lands in the vicinity;

(5) A description of applicable zoning and other land use regulations affecting the property;

(6) Relationship of the property within and its contributions to a landscape conservation initiative; and

(7) A description of any threats of conversion to nonforest uses.

(c) Information regarding the proposed establishment of a community forest, including:

(1) Objectives of the community forest;

(2) A description of the benefiting community, including demographics, and the associated benefits provided by the proposed land acquisition;

(3) A description of the community involvement to date in the planning of the community forest and of the community involvement anticipated in its long-term management;

(4) Description of the planned public access and the rationale for any proposed limitations such as protection of cultural or natural resources, or public health and safety concerns; and

(5) An identification of persons and organizations that support the project and their specific role in acquiring the land and establishing and managing the community forest.

(6) If the project is within the designated boundary of a federal management unit, a letter of support for the project from the federal land manager.

(7) A description of the resources that will be used to maintain and manage the property as a community forest in perpetuity.

(d) Information regarding the proposed land acquisition, including:

(1) A proposed project budget including a table and/or narrative detailing the source/type of non-federal cost share and all allowable expenses associated with the project (§ 230.6)

(2) Requests for State Forester, or equivalent official of Indian tribes, technical assistance in Community Forest Plan preparation should be listed separately in the budget, along with their estimated costs of providing assistance (§ 230.10);

(3) The status of due diligence, as documented by a signed option or purchase and sale agreement, title search, minerals determination, and appraisal;

(4) Description and status of cost share (secure, pending, commitment letter, etc.) (§ 230.6);

(5) The status of negotiations with participating landowner(s) including purchase options, contracts, and other terms and conditions of sale;

(6) The proposed timeline for completing the acquisition and establishing the community forest; and
 (7) Long term management costs and funding source(s).

(e) Applications must comply with the Uniform Federal Assistance Regulations (2 CFR parts 200 and 400).

§ 230.5 Ranking criteria and proposal selection.

The Forest Service will evaluate all applications received by the State Foresters or equivalent officials of the Indian tribes and award grants based on the following criteria:

- (a) Type and extent of community benefits *provided* (§ 230.2);
- (b) Extent and nature of community engagement in the establishment and long-term management of the community forest;
- (c) Extent to which the community forest contributes to a landscape conservation initiative;
- (d) Likelihood that, if unprotected, the property would be converted to nonforest uses;
- (e) Amount and proportion of cost share leveraged;
- (f) Extent of due diligence completed on the project, including cost share committed and status of appraisal;
- (g) Costs to the Federal government; and
- (h) Additional considerations as may be outlined in the RFA.

§ 230.6 Project costs and cost share requirements.

(a) The Community Forest Program federal contribution cannot exceed 50 percent of the total project costs.

(b) Allowable project and cost share costs will include the purchase price and the following transactional costs associated with the acquisition:

- (1) Appraisals and appraisal reviews;
- (2) Land surveys;
- (3) Legal and closing costs;
- (4) Development of the Community Forest Plan; and
- (5) Title examination.

(c) The principles and procedures for determining allowable costs for grants are outlined in 2 CFR part 400, Uniform Administrative Requirements, Cost Principles, and Audit Requirements.

(d) Allowable project costs do not include the following:

- (1) Long-term operations, maintenance, and management of the land;
- (2) Construction of buildings or recreational facilities;
- (3) Research;
- (4) Existing liens or taxes owed; and
- (5) Costs associated with preparation of the application, except any allowable

project costs specified in § 230.6(b) completed as part of the application.

(e) Cost share contributions can include cash, in-kind services, or donations and must:

- (1) Be supported by grant regulations described above;
- (2) Not include other Federal funds unless specifically authorized by Federal statute;
- (3) Not include non-Federal funds used as cost share for other Federal programs;
- (4) Not include funds used to satisfy mandatory or compensatory mitigation requirements under a Federal regulation, such as the Clean Water Act, the River and Harbor Act, or the Endangered Species Act;
- (5) Not include borrowed funds, as defined in § 230.2; and
- (6) Be accomplished within the grant period.

(f) Cost share contributions may include the purchase or donation of other lands located within the community forest as long as it is provided by an eligible entity and legally dedicated to perpetual land conservation consistent with Community Forest Program and community forest objectives; such donations need to meet the acquisition requirements specified under § 230.8 (a) (1)(ii).

(g) For purposes of calculating the cost share contribution, the grant recipient may request inclusion of project due diligence costs, such as title review and appraisals, incurred prior to issuance of the grant. These pre-award costs may have been incurred up to one year prior to the issuance of the grant, but cannot include the purchase of Community Forest Program land, including cost share tracts.

§ 230.7 Grant requirements.

(a) Once an application is selected, funding will be obligated to the grant recipient through a grant.

(1) The following grant forms and supporting materials must be completed after project selection in order to receive the grant:

- (i) An Application for Federal Assistance (Standard Form 424);
- (ii) Budget information (Standard Form 424c—Construction Programs);
- (iii) Assurances of compliance with all applicable Federal laws, regulations, and policies (Standard Form 424d—Construction Programs); and
- (iv) Additional forms, as may be required to award the grant.

(2) The grant paperwork must adhere to the requirements outlined in 2 CFR parts 200 and 400, Uniform Administrative Requirements, Cost

Principles, and Audit Requirements for Federal Awards.

(b) The initial grant period will be two years, and acquisition of lands should occur within that timeframe. The grant may be reasonably extended by the Forest Service when necessary to accommodate unforeseen circumstances in the land acquisition process.

(c) The Forest Service must approve any amendment to a proposal or request to reallocate funding within a grant proposal.

(d) The grant recipient must comply with the requirements in § 230.8(a) of this subpart before funds will be released.

(e) After the grant has closed, grant recipients must provide the Forest Service with a Geographic Information System (GIS) shapefile: a digital, vector-based storage format for storing geometric location and associated attribute information, of Community Forest Program project tracts and cost share tracts, if applicable.

(f) Any funds not expended within the grant period must be de-obligated and revert to the Forest Service for redistribution.

(g) All media, press, signage, and other documents discussing the creation of the community forest must reference the partnership and financial assistance by the Forest Service through the Community Forest Program.

§ 230.8 Acquisition requirements.

(a) Prior to closing on an acquisition, grant recipients participating in the Community Forest Program must complete the following, which applies to all tracts, including cost share tracts:

- (1) Complete an appraisal:
 - (i) For lands purchased with Community Forest Program funds, the appraisal must comply with Federal Appraisal Standards prior to the release of the grant funds. The grant recipient must provide documentation that the appraisal and associated appraisal review were conducted in a manner consistent with the Federal appraisal standards.

(ii) For donated cost share tracts, the market value must be determined by an independent appraiser. The value needs to be documented by a responsible official of the party to which the property is donated.

(2) Notify the landowner in writing of the appraised value of the property and that the sale is voluntary. If the grant recipient has a voluntary option for less than appraised value, they do not have to renegotiate the agreement.

(3) Purchase all surface and subsurface mineral rights whenever possible. However, if severed mineral

rights cannot be obtained, the grant recipient must follow the retention of qualified mineral interest requirements outlined in the Internal Revenue Service regulations (26 CFR 1.170A-14(g)(4)), which address both surface and subsurface minerals.

(4) Ensure that title to lands acquired conforms to title standards applicable to State land acquisitions where the land is located:

(i) Title to lands acquired using Community Forest Program funds must not be subject to encumbrances or agreements of any kind that would be contrary to the purpose of the Community Forest Program.

(ii) Title insurance must not be a substitute for acceptable title.

(5) The grant recipient must provide all necessary due diligence documentation to regional Forest Service program managers and allow at least 60 days for review and acceptance.

(b) At closing, record a Notice of Grant Requirement with the deed in the lands record of the local county or municipality. This document must:

(1) State that the property (including cost share tracts) was purchased with Community Forest Program funds;

(2) Provide a legal description;

(3) Identify the name and address of the grant recipient who is the authorized title holder;

(4) State the purpose of the Community Forest Program;

(5) Reference the Grant Agreement with the Forest Service (title and agreement number) and the address where it is kept on file;

(6) State that the grant recipient confirms its obligation to manage the interest in real property pursuant to the grant, the Community Forest Plan, and the purpose of the Community Forest Program;

(7) State that the Community Forest may not be sold and will not be conveyed or transferred to another eligible entity or encumbered in whole or in part, to another party without prior written permission and instructions from the Forest Service and when consistent with the purposes of the Community Forest Program; and

(8) State that the grant recipient will manage the interest in real property consistent with the purpose of the Community Forest Program.

§ 230.9 Ownership and use requirements.

(a) Grant recipients shall submit a final Community Forest Plan for Forest Service review within 120 days of the land acquisition and update the plan periodically to guide the management and use of the community forest.

(1) Grantees are encouraged to work with their State Forester or equivalent

official of their Indian tribe for technical assistance when developing or updating the Community Forest Plan. In addition, eligible entities are encouraged to work with technical specialists such as professional foresters, recreation specialists, wildlife biologists, and outdoor education specialists when developing Community Forest Plans.

(2) Reserved.

(b) Grant recipients shall provide public access in accordance with the Community Forest Plan.

(c) Recipients must manage the property in a manner consistent with the purposes of the Community Forest Program. In the event that a grant recipient sells or converts a parcel of land acquired under the Community Forest Program to nonforest uses or any use inconsistent with the purposes of the Community Forest Program, the grant recipient shall:

(1) Pay the United States an amount equal to the current sale price or the current appraised value of the parcel, whichever is greater. For the purposes of this calculation, the parcel's appraised value will be the parcel's full fair market value. The impact of subsequent encumbrances, such as the imposition of conservation easements consistent with the purposes of this program, will not be considered in appraising the parcel's fair market value; and

(2) Not be eligible for additional grants under the Community Forest Program.

(d) For Indian tribes, land acquired using a grant provided under the Community Forest Program must not be sold, converted to nonforest uses or a use inconsistent with the purpose of the Community Forest Program, or converted to land held in trust by the United States on behalf of any Indian tribe.

(e) Every five years, grant recipients shall submit a self-certifying statement to the regional Forest Service Program Manager confirming that the property has not been sold or converted to nonforest uses or a use inconsistent with the purpose of the Community Forest Program.

(f) Grant recipients are subject to periodic spot checks conducted by the Forest Service to verify that property acquired under the Community Forest Program has not been sold or converted to nonforest uses or any use inconsistent with the purpose of the Community Forest Program and that the current Community Forest Plan complies with defined minimum requirements in § 230.2.

§ 230.10 Technical assistance funds.

Community Forest Program technical assistance funds may be provided to State Foresters or equivalent officials of Indian tribes through an administrative grant to help implement projects funded through the Community Forest Program. These funds are separate from the project funds and do not have a cost share requirement. Section 7A (f) of the authorizing statute limits the funds allocated to State Foresters or equivalent officials of Indian tribes for program administration and technical assistance to no more than 10% of all funds made available to carry out the program for each fiscal year. Funds will only be provided to States or Indian tribes that:

(a) Have a Community Forest Program project funded within their jurisdiction, and

(b) Indicate the financial need and purpose of technical assistance in their Community Forest Program application.

Dated: November 23, 2015.

Thomas L. Tidwell,

Chief, Forest Service.

[FR Doc. 2015-30597 Filed 12-7-15; 8:45 am]

BILLING CODE 3411-15-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2015-0690; FRL-9937-28-Region 9]

Approval of California Air Plan Revisions, South Coast Air Quality Management District and Yolo-Solano Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the South Coast Air Quality Management District (SCAQMD) and Yolo-Solano Air Quality Management District (YSAQMD) portions of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from motor vehicle and mobile equipment refinishing coating operations. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: Any comments on this proposal must arrive by January 7, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R09-OAR-2015-0690 at <http://www.regulations.gov>. Follow the online

instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Arnold Lazarus, EPA Region IX, (415) 972-3024, lazarus.arnold@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us” and “our” refer to the EPA. This proposal addresses the following local rules: SCAQMD Rule 1151, “Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations,” and YSAQMD Rule 2.26, “Motor Vehicle and Mobile Equipment Coating Operations”. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on a particular rule, we may adopt as final the rule that is not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: November 5, 2015.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2015-30825 Filed 12-7-15; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2015-0689; FRL-9936-81-Region 9]

Approval of California Air Plan Revisions, Placer County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Placer County Air Pollution Control District (PCAPCD) portion of the California State Implementation Plan (SIP) under the Clean Air Act (CAA or the Act). This revision describes actions that PCAPCD will take to prevent air pollution concentrations from reaching dangerously high levels.

DATES: Any comments on this proposal must arrive by January 7, 2016.

ADDRESSES: Submit comments, identified by docket number EPA-R09-OAR-2015-0689, by one of the following methods:

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

2. *Email:* steckel.andrew@epa.gov.
3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Instructions: Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. If you need to include CBI as part of your comment, please visit <http://www.epa.gov/dockets/comments.html> for instructions. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. For additional submission methods, the full EPA public comment policy, and general guidance on making effective comments, please visit <http://www.epa.gov/dockets/comments.html>.

Docket: Generally, documents in the docket for this action are available electronically at www.regulations.gov or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105-3901. While all

documents in the docket are listed at www.regulations.gov, some information may be publicly available only at the hard copy location (*e.g.*, copyrighted material, large maps), and some may not be publicly available in either location (*e.g.*, CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

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

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us” and “our” refer to the EPA. In the Rules and Regulations section of this **Federal Register**, we are approving the Placer County Ozone Emergency Episode Plan in a direct final action without prior proposal because we believe this SIP revision is not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in a subsequent action based on this proposed rule.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: October 26, 2015.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2015-30829 Filed 12-7-15; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2015-0619; FRL-9936-66-Region 9]

Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District, Feather River Air Quality Management District and Santa Barbara County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Antelope Valley Air Quality Management District (AVAQMD), Feather River Air Quality Management District (FRAQMD), and Santa Barbara County Air Pollution Control District (SBCAPCD) portions of

the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from architectural coatings. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act (CAA or the Act). Simultaneously, the EPA is proposing to delete two related local rules from the SIP from Sutter County Air Pollution Control District (SCAPCD) and Yuba County Air Pollution Control District (YCAPCD).

DATES: Any comments on this proposal must arrive by January 7, 2016.

ADDRESSES: Submit comments, identified by docket number [EPA–R09–OAR–2015–0619, by one of the following methods:

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

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

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

Instructions: Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. If you need to include CBI as part of your comment,

please visit <http://www.epa.gov/dockets/comments.html> for instructions. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. For additional submission methods, the full EPA public comment policy, and general guidance on making effective comments, please visit <http://www.epa.gov/dockets/comments.html>.

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

FOR FURTHER INFORMATION CONTACT: Arnold Lazarus, EPA Region IX, (415) 972–3024, lazarus.arnold@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us” and “our” refer to the EPA. This proposal addresses the following local

rules: AVAQMD Rule 1113 “Architectural Coatings,” FRAQMD Rule 3.15 “Architectural Coatings,” SBCAPCD Rule 323.1 “Architectural Coatings,” SCAPCD Rule 3.15 “Architectural Coatings,” and YCAPCD Rule 3.15 “Architectural Coatings.” In the Rules and Regulations section of this **Federal Register**, we are approving and deleting these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on a provision of a particular rule, we may adopt as final those provisions of the rules that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: October 23, 2015.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2015–30808 Filed 12–7–15; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 80, No. 235

Tuesday, December 8, 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–2014–0097]

Monsanto Co.; Determination of Nonregulated Status of Maize Genetically Engineered for Increased Ear Biomass

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 87403, which has been genetically engineered for increased ear biomass, 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 December 8, 2015.

ADDRESSES: You may read the documents referenced in this notice and the comments we received at <http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0097> 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) 7997039 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 14–213–01p.

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 14–213–01p) from Monsanto Company (Monsanto) of St. Louis, MO, seeking a determination of nonregulated status of maize (*Zea mays*) designated as event MON 87403, which has been genetically engineered for increased ear biomass. The Monsanto petition states that information collected during field trials and laboratory analyses indicates that MON 87403 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 process¹ 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 notice² published in the **Federal Register** on January 20, 2015 (80 FR 2674–2675, Docket No. APHIS–2014–0097), APHIS announced the availability of the Monsanto petition for public comment. APHIS solicited comments on the petition for 60 days ending on March 23, 2015, 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 20 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 on 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 is following Approach 2 where we first solicit 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

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-2014-0097>.

¹ On March 6, 2012, APHIS published in the **Federal Register** (77 FR 13258–13260, Docket No.

(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.

APHIS sought public comment on a draft EA and a preliminary PPRA from July 21, 2015, to August 20, 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 4 comments on the petition. One commenter supported a decision of nonregulated status for MON 87403 maize; two were opposed, and one was in support of nonregulated status but wanted APHIS to require continued oversight during the commercialization process. Issues raised during the comment period included concerns regarding general safety, potential for increased weediness, and the potential for gene flow to other corn varieties. 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 87403. 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 87403).

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 87403 is 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.

Done in Washington, DC, this 2nd day of December 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–30877 Filed 12–7–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2015–0088]

J.R. Simplot Company; Availability of Preliminary Finding of No Significant Impact, Similarity Assessment, and Preliminary Decision for an Extension of a Determination of Nonregulated Status to V11 Snowden Potatoes With Low Acrylamide Potential and Reduced Black Spot Bruise

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 Innate™ potato to Snowden potato variety event SPS–00V11–6 (hereinafter V11 potato) in response to a request from the J.R. Simplot Company. V11 potato has been genetically engineered to exhibit low acrylamide potential in cooked potatoes and reduced black spot bruise. We are making available for public comment our preliminary finding of no significant impact, our similarity assessment, and our preliminary extended determination of nonregulated status.

DATES: We will consider all comments that we receive on or before January 7, 2016.

ADDRESSES: You may submit comments by either of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0088>.

- **Postal Mail/Commercial Delivery:**

Send your comment to Docket No. APHIS–2015–0088, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

The J.R. Simplot Company extension request, our preliminary finding of no significant impact, our similarity assessment, our preliminary determination, and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0088> 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 (Innate™ Potato events E12, F10, and J3), can be found at <http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0067>. Supporting documents may also be found on the APHIS Web site for V11 potato (the organism under evaluation) under APHIS Petition Number 15–140–01p, and the antecedent organisms (Innate™ Potato events E12, F10, and J3) under APHIS Petition Number 13–022–01p.

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

³ 80 FR 43053–43055.

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 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.

In a notice¹ published in the **Federal Register** on November 10, 2014 (79 FR 66688–66689, Docket No. APHIS–2012–0067), APHIS announced our determination of nonregulated status of potatoes (*Solanum tuberosum*) designated as Innate™ potatoes (events E12, E24, F10, F37, J3, J55, J78, G11, H37, and H50), which have been genetically engineered for low acrylamide potential and reduced black spot bruise. Acrylamide is a human neurotoxicant and potential carcinogen that may form in potatoes and other starchy foods under certain cooking conditions. APHIS has received a request for an extension of a determination of nonregulated status of Innate™ potatoes (APHIS Petition Number 13–022–01p) to Snowden potato variety event SPS–00V11–6 (hereinafter V11 potato) (APHIS Petition Number 15–140–01p) from the J.R. Simplot Company (Simplot) of Boise, ID. In the extension request, Simplot named three of the ten previously deregulated events as antecedents. Like the antecedents, V11 potato has been genetically engineered for low acrylamide potential and reduced black spot bruise. In its request, Simplot stated that V11 potato was produced by transforming an additional variety of potato, Snowden, using the same DNA and method that was used for the antecedent potatoes and, based on the similarity, is unlikely to pose a plant pest risk. Therefore, the request stated that V11 potato should not be a regulated article under APHIS’ regulations in 7 CFR part 340.

As described in the extension request, V11 potato has been genetically engineered through the insertion of genetic elements from potato or wild potato (a group of related plant species that are sexually compatible with potato) using Simplot’s Innate™ technologies. APHIS has previously assessed the risks associated with the insertion of these same genetic elements into potato and concluded that the resulting organisms did not pose a plant pest risk. Based on the information in the request, we have concluded that V11 potato is similar to the antecedent potatoes. V11 potato is currently regulated under 7 CFR part 340.

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 a plant pest risk assessment (PPRA) and an environmental assessment (EA) for the antecedent organisms. Based on those assessments, we concluded that the antecedent organisms are unlikely to present a plant pest risk. V11 potato expresses the same low acrylamide potential and reduced black spot bruise prevalence as the antecedent potatoes. Therefore, based on our PPRA for the antecedents and the similarity between V11 potato and the antecedents, APHIS has concluded that V11 potato is unlikely to pose a plant pest risk.

The EA for the antecedent organisms was prepared using data submitted by Simplot, 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 proposed determination of nonregulated status of the antecedent potatoes. 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).

Based on the similarity of V11 potato to the antecedent potatoes, APHIS has prepared a preliminary finding of no significant impact (FONSI) on V11 potato using the EA prepared for

Innate™ potato. APHIS considered the following alternatives: (1) Take no action, *i.e.*, APHIS would not change the regulatory status of V11 potato and it would continue to be a regulated article, or (2) make a determination of nonregulated status of V11 potato. APHIS’ preferred alternative is to make a determination of nonregulated status of V11 potato.

APHIS has carefully examined the existing NEPA documentation completed for Innate™ potato and has concluded that Simplot’s request to extend a determination of nonregulated status to V11 potato encompasses the same scope of environmental analysis as the antecedent potatoes.

Based on APHIS’ analysis of information submitted by Simplot, references provided in the extension request, peer-reviewed publications, information analyzed in the EA, and the similarity of V11 potato to the antecedent organisms, APHIS has determined that V11 potato 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 Innate™ potato to V11 potato, whereby V11 potato 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 the antecedent potatoes to V11 potato.

APHIS will accept written comments on the FONSI regarding a determination of nonregulated status of V11 potato for a period of 30 days from the date this notice is published in the **Federal Register**. The FONSI, as well as the extension request, supporting documents, and our preliminary determination for V11 potato, 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

¹ To view the notice, our determination, supporting documents, and the comments we have received, go to <http://www.regulations.gov/#/docketDetail;D=APHIS-2012-0067>.

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 V11 potato.

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 2nd day of December 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–30878 Filed 12–7–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Submission for OMB Review; Comment Request

December 2, 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.

Comments regarding this information collection received by January 7, 2016 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New

Executive Office Building, 725–17th Street NW., Washington, DC 20503. 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. 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.

National Agricultural Statistics Service

Title: Egg, Chicken, and Turkey Surveys.

Omb Control Number: 0535–0004.

Summary of Collection: The primary function of the National Agricultural Statistics Service (NASS) is to prepare and issue current official State and national estimates of crop and livestock production. Thousands of farmers, ranchers, agribusinesses and others voluntarily respond to nationwide surveys about crops, livestock, prices, and other agricultural activities. Estimates of egg, chicken, and turkey production are in an integral part of this program. General authority for these data collection activities is granted under U.S. Code Title 7, Section 2204. This statute specifies the “The Secretary of Agriculture shall procure and preserve all information concerning agriculture which she can obtain . . . by the collection of statistics . . . and shall distribute them among agriculturists”. Information published from the surveys in this docket is needed by USDA economists and government policy makers to ensure the orderly marketing of broiler chickens, turkeys and eggs.

Need and Use of the Information: Statistics on these poultry products contribute to a comprehensive program of keeping the government and poultry industry abreast of anticipated changes. All of the poultry reports are used by producers, processors, feed dealers, and others in the marketing and supply channels as a basis for their production and marketing decisions. Government agencies use these estimates to evaluate poultry product supplies.

Description of Respondents: Farms; Business or other for profit.

Number of Respondents: 2,034.

Frequency of Responses: Reporting: Weekly; Monthly; Annually.

Total Burden Hours: 2,493.

Title: Stocks Reports.

Omb Control Number: 0535–0007.

Summary of Collection: The primary function of the National Agricultural Statistics Service (NASS) is to prepare and issue current official State and national estimates of crop and livestock production, stocks, disposition, and prices. As part of this function, estimates are made for stocks of off-farm grains and oilseeds, potatoes, peanuts, hops, and rice. Grain and oilseed stocks in all positions (on-farm and off-farm) are estimated quarterly. Grain stock estimates are one of the most important NASS estimates, which are watched closely by growers and industry groups. General authority for data collection is granted under U.S. Code Title 7, Section 2204. The Hop Growers of America provides the data collection for much of the production information because of sensitivity issues an impartial third party, NASS, collects stocks and price information.

Need and Use of the Information:

NASS collects information to administer farm program legislation and make decisions relative to the export-import programs. Estimates of stocks provide essential statistics on supplies and contribute to orderly marketing. Farmers and agribusiness firms use these estimates in their production and marketing decisions. Collecting this information less frequently would eliminate data needed by the government, and industry and farmers to keep abreast of changes at the State and national level.

Description of Respondents: Business or other for profit; Farms.

Number of Respondents: 6,630.

Frequency of Responses: Reporting: Monthly; Quarterly; Semi-annually; Annually.

Total Burden Hours: 5,581.

Title: List Sampling Frame Survey.

Omb Control Number: 0535–0140.

Summary of Collection: General authority for these data collection activities is granted under U.S. Code Title 7, Section 2204 which specifies that “The Secretary of Agriculture shall procure and preserve all information concerning agriculture which he can obtain . . . by the collection of statistics . . .”. The primary objective of the National Agricultural Statistics Service (NASS) is to provide data users with timely and reliable agricultural production and economic statistics, as well as environmental and specialty agricultural related statistics. To accomplish this objective, NASS relies heavily on the use of sample surveys statistically drawn from “List Sampling

Frame.” The List Sampling Frame is a database of names and addresses, with control data, that contains the components values from which these samples can be drawn.

Need and Use of the Information: The List Sampling Frame Surveys are used to develop and maintain a complete list of possible farm operations. Data from criteria surveys are used to provide control data for new records on the list sampling frame. This information is utilized to define the size of operation, define sample populations and establish eligibility for the Census of Agriculture. New names and addresses of potential farms are obtained on a regular basis from growers association, other government agencies and various outside sources. The goal is to produce for each State a relatively complete, current, and unduplicated list of names for statistical sampling for agricultural operation surveys and the Census of Agriculture. This information is used to develop efficient sample designs, which allows NASS the ability to draw reduced sample sizes from the originally large universe populations.

Description of Respondents: Farms.

Number of Respondents: 164,000.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 40,219.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2015-30876 Filed 12-7-15; 8:45 am]

BILLING CODE 3410-20-P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Business-Cooperative Service's (RBS) intention to request an extension of a currently approved information collection in support of the Intermediary Relending Program (IRP).

DATES: Comments on this notice must be received by February 8, 2016, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Lori Hood, Specialty Programs Division, Rural Business-Cooperative Service, U.S. Department of Agriculture, STOP

3226, 1400 Independence Avenue SW., Washington, DC 20250-3225, Telephone (202) 720-9815, Email lori.hood@wdc.usda.gov.

SUPPLEMENTARY INFORMATION:

Title: Intermediary Relending Program.

OMB Number: 0570-0021.

Expiration Date of Approval: April 30, 2016.

Type of Request: Extension of currently approved collection information.

Abstract: The regulations contain various requirements for information from the intermediaries, and some requirements may cause the intermediary to seek information from ultimate recipients. The information requested is necessary for RBS to be able to process applications in a responsible manner, make prudent credit and program decisions, and effectively monitor the intermediaries' activities to protect the Government's financial interest and ensure that funds obtained from the Government are used appropriately. It includes information to identify the intermediary; describe the intermediary's experience and expertise; describe how the intermediary will operate its revolving loan fund; provide for debt instruments, loan agreements, and security; and other material necessary for prudent credit decisions and reasonable program monitoring.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 9.25 hours per response.

Respondents: Non-profit corporations, public agencies, Indian tribes and cooperatives.

Estimated Number of Respondents: 80.

Estimated Number of Responses per Respondent: 15.

Estimated Number of Responses: 1,219.

Estimated Total Annual Burden on Respondents: 8,406 hours.

Copies of this information collection can be obtained from Brigitte Sumter, Regulations and Paperwork Management Branch, Support Services Division at (202) 692-0042.

Comments

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of RBS, including whether the information will have practical utility; (b) the accuracy of RBS's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and

clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Brigitte Sumter, Regulations and Paperwork Management Branch, Support Services Division, U.S. Department of Agriculture, Rural Development, 1400 Independence Avenue SW., STOP 0742, 1400 Independence Ave. SW., Washington, DC 20250. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and, where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider, employer, and lender.

Dated: November 24, 2015.

Samuel H. Rikkers,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2015-30834 Filed 12-7-15; 8:45 am]

BILLING CODE 3410-XY-P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Kansas Advisory Committee to Hear Testimony Regarding Civil Rights and Voting Requirements in the State

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Kansas Advisory Committee (Committee) will hold a meeting on Thursday, January 28, 2015, from 9:00 a.m. to 5:15 p.m. CST for the purpose of hearing testimony regard the civil rights impact of the State's 2013 Secure and Fair Elections (S.A.F.E.) Act.

The meeting will take place on Thursday, January 28, 2016 from 9:00 a.m. to 5:15 p.m. at the Topeka and Shawnee County Public Library, located at 1515 SW 10th Avenue, Topeka, Kansas 66604. This meeting is free and open to the public. Parking will be available at the event free of charge. Individuals with disabilities requiring reasonable accommodations should contact the Midwest Regional Office a minimum of ten days prior to the meeting to request appropriate arrangements.

Of concern to the Committee is the potential for voter identification and proof of citizenship requirements as outlined in the S.A.F.E. Act to prevent citizens from exercising their right to vote—in particular that these requirements may result in a disparate impact on the basis of race, color, age, religion, or disability.

Members of the public are invited and welcomed to make statements during the open forum period beginning at 4:30 p.m. In addition, members of the public may submit written comments; the comments must be received in the regional office within 30 days after the meeting. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353-8324, or emailed to Administrative Assistant, Corrine Sanders at csanders@usccr.gov. Persons who desire additional information may contact the Regional Programs Unit at (312) 353-8311.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at <https://database.faca.gov/committee/meetings.aspx?cid=249> and clicking on the "Meeting Details" and "Documents" links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, <http://www.usccr.gov>, or may contact the

Regional Programs Unit at the above email or street address.

Agenda:

- Opening Remarks and Introductions (9:00 a.m.–9:15 a.m.)
 - Panel 1: Academic (9:15 a.m.–10:30 a.m.)
 - Panel 2: Community (10:45 a.m.–12:00 p.m.)
- Break (12:00 p.m.–1:30 p.m.)
 - Panel 3: Voting Officials (1:30 p.m.–2:45 p.m.)
 - Panel 4: Elected Officials (3:00 p.m.–4:15 p.m.)
 - Open Forum (4:30 p.m.–5:00 p.m.)
- Closing Remarks (5:00 p.m.–5:15 p.m.)

DATES: The meeting will be held on Thursday, January 28, 2015, from 9:15 a.m.–5:00 p.m. CST.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnarowski, DFO, at 312–353–8311 or mwojnarowski@usccr.gov

Dated December 3, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–30858 Filed 12–7–15; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

[Docket No. 150903817–5999–02]

Privacy Act of 1974, Amended System of Records

AGENCY: Bureau of Industry and Security, U.S. Department of Commerce.

ACTION: Notice of Proposed Amendment to Privacy Act System of Records: COMMERCE/ITA–1, Individuals Identified in Export Transactions.

SUMMARY: The Department of Commerce publishes this notice to announce the effective date of a Privacy Act System of Records notice entitled Notice of Proposed Amendment to COMMERCE/ITA–1, Individuals Identified in Export Transactions.

DATES: The system of records becomes effective on December 8, 2015.

ADDRESSES: For a copy of the system of records please mail requests to the: Privacy Officer, Bureau of Industry and Security, Department of Commerce, 1401 Constitution Avenue NW., Room 6622, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Chief Financial Officer and Director of Administration, Bureau of Industry and Security, Department of Commerce, 1401 Constitution Avenue NW., Room 6622, Washington, DC 20230.

SUPPLEMENTARY INFORMATION: On October 21, 2015 (80 FR 63737), the

Department of Commerce published a notice in the **Federal Register**, entitled "Notice of Proposed Amendment to COMMERCE/ITA–1, Individuals Identified in Export Transactions," requesting comments on proposed amendments to the system of records, which included renaming the system to "COMMERCE/BIS–1, Individuals Identified in Export Transactions and Other Matters Subject to BIS Jurisdiction." The October 21, 2015, notice stated that the amended system of records will become effective on the date of publication of a subsequent notice, unless comments are received. No comments were received in response to the request for comments. Accordingly, by this notice, the Department of Commerce is adopting the proposed changes to the system as final without changes effective December 8, 2015.

Dated: December 2, 2015.

Michael J. Toland,

Department of Commerce, Freedom of Information and Privacy Act Officer.

[FR Doc. 2015–30860 Filed 12–7–15; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–868]

Welded Stainless Pressure Pipe From India: Postponement of Preliminary Determination of Countervailing Duty Investigation

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

DATES: *Effective Date:* December 8, 2015.

FOR FURTHER INFORMATION CONTACT: Mandy Mallott, 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; telephone: (202) 482–6430.

SUPPLEMENTARY INFORMATION:

Background

On October 20, 2015, the Department of Commerce ("Department") initiated a countervailing duty investigation on welded stainless pressure pipe from India.¹ Currently the preliminary determination of this investigation is due no later than December 24, 2015.

¹ See *Welded Stainless Pressure Pipe from India: Initiation of Countervailing Duty Investigation*, 80 FR 65700 (October 27, 2015).

Postponement of Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (“the Act”), requires the Department to issue the preliminary determination in a countervailing duty investigation within 65 days after the date on which the Department initiated the investigation. However, if the petitioner makes a timely request for a postponement, section 703(c)(1)(A) of the Act allows the Department to postpone making the preliminary determination until no later than 130 days after the date on which the Department initiated the investigation.

On November 24, 2015, Petitioners² submitted a timely request pursuant to section 703(c)(1)(A) of the Act and 19 CFR 351.205(e) to postpone the preliminary determination.³ For the reasons stated above and because there are no compelling reasons to deny the request, the Department, in accordance with section 703(c)(1)(A) of the Act, is postponing the deadline for the preliminary determination to no later than 130 days after the day on which the investigation was initiated. Accordingly, the Department will issue the preliminary determination no later than February 27, 2016. However, because February 27, 2016, falls on a Saturday, the preliminary determination is now due no later than February 29, 2016.⁴ In accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: December 1, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–30890 Filed 12–7–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–952; A–583–844]

Narrow Woven Ribbons With Woven Selvage From the People’s Republic of China and Taiwan: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders

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

SUMMARY: As a result of these sunset reviews, the Department of Commerce (“the Department”) finds that revocation of the antidumping duty orders on narrow woven ribbons with woven selvage (“NWRs”) from the People’s Republic of China (“PRC”) and Taiwan would likely lead to continuation or recurrence of dumping, at the levels indicated in the “Final Results of Sunset Reviews” section of this notice.

DATES: Effective Date: December 8, 2015.

FOR FURTHER INFORMATION CONTACT:

William Horn or Robert Galantucci, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2615 or (202) 482–2923, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 17, 2010, the Department published the antidumping duty orders on NWRs from the PRC and Taiwan, as amended.¹ On August 3, 2015, the Department initiated sunset reviews of the antidumping duty orders on NWRs from the PRC and Taiwan pursuant to section 751(c) of the Tariff Act of 1930, as amended (“the Act”).² On August 14, 2015, the Department received a timely notice of intent to participate in the sunset reviews from Berwick Offray LLC and its wholly-owned subsidiary Lion Ribbon Company, LLC (“domestic interested parties”), pursuant to 19 CFR 351.218(d)(1)(i).³ On August 31, 2015, domestic interested parties filed a timely substantive response with the

Department pursuant to 19 CFR 351.218(d)(3)(i). The Department did not receive a substantive response from any respondent interested party. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted expedited sunset reviews of the *Orders*.

Scope of the Orders

The merchandise subject to these *Orders* is narrow woven ribbons with woven selvage, in any length, but with a width (measured at the narrowest span of the ribbon) less than or equal to 12 centimeters, composed of, in whole or in part, man-made fibers (whether artificial or synthetic, including but not limited to nylon, polyester, rayon, polypropylene, and polyethylene terephthalate), metal threads and/or metalized yarns, or any combination thereof. Imports of merchandise included within the scope of these *Orders* are currently classifiable under subheading 5806.32.1020, 5806.32.1030, 5806.32.1050 and 5806.32.1060 of the Harmonized Tariff Schedule of the United States (“HTSUS”).⁴ The Decision Memorandum, which is hereby adopted by this notice, provides a full description of the scope of the *Orders*.⁵

The Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov> and in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum can be accessed at <http://enforcement.trade.gov/frn/>. The signed Decision Memorandum and the electronic version of the Decision Memorandum are identical in content.

Analysis of Comments Received

All issues raised in these sunset reviews are addressed in the Decision

⁴ Subject merchandise also may enter under HTSUS subheadings 5806.31.00, 5806.32.20, 5806.39.20, 5806.39.30, 5808.90.00, 5810.91.00, 5810.99.90, 5903.90.10, 5903.90.25, 5907.00.60 and 5907.00.80 and under statistical categories 5806.32.1080, 5810.92.9080, 5903.90.3090 and 6307.90.9889.

⁵ See the “Issues and Decision Memorandum for the Expedited Sunset Review of the Antidumping Duty Order on Narrow Woven Ribbons With Woven Selvage from the People’s Republic of China and Taiwan” from James Maeder, Senior Director, Office I, Antidumping and Countervailing Duty Operations, to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, dated concurrently with, and hereby adopted by, this notice (“Decision Memorandum”).

² Bristol Metals LLC, Felker Brothers Corporation, Marcegaglia USA, Inc., and Outokumpu Stainless Pipe, Inc. (collectively, “Petitioners”).

³ See letter from Petitioners, “Welded Stainless Pressure Pipe from India: Request Extension for Preliminary Determination,” dated November 24, 2015.

⁴ See Notice of Clarification: Application of “Next Business Day” Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended, 70 FR 24533 (May 10, 2005).

¹ See Notice of Antidumping Duty Orders: Narrow Woven Ribbons With Woven Selvage From Taiwan and the People’s Republic of China: Antidumping Duty Orders, 75 FR 53632 (September 1, 2010), as amended in *Narrow Woven Ribbons With Woven Selvage From Taiwan and the People’s Republic of China: Amended Antidumping Duty Orders*, 75 FR 56982 (September 17, 2010) (“*Orders*”).

² See Initiation of Five-Year (“Sunset”) Review, 80 FR 45945 (August 3, 2015).

³ Berwick Offray LLC claimed interested party status as a manufacturer of the domestic like product, pursuant to section 771(9)(C) of the Act.

Memorandum. The issues discussed in the Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the *Orders* were to be revoked.

Final Results of Sunset Reviews

Pursuant to section 752(c)(3) of the Act, the Department determines that revocation of the *Orders* would likely lead to continuation or recurrence of dumping at weighted-average dumping margins up to 247.65 percent for the PRC and up to 4.37 percent for Taiwan.

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

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

Dated: December 1, 2015._

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Orders
- IV. History of the Orders
- V. Legal Framework
- VI. Discussion of the Issues
 1. Likelihood of Continuation or Recurrence of Dumping
 2. Magnitude of the Margins Likely to Prevail
- VII. Final Results of Sunset Reviews
- VIII. Recommendation

[FR Doc. 2015–30898 Filed 12–7–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–809]

Circular Welded Non-Alloy Steel Pipe From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014

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

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on circular welded non-alloy steel pipe (CWP) from the Republic of Korea (Korea).¹ The period of review (POR) is November 1, 2013, through October 31, 2014. This review covers three producers or exporters of the subject merchandise: Husteel Co., Ltd. (Husteel), Hyundai HYSCO (HYSCO), and SeAH Steel Corporation (SeAH). We preliminarily find that Husteel and HYSCO have made sales of the subject merchandise at prices below normal value. We also preliminarily find that SeAH did not make sales of subject merchandise at prices below normal value. Interested parties are invited to comment on these preliminary results.

DATES: Effective date: December 8, 2015.

FOR FURTHER INFORMATION CONTACT: Jennifer Meek, Lana Nigro, or Joseph Shuler, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–2778, (202) 482–1779 or (202) 482–1293, respectively.

Scope of the Order

The merchandise subject to the order is circular welded non-alloy steel pipe and tube. The product is currently classifiable under the following Harmonized Tariff Schedule of the United States (HTSUS) numbers: 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, and 7306.30.5090. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive.²

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 78 FR 79392 (December 30, 2013).

² For a full description of the scope of the order, see the Memorandum from Christian Marsh, Deputy

Methodology

The Department is conducting this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. A list of topics discussed in the Preliminary Decision Memorandum is provided as Appendix I to this Notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>, and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://trade.gov/enforcement>. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margins exist for the respondents for the period November 1, 2013, through October 31, 2014.

Producer or exporter	Weighted-average dumping margin (percent)
Husteel Co., Ltd	1.42
SeAH Steel Corporation	0.00
Hyundai HYSCO	3.69

Disclosure and Public Comment

The Department intends to disclose to interested parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice.³

Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, "Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Circular Welded Non-Alloy Steel Pipe from the Republic of Korea: 2013–2014" (Preliminary Decision Memorandum), dated concurrently with these results and hereby adopted by this notice.

³ See 19 CFR 351.224(b).

Interested parties may submit case briefs no later than 30 days after the date of publication of the preliminary results.⁴ Rebuttal briefs, limited to the issues raised in the case briefs, may be filed no later than five days after the submission of case briefs.⁵ Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.⁶ All case and rebuttal briefs must be filed electronically using ACCESS, and must also be served on interested parties.⁷ An electronically filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5:00 p.m. Eastern Time on the date that the document is due. Executive summaries should be limited to five pages total, including footnotes.

Interested parties who wish to request a hearing, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, using Enforcement and Compliance's ACCESS system within 30 days of publication of this notice.⁸ Hearing requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined. Parties should confirm by telephone the date, time, and location of the hearing.

Unless the deadline is extended pursuant to section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.213(h)(2), the Department intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their case and rebuttal briefs, within 120 days after the publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

For Husteel, HYSCO, and SeAH, upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this

review. Husteel, HYSCO, and SeAH reported the name of the importer of record and the entered value for all of their sales to the United States during the POR. If Husteel's, HYSCO's, and SeAH's weighted-average dumping margins are not zero or *de minimis* (i.e., less than 0.50 percent) in the final results of this review, we will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of those sales in accordance with 19 CFR 351.212(b)(1).

We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is not zero or *de minimis*. Where either the respondent's weighted-average dumping margin is zero or *de minimis*,⁹ or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

The Department's "automatic assessment" practice will apply to entries of subject merchandise during the POR produced by Husteel, HYSCO, and SeAH for which they did not know their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

For Husteel, HYSCO, and SeAH, we intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements for estimated antidumping duties will be effective upon publication of the notice of final results of administrative review for all shipments of CWP from Korea entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Husteel, HYSCO, and SeAH will be equal to the weighted-average dumping margins established in the final results of this administrative

review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer has been covered in a prior complete segment of this proceeding, the cash deposit rate will be the rate established for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 4.80 percent, the "all others" rate established in the order.¹⁰ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

The Department is issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 1, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of Order
- IV. Discussion of The Methodology
 1. Determination of Comparison Method
 2. Results of the Differential Pricing Analysis
- V. Date of Sale
- VI. Product Comparisons
- VII. Export Price and Constructed Export Price
- VIII. Normal Value
 - A. Comparison Market Viability
 - B. Affiliated Party Transactions and Arm's Length Test

¹⁰ See *Notice of Antidumping Duty Orders: Certain Circular Welded Non-Alloy Steel Pipe from Brazil, the Republic of Korea (Korea), Mexico, and Venezuela, and Amendment to Final Determination of Sales at Less Than Fair Value: Certain Circular Welded Non-Alloy Steel Pipe from Korea*, 57 FR 49453 (November 2, 1992).

⁴ See 19 CFR 351.309(c)(1)(ii).

⁵ See 19 CFR 351.309(d)(1).

⁶ See 19 CFR 351.309(c)(2) and (d)(2).

⁷ See 19 CFR 351.303(f).

⁸ See 19 CFR 351.310(c).

⁹ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings: Final Modification*, 77 FR 8101, 8102 (February 14, 2012).

C. Level of Trade (LOT)/CEP Offset
 D. Cost of Production Analysis
 1. Calculation of Cost of Production (COP)
 2. Test of Comparison Market Sales Prices
 3. Results of the COP Test
 E. Calculation of Normal Value Based on Comparison Market Prices
 F. Constructed Value
 IX. Currency Conversion
 X. Recommendation

[FR Doc. 2015-30793 Filed 12-7-15; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-880, A-201-847, A-489-824]

Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes From the Republic of Korea, Mexico, and the Republic of Turkey: Postponement of Preliminary Determinations of Antidumping Duty Investigations

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

FOR FURTHER INFORMATION CONTACT: Elizabeth Eastwood at (202) 482-3874 (the Republic of Korea (Korea)), David Crespo at (202) 482-3693 (Mexico), or Rebecca Trainor at (202) 482-4007 (the Republic of Turkey (Turkey)); 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:

Postponement of Preliminary Determinations

On August 10, 2015, the Department of Commerce (the Department) initiated antidumping duty investigations of imports of heavy walled rectangular carbon steel pipes and tubes (HWR pipes and tubes) from Korea, Mexico, and Turkey.¹ The notice of initiation stated that we would issue our preliminary determinations no later than 140 days after the date of initiation. Currently, the preliminary determinations in these investigations are due on December 28, 2015.

On November 30, 2015, Atlas Tube, a division of JMC Steel Group; Bull Moose Tube Company; EXLTUBE; Hannibal Industries, Inc.; Independence Tube Corporation; Maruichi American Corporation; Searing Industries; Southland Tube; and Vest, Inc., U.S.

producers on whose behalf the petitions in these cases were filed (hereafter, the petitioners) made timely requests, pursuant to section 733(c)(1)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.205(e), for a 50-day postponement of the preliminary determinations in the investigations.² The petitioners stated that a postponement of the preliminary determinations in all three HWR pipes and tubes investigations is necessary to provide the Department with sufficient time to reach reasoned preliminary determinations.

Under section 733(c)(1)(A) of the Act, if a petitioner makes a timely request for an extension of the period within which the preliminary determination must be made under subsection (b)(1), then the Department may postpone making the preliminary determination under subsection (b)(1) until not later than the 190th day after the date on which the administering authority initiated the investigation. Therefore, for the reasons stated above, and because there are no compelling reasons to deny the petitioners' requests, the Department is postponing the preliminary determinations in these investigations until February 16, 2016, which is 190 days from the date on which the Department initiated these investigations.

The deadline for the final determinations will continue to be 75 days after the date of the preliminary determinations, unless extended.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: December 2, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015-30897 Filed 12-7-15; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-823]

Silicomanganese from India: Partial Rescission of Antidumping Duty Administrative Review; 2014-2015

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

ACTION: Notice.

SUMMARY: The Department of Commerce (the Department) is partially rescinding

its administrative review of the antidumping duty order on silicomanganese from India for the period of review (POR) May 1, 2014 through April 30, 2015.

DATES: Effective Date: December 8, 2015.

FOR FURTHER INFORMATION CONTACT:

David Lindgren, Office VII, Antidumping and Countervailing Duty Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3870.

Background

SUPPLEMENTARY INFORMATION: On May 1, 2015, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on silicomanganese from India for the POR.¹ Petitioners,² in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), filed a request for an antidumping duty administrative review of two companies: Nava Bharat Ventures Limited (Nava) and Universal Ferro and Allied Chemicals, Ltd. (Universal).³ Subsequently, on July 1, 2015, the Department published a notice of initiation of administrative review with respect to Nava and Universal.⁴ Nava filed a letter on July 8, 2015, with the Department stating that it had no shipments during the POR.⁵ Accordingly, the Department sent a no shipment inquiry to U.S. Customs and Border Protection (CBP) on July 15, 2015, requesting a response within 10 days if there was any information indicating that Nava had shipments during the POR. The Department did not receive any notification from CBP that Nava had shipments during the POR. On August 25, 2015, Petitioners withdrew their request for an antidumping duty administrative review of Nava.⁶

¹ See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 80 FR 24898 (May 1, 2015).

² Eramet Marietta, Inc. and Felman Production, LLC.

³ See Letter from Petitioners, "Silicomanganese from India: Request for Administrative Review of Antidumping Order," dated June 1, 2015.

⁴ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 80 FR 37588 (July 1, 2015).

⁵ See Letters from Nava, "Silicomanganese from India: Nava Bharat no shipments letter," dated July 8, 2015 and July 9, 2015.

⁶ See Letter from Petitioners, "Silicomanganese from India: Withdrawal of Request for Administrative Review of Antidumping Order," dated August 25, 2015.

¹ See *Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Korea, Mexico, and the Republic of Turkey: Initiation of Less-Than-Fair Value Investigations*, 80 FR 49202 (August 17, 2015).

² See the petitioners' letters to the Department dated November 30, 2015.

Partial Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the parties that requested the review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. Petitioners' August 25, 2015 withdrawal request was submitted within the 90-day period and thus is timely. Because Petitioners' withdrawal of their requests for review is timely and because no other party requested a review of Nava, we are rescinding this review with respect to this company, in accordance with 19 CFR 351.213(d)(1). As the request for an administrative review for Nava was the only request withdrawn, the instant review will continue with respect to Universal.

Assessment

The Department will instruct CBP to assess antidumping duties on all appropriate entries. For Nava, the company for which this review is rescinded, antidumping duties shall be assessed at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue assessment instructions to CBP 15 days after the date of publication of this notice.

Notification to Importers

This notice serves as the only reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement may result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with section 751 of Act and 19 CFR 351.213(d)(4).

Dated: December 2, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015-30895 Filed 12-7-15; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Request for Nominations for Members To Serve on National Institute of Standards and Technology Federal Advisory Committees

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

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) invites and requests nomination of individuals for appointment to eight existing Federal Advisory Committees: Board of Overseers of the Malcolm Baldrige National Quality Award, Judges Panel of the Malcolm Baldrige National Quality Award, Information Security and Privacy Advisory Board, Manufacturing Extension Partnership Advisory Board, National Construction Safety Team Advisory Committee, Advisory Committee on Earthquake Hazards Reduction, NIST Smart Grid Advisory Committee, and Visiting Committee on Advanced Technology. NIST will consider nominations received in response to this notice for appointment to the Committees, in addition to nominations already received. Registered Federal lobbyists may not serve on NIST Federal Advisory Committees.

DATES: Nominations for all committees will be accepted on an ongoing basis and will be considered as and when vacancies arise.

ADDRESSES: See below.

SUPPLEMENTARY INFORMATION:

Board of Overseers of the Malcolm Baldrige National Quality Award

ADDRESSES: Please submit nominations to Robert Fangmeyer, Director, Baldrige Performance Excellence Program, NIST, 100 Bureau Drive, Mail Stop 1020, Gaithersburg, MD 20899-1020. Nominations may also be submitted via fax to 301-975-4967. Additional information regarding the Committee, including its charter, current

membership list, and executive summary, may be found at <http://www.nist.gov/baldrige/community/overseers.cfm>.

FOR FURTHER INFORMATION CONTACT:

Robert Fangmeyer, Director, Baldrige Performance Excellence Program and Designated Federal Officer, NIST, 100 Bureau Drive, Mail Stop 1020, Gaithersburg, MD 20899-1020; telephone 301-975-4781; fax 301-975-4967; or via email at robert.fangmeyer@nist.gov.

Committee Information

The Board of Overseers of the Malcolm Baldrige National Quality Award (Board) was established in accordance with 15 U.S.C. 3711a(d)(2)(B), pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

Objectives and Duties

1. The Board shall review the work of the private sector contractor(s), which assists the Director of the National Institute of Standards and Technology (NIST) in administering the Malcolm Baldrige National Quality Award (Award). The Board will make such suggestions for the improvement of the Award process as it deems necessary.

2. The Board shall make an annual report on the results of Award activities to the Director of NIST, along with its recommendations for the improvement of the Award process.

3. The Board will function solely as an advisory committee under the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

4. The Board will report to the Director of NIST.

Membership

1. The Board will consist of approximately twelve members selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance, and for their preeminence in the field of organizational performance excellence. There will be a balanced representation from U.S. service, manufacturing, nonprofit, education, and health care industries. The Board will include members familiar with the quality improvement operations and competitiveness issues of manufacturing companies, service companies, small businesses, health care providers, and educational institutions. Members will also be chosen who have broad experience in for-profit and nonprofit areas.

2. Board members will be appointed by the Secretary of Commerce for three-year terms and will serve at the

discretion of the Secretary. All terms will commence on March 1 and end on February 28 of the appropriate years.

Miscellaneous

1. Members of the Board shall serve without compensation, but may, upon request, be reimbursed travel expenses, including per diem, as authorized by 5 U.S.C. 5701 *et seq.*

2. The Board will meet annually, except that additional meetings may be called as deemed necessary by the NIST Director or by the Chairperson. Meetings are usually one day in duration. Historically, the Board has met twice per year.

3. Board meetings are open to the public. Board members do not have access to classified or proprietary information in connection with their Board duties.

Nomination Information

1. Nominations are sought from the private and public sector as described above.

2. Nominees should have established records of distinguished service and shall be familiar with the quality improvement operations and competitiveness issues of manufacturing companies, service companies, small businesses, educational institutions, health care providers, and nonprofit organizations. The category (field of eminence) for which the candidate is qualified should be specified in the nomination letter. Nominations for a particular category should come from organizations or individuals within that category. A summary of the candidate's qualifications should be included with the nomination, including (where applicable) current or former service on Federal advisory boards and Federal employment. In addition, each nomination letter should state that the person agrees to the nomination, acknowledges the responsibilities of serving on the Board, and will actively participate in good faith in the tasks of the Board. Besides participation at meetings, it is desired that members be able to devote the equivalent of seven days between meetings to either developing or researching topics of potential interest, and so forth, in furtherance of their Board duties.

3. The Department of Commerce is committed to equal opportunity in the workplace and seeks a broad-based and diverse Board membership.

Judges Panel of the Malcolm Baldrige National Quality Award

ADDRESSES: Please submit nominations to Robert Fangmeyer, Director, Baldrige Performance Excellence Program, NIST,

100 Bureau Drive Mail Stop 1020, Gaithersburg, MD 20899-1020. Nominations may also be submitted via fax to 301-975-4967. Additional information regarding the Committee, including its charter, current membership list, and executive summary, may be found at http://patapsco.nist.gov/BoardofExam/Examiners_Judge2.cfm.

FOR FURTHER INFORMATION CONTACT:

Robert Fangmeyer, Director, Baldrige Performance Excellence Program and Designated Federal Officer, NIST, 100 Bureau Drive, Mail Stop 1020, Gaithersburg, MD 20899-1020; telephone 301-975-4781; fax 301-975-4967; or via email at robert.fangmeyer@nist.gov.

Committee Information

The Judges Panel of the Malcolm Baldrige National Quality Award (Panel) was established in accordance with 15 U.S.C. 3711a(d)(1) and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

Objectives and Duties

1. The Panel will ensure the integrity of the Malcolm Baldrige National Quality Award (Award) selection process. Based on a review of results of examiners' scoring of written applications, Panel members will vote on which applicants merit site visits by examiners to verify the accuracy of quality improvements claimed by applicants. The Panel will also review recommendations from site visits, and recommend Award recipients.

2. The Panel will ensure that individual judges will not participate in the review of applicants as to which they have any potential conflict of interest.

3. The Panel will function solely as an advisory body, and will comply with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

4. The Panel will report to the Director of NIST.

Membership

1. The Panel will consist of approximately nine, and not more than twelve, members selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance. There will be a balanced representation from U.S. service, manufacturing, nonprofit, education, and health care industries. The Panel will include members familiar with the quality improvement operations and competitiveness issues of manufacturing companies, service companies, small businesses, health care providers, and

educational institutions. Members will also be chosen who have broad experience in for-profit and nonprofit areas.

2. Panel members will be appointed by the Secretary of Commerce for three-year terms and will serve at the discretion of the Secretary. All terms will commence on March 1 and end on February 28 of the appropriate year.

Miscellaneous

1. Members of the Panel shall serve without compensation, but may, upon request, be reimbursed travel expenses, including per diem, as authorized by 5 U.S.C. 5701 *et seq.*

2. The Panel will meet three times per year. Additional meetings may be called as deemed necessary by the NIST Director or by the Chairperson. Meetings are usually one to four days in duration. In addition, each Judge must attend an annual three-day Examiner training course.

3. When approved by the Department of Commerce Chief Financial Officer and Assistant Secretary for Administration, Panel meetings are closed or partially closed to the public.

Nomination Information

1. Nominations are sought from all U.S. service and manufacturing industries, education, health care, and nonprofits as described above.

2. Nominees should have established records of distinguished service and shall be familiar with the quality improvement operations and competitiveness issues of manufacturing companies, service companies, small businesses, health care providers, educational institutions, and nonprofit organizations. The category (field of eminence) for which the candidate is qualified should be specified in the nomination letter. Nominations for a particular category should come from organizations or individuals within that category. A summary of the candidate's qualifications should be included with the nomination, including (where applicable) current or former service on federal advisory boards and federal employment. In addition, each nomination letter should state that the person agrees to the nomination, acknowledges the responsibilities of serving on the Panel, and will actively participate in good faith in the tasks of the Panel. Besides participation at meetings, it is desired that members be either developing or researching topics of potential interest, reading Baldrige applications, and so forth, in furtherance of their Panel duties.

3. The Department of Commerce is committed to equal opportunity in the

workplace and seeks a broad-based and diverse Panel membership.

Information Security and Privacy Advisory Board (ISPAB)

ADDRESSES: Please submit nominations to Annie Sokol, NIST, 100 Bureau Drive, Mail Stop 8930, Gaithersburg, MD 20899–8930. Nominations may also be submitted via fax to 301–975–8670, Attn: ISPAB Nominations. Additional information regarding the ISPAB, including its charter and current membership list, may be found on its electronic home page at <http://csrc.nist.gov/groups/SMA/ispab/index.html>.

FOR FURTHER INFORMATION CONTACT: Annie Sokol, ISPAB Designated Federal Officer (DFO), NIST, 100 Bureau Drive, Mail Stop 8930, Gaithersburg, MD 20899–8930; telephone 301–975–2006; fax: 301–975–8670; or via email at annie.sokol@nist.gov.

Committee Information

The ISPAB (Committee or Board) was originally chartered as the Computer System Security and Privacy Advisory Board by the Department of Commerce pursuant to the Computer Security Act of 1987 (Pub. L. 100–235). The E-Government Act of 2002 (Pub. L. 107–347, title III), amended section 21 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–4), including changing the Committee's name, and the charter was amended accordingly.

Objectives and Duties

1. The Board will identify emerging managerial, technical, administrative, and physical safeguard issues relative to information security and privacy.

2. The Board will advise the NIST and the Director of the Office of Management and Budget (OMB) on information security and privacy issues pertaining to Federal Government information systems, including thorough review of proposed standards and guidelines developed by NIST.

3. The Board shall report to the Director of NIST.

4. The Board reports annually to the Secretary of Commerce, the Director of OMB, the Director of the National Security Agency, and the appropriate committees of the Congress.

5. The Board will function solely as an advisory body, in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

Membership

1. The Director of NIST will appoint the chairperson and the members of the

ISPAB, and members serve at the discretion of the NIST Director. Members will be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance.

2. The ISPAB will consist of a total of twelve members and a Chairperson.

- The Board will include four members from outside the Federal Government who are eminent in the information technology industry, at least one of whom is representative of small or medium sized companies in such industries.

- The Board will include four members from outside the Federal Government who are eminent in the fields of information technology, or related disciplines, but who are not employed by or representative of a producer of information technology.

- The Board will include four members from the Federal Government who have information system management experience, including experience in information security and privacy, at least one of whom shall be from the National Security Agency.

Miscellaneous

1. Members of the Board, other than full-time employees of the Federal government, will not be compensated for their services, but will, upon request, be allowed travel expenses pursuant to 5 U.S.C. 5701 *et seq.*, while otherwise performing duties at the request of the Board Chairperson, while away from their homes or a regular place of business.

2. Meetings of the ISPAB are usually two to three days in duration and are usually held quarterly. ISPAB meetings are open to the public, including the press. Members do not have access to classified or proprietary information in connection with their ISPAB duties.

Nomination Information

1. Nominations are being accepted in all three categories described above.

2. Nominees should have specific experience related to information security or privacy issues, particularly as they pertain to Federal information technology. Letters of nomination should include the category of membership for which the candidate is applying and a summary of the candidate's qualifications for that specific category. Also include (where applicable) current or former service on Federal advisory boards and any Federal employment. Each nomination letter should state that the person agrees to the nomination, acknowledges the responsibilities of serving on the ISPAB,

and that they will actively participate in good faith in the tasks of the ISPAB.

3. Besides participation at meetings, it is desired that members be able to devote a minimum of two days between meetings to developing draft issue papers, researching topics of potential interest, and so forth in furtherance of their ISPAB duties.

4. Selection of ISPAB members will not be limited to individuals who are nominated. Nominations that are received and meet the requirements will be kept on file to be reviewed as ISPAB vacancies occur.

5. The Department of Commerce is committed to equal opportunity in the workplace and seeks a broad-based and diverse ISPAB membership.

Manufacturing Extension Partnership (MEP) Advisory Board

ADDRESSES: Please submit nominations to Ms. Kari Reidy, NIST, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, MD 20899–4800. Nominations may also be submitted via fax to 301–963–6556. Additional information regarding MEP, including its charter may be found on its electronic home page at <http://www.nist.gov/mep/advisory-board.cfm>.

FOR FURTHER INFORMATION CONTACT: Ms. Kari Reidy, NIST, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, MD 20899–4800; telephone 301–975–4919, fax 301–963–6556; or via email at kari.reidy@nist.gov.

Committee Information

The MEP Advisory Board (Board) is authorized under section 3003(d) of the America COMPETES Act (Pub. L. 110–69); codified at 15 U.S.C. 278k(e), as amended, in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

Objectives and Duties

1. The Board will provide advice on MEP programs, plans, and policies.

2. The Board will assess the soundness of MEP plans and strategies.

3. The Board will assess current performance against MEP program plans.

4. The Board will function solely in an advisory capacity, and in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

5. The Board shall transmit through the Director of NIST an annual report to the Secretary of the Department of Commerce for transmittal to Congress within 30 days after the submission to Congress of the President's annual budget request each year. The report shall address the status of the MEP

program and comment on the relevant sections of the programmatic planning document and updates thereto transmitted to Congress by the Director under 15 U.S.C. 278i(c) and (d).

Membership

1. The Board shall consist of 10 members, broadly representative of stakeholders, appointed by the Director of NIST. At least 2 members shall be employed by or on an advisory board for the MEP Centers, and at least 5 other members shall be from United States small businesses in the manufacturing sector. No member shall be an employee of the Federal Government.

2. The Director of NIST shall appoint the members of the Board. Members shall be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance. Board members serve at the discretion of the Director of NIST.

3. The term of office of each member of the Board shall be three years, except that vacancy appointments shall be for the remainder of the unexpired term of the vacancy. Any person who has completed two consecutive full terms of service on the Board shall thereafter be ineligible for appointment during the one-year period following the expiration of the second term.

Miscellaneous

1. Members of the Board will not be compensated for their services but will, upon request, be allowed travel and per diem expenses as authorized by 5 U.S.C. 5701 *et seq.*, while attending meetings of the Board or subcommittees thereof, or while otherwise performing duties at the request of the Chair, while away from their homes or regular places of business.

2. The Board will meet at least three times a year. Additional meetings may be called by the Director of NIST or the Designated Federal Officer (DFO) or his or her designee.

3. Committee meetings are open to the public.

Nomination Information

1. Nominations are being accepted in all categories described above.

2. Nominees should have specific experience related to manufacturing and industrial extension services. Letters of nomination should include the category of membership for which the candidate is applying and a summary of the candidate's qualifications for that specific category. Each nomination letter should state that the person agrees to the nomination and acknowledges the responsibilities of serving on the MEP Advisory Board.

3. Selection of MEP Advisory Board members will not be limited to individuals who are nominated.

Nominations that are received and meet the requirements will be kept on file to be reviewed as Board vacancies occur.

4. The Department of Commerce is committed to equal opportunity in the workplace and seeks a broad-based and diverse MEP Advisory Board membership.

National Construction Safety Team (NCST) Advisory Committee

ADDRESSES: Please submit nominations to Benjamin Davis, NIST, 100 Bureau Drive, Mail Stop 8615, Gaithersburg, MD 20899-8604. Additional information regarding the NCST, including its charter may be found on its electronic home page at <http://www.nist.gov/el/disasterstudies/ncst>.

FOR FURTHER INFORMATION CONTACT: Benjamin Davis, NIST, 100 Bureau Drive, Mail Stop 8615, Gaithersburg, MD 20899-8604, telephone 301-975-6071; or via email at benjamin.davis@nist.gov.

Committee Information

The NCST Advisory Committee (Committee) was established in accordance with the National Construction Safety Team Act, Pub. L. 107-231 and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

Objectives and Duties

1. The Committee shall advise the Director of the NIST on carrying out the National Construction Safety Team Act (Act), review and provide advice on the procedures developed under section 2(c)(1) of the Act, and review and provide advice on the reports issued under section 8 of the Act.

2. The Committee functions solely as an advisory body, in accordance with the provisions of the Federal Advisory Committee Act.

3. The Committee shall report to the Director of NIST.

4. On January 1 of each year, the Committee shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report that includes: (1) An evaluation of National Construction Safety Team (Team) activities, along with recommendations to improve the operation and effectiveness of Teams, and (2) an assessment of the implementation of the recommendations of Teams and of the Committee.

Membership

1. The Committee shall consist of not fewer than five nor more than ten members. Members shall reflect the wide diversity of technical disciplines and competencies involved in the National Construction Safety Teams investigations. Members shall be selected on the basis of established records of distinguished service in their professional community and their knowledge of issues affecting the National Construction Safety Teams.

2. The Director of the NIST shall appoint the members of the Committee, and they will be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance.

Miscellaneous

1. Members of the Committee shall not be compensated for their services but may, upon request, be allowed travel and per diem expenses in accordance with 5 U.S.C. 5703.

2. Members of the Committee shall serve as Special Government Employees (SGEs), will be subject to the ethics standards applicable to SGEs, and are required to file an annual Executive Branch Confidential Financial Disclosure Report.

3. The Committee shall meet face-to-face at least once per year. Additional meetings may be called whenever requested by the NIST Director or the Chair; such meetings may be in the form of telephone conference calls and/or videoconferences.

Nomination Information

1. Nominations are sought from industry and other communities having an interest in the National Construction Safety Teams investigations.

2. Nominees should have established records of distinguished service. The field of expertise that the candidate represents should be specified in the nomination letter. Nominations for a particular field should come from organizations or individuals within that field. A summary of the candidate's qualifications should be included with the nomination, including (where applicable) current or former service on federal advisory boards and federal employment. In addition, each nomination letter should state that the nominee agrees to the nomination, acknowledges the responsibilities of serving on the Committee, and will actively participate in good faith in the tasks of the Committee.

3. The Department of Commerce is committed to equal opportunity in the workplace and seeks a broad-based and diverse Committee membership.

Advisory Committee on Earthquake Hazards Reduction (ACEHR)

ADDRESSES: Please submit nominations to Tina Faecke, Management and Program Analyst, National Earthquake Hazards Reduction Program, NIST, 100 Bureau Drive, Mail Stop 8604, Gaithersburg, MD 20899-8604. Nominations may also be submitted via fax to 301-975-4032 or email at tina.faecke@nist.gov. Additional information regarding the ACEHR, including its charter and executive summary may be found on its electronic home page at <http://www.nehrp.gov>.

FOR FURTHER INFORMATION CONTACT: Jack Hayes, Director, National Earthquake Hazards Reduction Program, NIST, 100 Bureau Drive, Mail Stop 8604, Gaithersburg, MD 20899-8604, telephone 301-975-5640, fax 301-975-4032; or via email at jack.hayes@nist.gov.

Committee Information

The Advisory Committee on Earthquake Hazards Reduction (Committee) was established in accordance with the National Earthquake Hazards Reduction Program Reauthorization Act of 2004, Pub. L. 108-360 and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

Objectives and Duties

1. The Committee will act in the public interest to assess trends and developments in the science and engineering of earthquake hazards reduction, effectiveness of the National Earthquake Hazards Reduction Program (Program) in carrying out the activities under section (a)(2) of the Earthquake Hazards Reduction Act of 1977, as amended, (42 U.S.C. 7704(a)(2)), the need to revise the Program, the management, coordination, implementation, and activities of the Program.

2. The Committee will function solely as an advisory body, in accordance with the provisions of the Federal Advisory Committee Act.

3. The Committee shall report to the Director of NIST.

4. The Committee shall report to the Director of NIST at least once every two years on its findings of the assessments and its recommendations for ways to improve the Program. In developing recommendations, the Committee shall consider the recommendations of the United States Geological Survey (USGS) Scientific Earthquake Studies Advisory Committee (SESAC).

Membership

1. The Committee shall consist of not fewer than 11, nor more than 17 members. Members shall reflect the wide diversity of technical disciplines, competencies, and communities involved in earthquake hazards reduction. Members shall be selected on the basis of established records of distinguished service in their professional community and their knowledge of issues affecting the National Earthquake Hazards Reduction Program.

2. The Director of NIST shall appoint the members of the Committee. Members shall be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance.

3. The term of office of each member of the Committee shall be three years, except that vacancy appointments shall be for the remainder of the unexpired term of the vacancy and that members shall have staggered terms such that the Committee will have approximately one-third new or reappointed members each year.

Miscellaneous

1. Members of the Committee shall not be compensated for their services, but may, upon request, be allowed travel and per diem expenses in accordance with 5 U.S.C. 5701 *et seq.*, while attending meetings of the Committee or subcommittees thereof, or while otherwise performing duties at the request of the Chair, while away from their homes or regular places of business.

2. Members of the Committee shall serve as Special Government Employees (SGEs) and will be subject to the ethics standards applicable to SGEs, and are required to file an annual Executive Branch Confidential Financial Disclosure Report.

3. The Committee members shall meet face-to-face at least once per year. Additional meetings may be called whenever requested by the NIST Director or the Chair; such meetings may be in the form of telephone conference calls and/or videoconferences.

4. Committee meetings are open to the public.

Nomination Information

1. Members will be drawn from industry and other communities having an interest in the National Earthquake Hazards Reduction Program, such as, but not limited to, research and academic institutions, industry standards development organizations,

state and local government, and financial communities, who are qualified to provide advice on earthquake hazards reduction and represent all related scientific, architectural, and engineering disciplines.

2. Any person who has completed two consecutive full terms of service on the Committee shall be ineligible for appointment for a third term during the two year period following the expiration of the second term.

3. Nominees should have established records of distinguished service. The field of expertise that the candidate represents should be specified in the nomination letter. Nominations for a particular field should come from organizations or individuals within that field. A summary of the candidate's qualifications should be included with the nomination, including (where applicable) current or former service on federal advisory boards and federal employment. In addition, each nomination letter should state that the nominee agrees to the nomination, acknowledges the responsibilities of serving on the Committee, and will actively participate in good faith in the tasks of the Committee.

4. The Department of Commerce is committed to equal opportunity in the workplace and seeks a broad based and diverse Committee membership.

NIST Smart Grid Advisory Committee

Please submit nominations to Mr. Cuong Nguyen, Smart Grid and Cyber-Physical Systems Program Office, NIST, 100 Bureau Drive, Mail Stop 8200, Gaithersburg, MD 20899-8200. Nominations may also be submitted via email to cuong.nguyen@nist.gov. Information about the NIST Smart Grid Advisory Committee may be found at <http://www.nist.gov/smartgrid/committee.cfm>.

FOR FURTHER INFORMATION CONTACT: Mr. Cuong Nguyen, Smart Grid and Cyber-Physical Systems Program Office, NIST, 100 Bureau Drive, Mail Stop 8200, Gaithersburg, MD 20899-8200; telephone 301-975-2254, fax 301-948-5668; or via email at cuong.nguyen@nist.gov.

Committee Information

The NIST Smart Grid Advisory Committee (Committee) was established in accordance with the Federal Advisory Committee Act, as amended, 5 U.S.C. App and with the concurrence of the General Services Administration.

Objectives and Duties

1. The Committee shall advise the Director of the National Institute of

Standards and Technology (NIST) in carrying out duties authorized by section 1305 of the Energy Independence and Security Act of 2007 (Pub. L. 110-140).

2. The Committee duties are solely advisory in nature in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

3. The Committee shall report to the Director of NIST.

4. The Committee shall provide input to NIST on the Smart Grid Standards, Priorities, and Gaps, on the overall direction, status and health of the Smart Grid implementation by the Smart Grid industry including identification of issues and needs, on Smart Grid Interoperability Panel activities and on the direction of research and standards activities.

5. Upon request of the Director of NIST, the Committee will prepare reports on issues affecting Smart Grid activities.

Membership

1. The Committee shall consist of no less than 9 and no more than 15 members. Members shall be selected on the basis of established records of distinguished service in their professional community and their knowledge of issues affecting Smart Grid deployment and operations. Members shall reflect the wide diversity of technical disciplines and competencies involved in the Smart Grid deployment and operations and will come from a cross section of organizations.

2. The Director of NIST shall appoint the members of the Committee, and they will be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance.

Miscellaneous

1. Members of the Committee shall not be compensated for their service, but will, upon request, be allowed travel and per diem expenses, in accordance with 5 U.S.C. 5701 *et seq.*, while attending meetings of the Committee or subcommittees thereof, or while otherwise performing duties at the request of the Chair, while away from their homes or regular places of business.

2. The Committee shall meet approximately two times per year at the call of the Designated Federal Officer (DFO). Additional meetings may be called by the DFO whenever one-third or more of the members so request it in writing or whenever the Director of NIST requests a meeting.

Nomination Information

1. Nominations are sought from all fields involved in issues affecting the Smart Grid.

2. Nominees should have established records of distinguished service. The field of expertise that the candidate represents should be specified in the nomination letter. Nominations for a particular field should come from organizations or individuals within that field. A summary of the candidate's qualifications should be included with the nomination, including (where applicable) current or former service on federal advisory boards and federal employment. In addition, each nomination letter should state that the person agrees to the nomination, acknowledges the responsibilities of serving on the Committee, and will actively participate in good faith in the tasks of the Committee. The Department of Commerce is committed to equal opportunity in the workplace and seeks a broad-based and diverse Committee membership.

Visiting Committee on Advanced Technology (VCAT)

Addresses: Please submit nominations to Karen Lellock, Executive Director, VCAT, NIST, 100 Bureau Drive, Mail Stop 1060, Gaithersburg, MD 20899-1060. Nominations may also be submitted via fax to 301-216-0529 or via email at karen.lellock@nist.gov. Additional information regarding the VCAT, including its charter, current membership list, and past reports may be found on its electronic homepage at <http://www.nist.gov/director/vcat/>.

For Further Information Contact: Karen Lellock, Executive Director, VCAT, NIST, 100 Bureau Drive, Mail Stop 1060, Gaithersburg, MD 20899-1060, telephone 301-975-4269, fax 301-216-0529; or via email at karen.lellock@nist.gov.

Committee Information

The VCAT (Committee) was established in accordance with 15 U.S.C. 278 and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

Objectives and Duties

1. The Committee shall review and make recommendations regarding general policy for NIST, its organization, its budget, and its programs, within the framework of applicable national policies as set forth by the President and the Congress.

2. The Committee will function solely as an advisory body, in accordance with the provisions of the Federal Advisory

Committee Act, as amended, 5 U.S.C. App.

3. The Committee shall report to the Director of NIST.

4. The Committee shall provide an annual report, through the Director of NIST, to the Secretary of Commerce for submission to the Congress not later than 30 days after the submittal to Congress of the President's annual budget request in each year. Such report shall deal essentially, though not necessarily exclusively, with policy issues or matters which affect NIST, or with which the Committee in its official role as the private sector policy adviser of NIST is concerned. Each such report shall identify areas of research and research techniques of NIST of potential importance to the long-term competitiveness of United States industry, in which NIST possesses special competence, which could be used to assist United States enterprises and United States industrial joint research and development ventures. Such report also shall comment on the programmatic planning document and updates thereto submitted to Congress by the Director under subsections (c) and (d) of section 278i of the NIST Act. The Committee shall submit to the Secretary and the Congress such additional reports on specific policy matters as it deems appropriate.

Membership

1. The Committee shall consist of fifteen members appointed by the Director of NIST, at least ten of whom shall be from United States industry. Members shall be selected solely on the basis of established records of distinguished service; shall provide representation of a cross-section of traditional and emerging United States industries; and shall be eminent in fields such as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations. No employee of the Federal Government shall serve as a member of the Committee.

2. The Director of NIST shall appoint the members of the Committee. Members shall be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance.

3. The term of office of each member of the Committee shall be three years, except that vacancy appointments shall be for the remainder of the unexpired term of the vacancy.

Miscellaneous

1. Members of the Committee will not be compensated for their services, but

will, upon request, be allowed travel expenses in accordance with 5 U.S.C. 5701 *et seq.*, while attending meetings of the Committee or of its subcommittees, or while otherwise performing duties at the request of the chairperson, while away from their homes or a regular place of business.

2. Members of the Committee shall serve as Special Government Employees (SGEs) and will be subject to the ethics standards applicable to SGEs. As SGEs, the members are required to file an annual Executive Branch Confidential Financial Disclosure Report.

3. Meetings of the VCAT usually take place at the NIST headquarters in Gaithersburg, Maryland. Meetings are usually two days in duration and are held at least twice each year.

4. Generally, Committee meetings are open to the public.

Nomination Information

1. Nominations are sought from all fields described above.

2. Nominees should have established records of distinguished service and shall be eminent in fields such as business, research, new product development, engineering, labor, education, management consulting, environment and international relations. The category (field of eminence) for which the candidate is qualified should be specified in the nomination letter. Nominations for a particular category should come from organizations or individuals within that category. A summary of the candidate's qualifications should be included with the nomination, including (where applicable) current or former service on federal advisory boards and federal employment. In addition, each nomination letter should state that the candidate agrees to the nomination, acknowledges the responsibilities of serving on the VCAT, and will actively participate in good faith in the tasks of the VCAT.

3. The Department of Commerce is committed to equal opportunity in the workplace and seeks a broad-based and diverse VCAT membership.

Richard Cavanagh,

Acting Associate Director for Laboratory Programs.

[FR Doc. 2015-30886 Filed 12-7-15; 8:45 am]

BILLING CODE 3510-13-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XB160

Marine Mammals; File No. 16193

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

ACTION: Notice; receipt of application for permit amendment.

SUMMARY: Notice is hereby given that Todd Robeck, D.V.M., Ph.D., Sea World Parks and Entertainment Corp, 500 Sea World Drive, San Diego, CA 92109, has applied for an amendment to Scientific Research Permit No. 16193.

DATES: Written, telefaxed, or email comments must be received on or before January 7, 2016.

ADDRESSES: These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to NMFS.Pr1Comments@noaa.gov. Please include the File No. 16193 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Amy Sloan, (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 16193 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

Permit No. 16193, issued on August 28, 2012, authorizes the permit holder to receive, import, and export cetacean

and pinniped specimens to study reproductive physiology, including endocrinology, gamete biology, and cryophysiology. The permit holder is requesting the permit be amended to include unlimited samples from up to 300 wild Amazon River dolphins (*Inia geoffrensis*) annually under the permit.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: December 2, 2015.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015-30840 Filed 12-7-15; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XA165

Marine Mammals; File No. 15510

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

ACTION: Notice; receipt of application for permit amendment.

SUMMARY: Notice is hereby given that Jennifer Burns, Ph.D., University of Alaska Anchorage, Biology Department, 3101 Science Circle, Anchorage, AK, has applied for an amendment to Scientific Research Permit No. 15510.

DATES: Written, telefaxed, or email comments must be received on or before January 7, 2016.

ADDRESSES: The application and related documents are available for review by selecting "Records Open for Public Comment" from the "Features" box on the Applications and Permits for Protected Species home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 15510 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources,

NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to NMFS.Pr1Comments@noaa.gov. Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Rosa L. González or Amy Sloan, (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 15510 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Permit No. 15510, issued on April 25, 2011 (76 FR 25308), authorizes Dr. Burns to conduct physiology studies on development, thermoregulation, muscle performance, oxygen stores, and hormonal and other regulatory processes using marine mammal parts. Annually, Dr. Burns can obtain samples from up to 50 animals of each of the following species: harp (*Pagophilus groenlandica*), hooded (*Cystophora cristata*), gray (*Halichoerus grypus*), bearded (*Erignathus barbatus*), ringed (*Phoca hispida*), harbor (*Phoca vitulina*), spotted (*Phoca largha*), and ribbon (*Histiophoca fasciata*) seals; and to obtain samples annually from up to 6 captive Northern fur seals, *Callorhinus ursinus*; and 6 captive Steller Sea lions, *Eumetopias jubatus*. Samples may be from subsistence-harvested animals in Alaska, and other scientific and/or subsistence collections including but not limited to the national waters of Canada, Norway, the United Kingdom, and in international waters. Samples may be collected, received nationally, and imported and exported worldwide over a five-year period for laboratory analysis to support the research objectives. The permit holder is

requesting the permit be amended to increase the number of harbor seals from which samples may be collected, received, imported, and exported from 50 to 100 annually; and, to extend the permit for 1 year. The permit would expire April 30, 2017.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: December 2, 2015.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015-30842 Filed 12-7-15; 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: Greater Atlantic Region Surfclam and Ocean Quahog ITQ Administration.

OMB Control Number: 0648-0240.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 189.

Average Hours per Response: ITQ permit application form, review of a pre-filled ITQ ownership form for renewing entities, ITQ transfer form, 5 minutes each; 1 hour to complete the ITQ ownership form for new applicants; and 30 minutes for the application to shuck surfclams and ocean quahogs at sea. The requirements under the PSP protocol are based on the number of vessels that land surfclams or ocean quahogs and the number of trips taken into the area, with a total estimated annual burden of 2,400 hours.

Burden Hours: 2,538.

Needs and Uses: This request is for an extension of a currently approved collection associated with the Atlantic surfclam and ocean quahog fisheries. National Marine Fisheries Service (NMFS) Greater Atlantic Region manages these fisheries in the Exclusive Economic Zone (EEZ) of the Northeastern United States through the Atlantic Surfclam and Ocean Quahog Fishery Management Plan (FMP). The Mid-Atlantic Fishery Management Council prepared the FMP pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

The recordkeeping and reporting requirements at §§ 648.74, 648.75, and 648.76 form the basis for this collection of information. We request information from surfclam and ocean quahog individual transferable quota (ITQ) permit holders to issue ITQ permits and to process and track requests from permit holders to transfer quota share or cage tags. We also request information from surfclam and ocean quahog ITQ permit holders to track and properly account for surfclam and ocean quahog harvest shucked at sea. Because there is not a standard conversion factor for estimating unshucked product from shucked product, NMFS requires vessels that shuck product at sea to carry on board the vessel a NMFS-approved observer to certify the amount of these clams harvested. This information, upon receipt, results in an efficient and accurate database for management and monitoring of fisheries of the Northeastern U.S. EEZ.

Georges Bank has been closed to the harvest of surfclams and ocean quahogs since 1990 due to red tide blooms that cause paralytic shellfish poisoning (PSP). In 2013, a portion of Georges Bank was reopened with certain restrictions. We request information from surfclam and ocean quahog ITQ permit holders who fish in the reopened portion of the Georges Bank Closed Area to ensure compliance with the Protocol for Onboard Screening and Dockside Testing in Molluscan Shellfish. The U.S. Food and Drug Administration, the commercial fishing industry, and NMFS developed the PSP protocol to test and verify that clams harvested from Georges Bank continue to be safe for human consumption. The National Shellfish Sanitation Program adopted the PSP protocol at the October 2011 Interstate Shellfish Sanitation Conference.

Affected Public: Business or other for-profit organizations.

Frequency: Annually and on occasion.

Respondent's Obligation: Mandatory.

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: December 3, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015-30872 Filed 12-7-15; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XE129

Marine Mammals; File No. 19439

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that a permit has been issued to Daniel P. Costa, Ph.D., University of California at Santa Cruz, Long Marine Laboratory, 100 Shaffer Road, Santa Cruz, CA 95064 to conduct research on pinnipeds in Antarctica.

ADDRESSES: The permit 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: Amy Sloan or Rosa L. González, (301) 427-8401.

SUPPLEMENTARY INFORMATION: On August 28, 2015, notice was published in the *Federal Register* (80 FR 52255) that a request for a permit to conduct research on pinnipeds in Antarctica had been submitted by the above-named applicant. The requested permit has been issued 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 permit authorizes the permit holder to capture and sample leopard (*Hydrurga leptonyx*), crabeater (*Lobodon carcinophaga*), southern elephant (*Mirounga leonina*), Ross

(*Ommatophoca rossii*), Weddell (*Leptonychotes weddellii*), and Antarctic fur (*Arctocephalus gazella*) seals throughout their range for scientific research. Researchers may capture up to 40 animals per species per year to collect tissue samples, morphometrics, and metabolic and physiological measurements, apply identifying marks, and attach instruments; as well as an additional 50 pups of each species for marking, morphometrics, and minimal sample collection. An additional 100 each of crabeater, leopard, and Ross seals, 500 southern elephant seals, and 1000 each of Weddell seals and Antarctic fur seals may be taken annually via Level B harassment by incidental disturbance during captures, opportunistic sample collection, and resights. The permit also authorizes unintentional mortality or serious injury of up to four animals per species annually not to exceed ten animals per species over the life of the permit. Blood and tissue samples would be imported from the Southern Ocean and Antarctica to the United States and exported world-wide for analyses. The permit expires October 1, 2020.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: December 2, 2015.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015-30841 Filed 12-7-15; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XC033

Marine Mammals; File No. 17157

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

ACTION: Notice; receipt of application for permit amendment.

SUMMARY: Notice is hereby given that Stephen John Trumble, Ph.D., Baylor University, 101 Bagby Ave., Waco, TX 76706, has applied for an amendment to Scientific Research Permit No. 17157-01.

DATES: Written, telefaxed, or email comments must be received on or before January 7, 2016.

ADDRESSES: The application and related documents are available for review by selecting "Records Open for Public Comment" from the *Features* box on the Applications and Permits for Protected Species home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 17157 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to NMFS.Pr1Comments@noaa.gov. Please include the File No. 17157 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Amy Sloan, (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 17157-01 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

Permit No. 17157, issued on July 18, 2012, and amended on November 7, 2014, authorizes the receipt, import and export of up to 25 earplugs annually of each of the following species of whale: Blue (*Balaenoptera musculus*), sei (*B. borealis*), minke (*B. acutorostrata*), humpback (*Megaptera novaeangliae*), gray (*Eschrichtius robustus*), bowhead (*Balaena mysticetus*), fin (*B. physalus*), and sperm (*Physeter macrocephalus*). The samples may be obtained from natural history museums as well as from collections in Barrow, AK, of bowhead whale subsistence harvests.

The applicant is requesting an amendment to the permit to increase the number of animals that samples could be received, imported, and exported from 25 to 100 individuals annually. In addition, the applicant is requesting authorization to receive, import, and export baleen samples from blue and fin whales. No takes of live animals are or would be authorized. The permit expires on July 17, 2017.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: December 2, 2015.

Julia Harrison,

*Chief, Permits and Conservation Division,
Office of Protected Resources, National
Marine Fisheries Service.*

[FR Doc. 2015-30843 Filed 12-7-15; 8:45 am]

BILLING CODE 3510-22-P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Sunshine Act Meeting Notice

The Board of Directors of the Corporation for National and Community Service gives notice of the following meeting:

DATE AND TIME: Friday, December 18, 2015, 11:30 a.m.–12:30 p.m. (ET).

PLACE: Corporation for National and Community Service, 1201 New York Avenue NW., Suite 8312, Washington, DC 20525 (Please go to 10th floor reception area for escort).

CALL-IN INFORMATION: This meeting is available to the public through the following toll-free call-in number: 800-988-9648 conference call access code number 5755950. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and CNCS will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Replays are generally available one hour after a call ends. The toll-free phone number for the replay is 800-843-4802, access code number 22589. TTY: 800-833-3722. The end replay

date is January 18, 2016, 11:29 p.m. (CT).

STATUS: Open.

MATTERS TO BE CONSIDERED:

- I. Chair's Opening Comments
 - a. Call to Order, Welcome, and Preview of Today's Meeting Agenda
 - b. Introduction and Acknowledgements
 - c. Summary Status of Board Interaction
- II. Consideration of Previous Meeting's Minutes
- III. CEO Report
- IV. Guest Speaker: Highlighting MLK Day of Service
- V. Public Comments
- VI. Final Comments and Adjournment

Members of the public who would like to comment on the business of the Board may do so in writing or in person. Individuals may submit written comments to jmauk@cns.gov subject line: DECEMBER 2015 CNCS BOARD MEETING by 4:00 p.m. (ET) on December 16, 2015. Individuals attending the meeting in person who would like to comment will be asked to sign-in upon arrival. Comments are requested to be limited to 2 minutes.

REASONABLE ACCOMMODATIONS: The Corporation for National and Community Service provides reasonable accommodations to individuals with disabilities where appropriate. Anyone who needs an interpreter or other accommodation should notify Ida Green at igreen@cns.gov or 202-606-6861 by 5 p.m. (ET) on December 15, 2015.

CONTACT PERSON FOR MORE INFORMATION:

Jenny Mauk, Special Assistant to the CEO, Corporation for National and Community Service, 1201 New York Avenue NW., Washington, DC 20525. Phone: 202-606-6615. Fax: 202-606-3460. TTY: 800-833-3722. Email: jmauk@cns.gov.

Dated: December 4, 2015.

Wilsie Y. Minor,

Deputy General Counsel.

[FR Doc. 2015-31004 Filed 12-4-15; 4:15 pm]

BILLING CODE 6050-28-P

DEPARTMENT OF DEFENSE

Office of the Secretary

Uniform Formulary Beneficiary Advisory Panel; Notice of Federal Advisory Committee Meeting

AGENCY: Assistant Secretary of Defense (Health Affairs), DoD.

ACTION: Notice of meeting.

SUMMARY: The Department of Defense is publishing this notice to announce a

Federal Advisory Committee meeting of the Uniform Formulary Beneficiary Advisory Panel (hereafter referred to as the Panel).

DATES: Thursday, January 7, 2016, from 9:00 a.m. to 1:00 p.m.

ADDRESSES: Naval Heritage Center Theater, 701 Pennsylvania Avenue NW., Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT:

CAPT Edward Norton, DFO, Uniform Formulary Beneficiary Advisory Panel, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042-5101. Telephone: (703) 681-2890. Fax: (703) 681-1940. Email Address: dha.ncr.health-it.mbx.baprequests@mail.mil.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (Title 5, United States Code (U.S.C.), Appendix, as amended) and the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended).

Purpose of Meeting: The Panel will review and comment on recommendations made to the Director of Defense Health Agency, by the Pharmacy and Therapeutics Committee, regarding the Uniform Formulary.

Meeting Agenda

1. Sign-In
2. Welcome and Opening Remarks
3. Public Citizen Comments
4. Scheduled Therapeutic Class Reviews (Comments will follow each agenda item)
 - a. Attention Deficit Hyperactivity Disorder (ADHD)—Stimulants
 - b. Antirheumatic Drugs—Methotrexate Injectable
 - c. Gastrointestinal -2 Agents—Miscellaneous
 - d. Acne—Isotretinoin
5. Designated Newly Approved Drugs in Already-Reviewed Classes
6. Designated Newly FDA Approved Drugs
7. Pertinent Utilization Management Issues
8. Panel Discussions and Vote

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, as amended, and 41 Code of Federal Regulations (CFR) 102-3.140 through 102-3.165, and the availability of space, this meeting is open to the public. Seating is limited and will be provided only to the first 220 people signing-in. All persons must sign-in legibly.

Administrative Work Meeting: Prior to the public meeting, the Panel will conduct an Administrative Work Meeting from 7:45 a.m. to 9:00 a.m. to discuss administrative matters of the

Panel. The Administrative Work Meeting will be held at the Naval Heritage Center, 701 Pennsylvania Avenue NW., Washington, DC 20004. Pursuant to 41 CFR 102–3.160, the Administrative Work Meeting will be closed to the public.

Written Statements: Pursuant to 41 CFR 102–3.140, the public or interested organizations may submit written statements to the membership of the Panel at any time or in response to the stated agenda of a planned meeting. Written statements should be submitted to the Panel's Designated Federal Officer (DFO). The DFO's contact information can be obtained from the General Services Administration's Federal Advisory Committee Act Database at <http://facadatabase.gov/>. Written statements that do not pertain to the scheduled meeting of the Panel may be submitted at any time. However, if individual comments pertain to a specific topic being discussed at a planned meeting, then these statements must be submitted no later than 5 business days prior to the meeting in question. The DFO will review all submitted written statements and provide copies to all the committee members.

Public Comments: In addition to written statements, the Panel will set aside 1 hour for individuals or interested groups to address the Panel. To ensure consideration of their comments, individuals and interested groups should submit written statements as outlined in this notice; but if they still want to address the Panel, then they will be afforded the opportunity to register to address the Panel. The Panel's DFO will have a "Sign-Up Roster" available at the Panel meeting for registration on a first-come, first-serve basis. Those wishing to address the Panel will be given no more than 5 minutes to present their comments, and at the end of the 1 hour time period, no further public comments will be accepted. Anyone who signs-up to address the Panel, but is unable to do so due to the time limitation, may submit their comments in writing; however, they must understand that their written comments may not be reviewed prior to the Panel's deliberation.

To ensure timeliness of comments for the official record, the Panel encourages that individuals and interested groups consider submitting written statements instead of addressing the Panel.

Dated: December 3, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–30861 Filed 12–7–15; 8:45 am]

BILLING CODE 5001–06–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: ER10–2331–048; ER14–630–024; ER10–2319–039; ER10–2317–039; ER13–1351–021; ER10–2330–046.

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: Notice of Non-Material Change in Status of JPMorgan Sellers.

Filed Date: 12/2/15.

Accession Number: 20151202–5154.

Comments Due: 5 p.m. ET 12/23/15.

Docket Numbers: ER16–98–001.

Applicants: Windom Transmission, LLC.

Description: Tariff Amendment: Amended Transmission and Interconnection Agreement to be effective 12/15/2015.

Filed Date: 12/2/15.

Accession Number: 20151202–5184.

Comments Due: 5 p.m. ET 12/23/15.

Docket Numbers: ER16–450–000.

Applicants: RE Columbia Two LLC.

Description: Compliance filing: Compliance Filing—RE Columbia Two Removal of Affiliate Waiver to be effective 11/1/2015.

Filed Date: 12/2/15.

Accession Number: 20151202–5142.

Comments Due: 5 p.m. ET 12/23/15.

Docket Numbers: ER16–451–000.

Applicants: KCP&L Greater Missouri Operations Company.

Description: KCP&L Greater Missouri Operations Company Notice of Cancellation of Interconnection Agreement.

Filed Date: 12/2/15.

Accession Number: 20151202–5174.

Comments Due: 5 p.m. ET 12/23/15.

Docket Numbers: ER16–452–000.

Applicants: RE Tranquillity LLC.

Description: Baseline eTariff Filing: Application and Initial Baseline Tariff Filing to be effective 12/3/2015.

Filed Date: 12/2/15.

Accession Number: 20151202–5200.

Comments Due: 5 p.m. ET 12/23/15.

Docket Numbers: ER16–453–000.

Applicants: PJM Interconnection, L.L.C., Northeast Transmission Development, LLC.

Description: § 205(d) Rate Filing: NTD submits Attachment H—ATRR, Formula Rate, and Formula Protocols to be effective 2/1/2016.

Filed Date: 12/2/15.

Accession Number: 20151202–5207.

Comments Due: 5 p.m. ET 12/23/15.

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-reg.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: December 2, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–30846 Filed 12–7–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–505–000]

Natural Gas Pipeline Company of America, LLC; Notice of Schedule for Environmental Review of the Chicago Market Expansion Project

On June 1, 2015, Natural Gas Pipeline Company of America, LLC (Natural) filed an application in Docket No. CP15–505–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities. The proposed project is known as the Chicago Market Expansion Project (Project), and would provide about 238,000 dekatherms of incremental northbound firm transportation capacity to the city of Chicago, Illinois and neighboring areas.

On June 12, 2015, the Federal Energy Regulatory Commission (Commission or

FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

SCHEDULE FOR ENVIRONMENTAL REVIEW

Issuance of EA 90-day Federal Authorization Decision Deadline.	January 11, 2016. April 11, 2016.
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If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

The proposed Project would construct a new 30,000 horsepower natural gas-fired compressor station with suction and discharge piping and ancillary equipment in Livingston County, Illinois.

Background

On July 9, 2015, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Chicago Market Expansion Project and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response to the NOI, the Commission received a consultation letter from United States Department of Agriculture regarding impacts of farmland conversion.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. 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.

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, select "General Search" from the eLibrary menu, enter the selected date range and "Docket Number" excluding the last three digits (i.e., CP15-505), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208-3676, TTY (202) 502-8659, or at FERCOnlineSupport@ferc.gov. The eLibrary link on the FERC Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: December 2, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015-30847 Filed 12-7-15; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER16-438-000]

Marshall Wind Energy 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 Marshall Wind Energy 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 December 22, 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: December 2, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015-30848 Filed 12-7-15; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14715-000]

Lock+™ Hydro Friends Fund XII; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On September 14, 2015, Lock+™ Hydro Friends Fund XII filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Hepburn Street Dam Hydroelectric Project (Hepburn Project or project) to be located on West Branch of the Susquehanna River, near Williamsport, Lycoming County, Pennsylvania. The Hepburn Street Dam is owned by the state of Pennsylvania. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter

upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of: (1) The existing 1,015-foot-long and approximately 14.5-foot-high dam discharging into the West Branch of the Susquehanna River; (2) one 150-foot-wide, 25-foot-deep Large Frame Module (LFM) containing ten 900-kilowatt (kW) hydropower turbines for a total installed capacity of 9,000 kW; (3) a 150-foot-wide, 150-foot-long tailrace; (4) a 25-foot by 50-foot switchyard containing a new transformer and control room; (5) a 1,000-foot-long, 69-kilovolt transmission line connecting the generating power to the local grid using an existing substation; and (6) appurtenant facilities. The LFM would be installed either adjacent to the dam in the existing levee north of the dam or on the upper poolside of the dam. The estimated annual generation of the Hepburn Project would be 51,000 megawatt-hours.

Applicant Contact: Mr. Wayne F. Krouse, Chairman, Hydro Green Energy, LLC, Managing Partner, Lock+™ Hydro Friends Fund XII, PO Box 43796, Birmingham, AL 35243; phone: 877-556-6566, extension 709.

FERC Contact: Monir Chowdhury; phone: (202) 502-6736.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (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-14715-000.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of the Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number

(P-14715) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: December 2, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015-30850 Filed 12-7-15; 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: EC16-45-000

Applicants: NRG Wholesale

Generation LP, Seward Generation, LLC
Description: Joint Application of NRG Wholesale Generation LP and Seward Generation, LLC for Approval Under Section 203 of the Federal Power Act and Request for Expedited Action.

Filed Date: 12/1/15.

Accession Number: 20151201-5357.

Comments Due: 5 p.m. ET 12/22/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11-2105-001.

Applicants: Oklahoma Gas and Electric Company.
Description: Supplement to June 30, 2015 Updated Market Power Analysis for Southwest Power Pool, Inc. Balancing Area Authority of Oklahoma Gas and Electric Company.

Filed Date: 12/1/15.

Accession Number: 20151201-5356.

Comments Due: 5 p.m. ET 12/22/15.

Docket Numbers: ER14-2666-003.

Applicants: Avalon Solar Partners, LLC.

Description: Notice of Non-Material Change in Status of Avalon Solar Partners, LLC.

Filed Date: 12/2/15.

Accession Number: 20151202-5132.

Comments Due: 5 p.m. ET 12/23/15.

Docket Numbers: ER15-762-004.

Applicants: Sierra Solar Greenworks LLC.

Description: Notice of Non-Material Change in Status of Sierra Solar Greenworks LLC.

Filed Date: 12/1/15.

Accession Number: 20151201-5351.

Comments Due: 5 p.m. ET 12/22/15.

Docket Numbers: ER15-1026-002.

Applicants: Utah Red Hills Renewable Park, LLC.

Description: Notice of Non-Material Change in Status of Utah Red Hills Renewable Park, LLC.

Filed Date: 12/1/15.

Accession Number: 20151201-5349.

Comments Due: 5 p.m. ET 12/22/15.

Docket Numbers: ER15-2594-003.

Applicants: South Central MCN, LLC.

Description: Compliance Filing [including Pro Forma sheets] of South Central MCN, LLC.

Filed Date: 11/30/15.

Accession Number: 20151130-5489.

Comments Due: 5 p.m. ET 12/21/15.

Docket Numbers: ER15-2728-000; ER15-2728-001.

Applicants: Maricopa West Solar PV, LLC.

Description: Supplement to September 25, 2015 and October 13, 2015 Maricopa West Solar PV, LLC tariff filings to be effective 11/12/2015.

Filed Date: 11/12/15.

Accession Number: 20151112-5408.

Comments Due: 5 p.m. ET 12/3/15.

Docket Numbers: ER16-445-000.

Applicants: San Diego Gas & Electric Company.

Description: Third Annual Informational Filing [Cycle 3] of Fourth Transmission Owner Rate Formula rate mechanism of San Diego Gas & Electric Company.

Filed Date: 12/1/15.

Accession Number: 20151201-5347.

Comments Due: 5 p.m. ET 12/22/15.

Docket Numbers: ER16-446-000.

Applicants: ISO New England Inc., New England Power Pool.

Description: ISO New England Inc., et al. submits Installed Capacity Requirement, Hydro Quebec Interconnection Capability Credits and Related Values for the 2016/2017, 2017/2018 & 2018/2019 Capacity Commitment Period.

Filed Date: 12/1/15..

Accession Number: 20151201-5353.

Comments Due: 5 p.m. ET 12/22/15.

Docket Numbers: ER16-447-000.

Applicants: Owensboro Municipal Utilities.

Description: Request for Limited Waiver of Owensboro Municipal Utilities.

Filed Date: 12/1/15.

Accession Number: 20151201-5355.

Comments Due: 5 p.m. ET 12/22/15.

Docket Numbers: ER16-448-000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: 2015-12-2_PSC-TSGT-NC-BASA 409-0.0.0-Filing to be effective 12/1/2015.

Filed Date: 12/2/15.

Accession Number: 20151202-5065.

Comments Due: 5 p.m. ET 12/23/15.

Docket Numbers: ER16-449-000.

Applicants: RE Camelot LLC.

Description: Compliance filing: Compliance Filing—Removal of

Affiliate Waiver to be effective 11/1/2015.

Filed Date: 12/2/15.

Accession Number: 20151202–5116.

Comments Due: 5 p.m. ET 12/23/15.

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: December 2, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–30845 Filed 12–7–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14387–001]

Albany Engineering Corporation; Notice of Successive Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On September 22, 2015, Albany Engineering Corporation filed an application for a successive preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of hydropower at the New York State Canal Corporation's Lock C1 Dam located on the Hudson River in Saratoga and Rensselaer Counties, New York. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed Waterford Hydroelectric Project would consist of the following: (1) An existing 672-foot-

long and 15-foot-high ogee-shaped concrete gravity dam with a 356-foot-long tainter-gated structure forming the eastern portion of the dam; (2) an existing impoundment having a surface area of 400 acres and a storage capacity of 5,000 acre-feet at the spillway crest elevation of 28.3 feet National Geodetic Vertical Datum; (3) either a new powerhouse at the east end of the dam with two identical turbine generator units with a total installed capacity of 10.2 megawatts (MW) (Scenario 1), or two new identical modular floating barge-type structures at the west end of the tainter gates housing 18 turbine-generator units with a total installed capacity of 4.0 MW (Scenario 2); (4) a proposed 10,000-foot-long, 34.5-kilovolt transmission line; and (5) appurtenant facilities. The proposed project would have an annual generation of 39,000 megawatt-hours (MWh) (Scenario 1) or 12,000 MWh (Scenario 2).

Applicant Contact: Wendy Jo Carey, Albany Engineering Corporation, 5 Washington Square, Albany, NY 12205; phone: (518) 456–7712.

FERC Contact: Monir Chowdhury; phone: (202) 502–6736.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (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–14387–001.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of the Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P–14387) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: December 2, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–30849 Filed 12–7–15; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

Radio Broadcasting Services; AM or FM Proposals To Change the Community of License

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The following applicants filed AM or FM proposals to change the community of license: Actualidad 1040AM Licensee, LLC, Station WLJV, Facility ID 4341, BP–20150706ACT, From Boynton Beach, FL, To Miami, FL; Actualidad 990AM Licensee, LLC, Station WMYM, Facility ID 12833, BP–20150706ACS, From Miami, FL, To Kendall, FL; Actualidad Licensee 1020AM, LLC, Station WURN, Facility ID 3607, BP–20150706ACU, From Kendall, FL, To Boynton Beach, FL; Alpha Media Licensee, LLC, Station NEW, Facility ID 198622, BNPH–20151013AIK, From Longview, TX, To Atlanta, TX; Costa-Eagle Radio Ventures Limited Partnership, Station WMVX, Facility ID 22798, BP–20151119AYB, From Beverly, MA, To Methuen, MA; EDB VV License, LLC, Station KXFM, Facility ID 5470, BPH–20151110ANR, From Santa Maria, CA, To Montecito, CA; Educational Media Foundation, Station NEW, Facility ID 198724, BNPH–20151013AGJ, From Baggs, WY, To Yampa, CO; Jackman Holding Company, LLC, Station NEW, Facility ID 198745, BNPH–20151013ADJ, From Moro, OR, To White Salmon, WA; Katherine Pyeatt, Station NEW, Facility ID 190004, BNPH–20111013ACU, From Midway, TX, To Groveton, TX; Northeast Colorado Broadcasting, LLC, Station NEW, Facility ID 198758, BNPH–20151013ADX, From Akron, CO, To Eckley, CO; Northway Broadcasting, Station NEW, Facility ID 190452, BNPH–20120530AOI, From Silver Springs, NV, To Fallon, NV; Summit Broadcasting II, LLC, Station NEW, Facility ID 198794, BNPH–20151013AAM, From McCall, ID, To Silver City, ID.

DATES: The agency must receive comments on or before February 8, 2016.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:
Tung Bui, 202-418-2700.

SUPPLEMENTARY INFORMATION: The full text of these applications is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street SW., Washington, DC 20554 or electronically via the Media Bureau's Consolidated Data Base System, http://licensing.fcc.gov/prod/cdbs/pubacc/prod/cdbs_pa.htm.

Federal Communications Commission.

James D. Bradshaw,

Deputy Chief, Audio Division, Media Bureau.

[FR Doc. 2015-30912 Filed 12-7-15; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0952]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

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 February 8, 2016. 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 Nicole Ongele, FCC, via email to PRA@fcc.gov and to Nicole.Ongele@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418-2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0952.

Title: Proposed Demographic Information and Notifications, Second Further Notice of Proposed Rulemaking (FNPRM), CC Docket No. 98-147 and Fifth NPRM (NPRM), CC Docket No. 96-98.

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: 750 respondents; 1,500 responses.

Frequency of Response: On occasion reporting requirements and third party disclosure requirement.

Estimated Time per Response: 2 hours.

Total Annual Burden: 3,000 hours.

Total Annual Cost: No cost.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151-154, 201, 202, 251-254, 256 and 271 of the Communications Act of 1934, as amended.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit confidential information to the FCC. If the applicants wish to submit information which they believe is confidential, they may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission asked whether physical collocation in remote terminals presents technical or security concerns, and if so, whether these concerns warrant modification of its collocation rules. The Commission asked whether incumbent LECs should be required to provide requesting carriers with demographic and other

information regarding particular remote terminals similar to the information available regarding incumbent LEC central offices. Requesting carriers use demographic and other information obtained from incumbent LECs to determine whether they wish to collocate at particular remote terminals. This proposed information collection in the Second Further Notice of Proposed Rulemaking, FCC 98-147, will be used by the Commission, state commissions, and competitive carriers to facilitate the deployment of advanced services and other telecommunications services in implementation of section 251(c)(6) of the Communications Act of 1934, as amended. The number of respondents has decreased from 1,200 to 750, the number of annual responses has increased from 1,200 to 1,500, and the annual burden hours have decreased from 4,800 to 3,000.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2015-30851 Filed 12-7-15; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-0059]

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 the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. 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 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 Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before February 8, 2016. 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 Nicole Ongele, FCC, via email PRA@fcc.gov and to Nicole.Ongele@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418-2991.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0059.

Title: Statement Regarding the Importation of Radio Frequency Devices Capable of Harmful Interference.

Form No.: FCC Form 740.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 10,000 respondents,

2,000,000 responses.

Estimated Time Per Response: 30 seconds (.0084 hours).

Frequency of Response: One-time reporting requirement and third-party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in 47 U.S.C. sections 154(i), 157(a), 302(a), (303(b), 303(f), (303(g) and 303(r).

Total Annual Burden: 33,600 hours.

Total Annual Costs: No Costs.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There are no confidentiality issues.

Needs and Uses: The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) after this 60 day comment period in order to obtain the full three year clearance from them.

The FCC is responsible for the regulation of both authorized radio services and devices that can cause interference. The FCC, working in

conjunction with U.S. Customs and Border Protection (CBP), is responsible for ensuring that radio frequency devices imported into the United States are properly authorized. FCC Form 740 must be completed for each radio frequency device which is imported into the United States, and is used to keep non-compliant devices from being distributed to the general public, thereby reducing the potential for harmful interference being caused to authorized communications. FCC Form 740 is submitted to CBP electronically or, in a few cases, in paper format. The FCC Form 740 is not submitted to the Federal Communications Commission. FCC works with the CBP to resolve issues related to the importation of unauthorized radio frequency devices, and can issue fines for violation of its rules.

This information collection extension does not affect the ongoing rulemaking in ET Docket 15-170, which includes proposed rules that would modify or eliminate FCC Form 740.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2015-30852 Filed 12-7-15; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Notice of Public Availability of the Federal Mediation and Conciliation Service FY2014 Service Contract Analysis and Inventory

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Notice.

SUMMARY: Section 743 of Division C of the Consolidated Appropriations Act of 2010, Public Law 111-117, requires civilian agencies to prepare an annual inventory of their service contracts and to analyze the inventory to determine if the mix of Federal employees and contractors is effective or if rebalancing may be required. In accordance with Section 743, the Federal Mediation and Conciliation Service is publishing this notice to instruct the public of the availability of its FY 2014 Service Contract Analysis and Inventory. The Inventory provides information on service contract actions over \$25,000 that were made in FY 2014. These documents are available on the FMCS Web site at <https://www.fmcs.gov/resources/documents-and-data/>. Please see section under Reports for Service Contract information.

FOR FURTHER INFORMATION CONTACT:

Linda Gray-Broughton, Grants Specialist at lgbroughton@fmcs.gov or 202-606-8181.

Dated: December 2, 2015.

Jeannette Walters-Marquez,
Attorney, FMCS.

[FR Doc. 2015-30859 Filed 12-7-15; 8:45 am]

BILLING CODE 6732-01-P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting Notice

December 4, 2015.

TIME AND DATE: 11:00 a.m., Thursday, December 17, 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: *Secretary of Labor v. Lewis-Goetz and Company, Inc.*, Docket No. WEVA 2012-1821. (Issues include whether the Judge erred in ruling that a mine operator was not strictly liable for violations of a standard requiring that safety belts and lines be worn by miners under prescribed conditions.)

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. 2015-30979 Filed 12-4-15; 11:15 am]

BILLING CODE 6735-01-P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting Notice

December 4, 2015.

TIME AND DATE: 10:00 a.m., Thursday, December 17, 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: *Secretary of Labor v. Nally & Hamilton Enterprises, Inc.*, Docket No. KENT 2011–434. (Issues include whether the Judge erred in ruling that a mine operator was not strictly liable for violations of a standard requiring that seat belts be worn by miners under prescribed conditions.)

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. 2015–30980 Filed 12–4–15; 11:15 am]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 2015–30289) published on page 74772 of the issue for November 30, 2015.

Under the Federal Reserve Bank of Dallas heading, the entry for Child's Disclaimer Trust, Uvalde, Texas, is revised to read as follows:

1. *Dolph Briscoe, III, Carrizo Springs, Texas, individually and as trustee of the Dolph Briscoe, III Child's Disclaimer Trust, Dolph Briscoe IV Trust and James Leigh Briscoe Trust; Janey B. Marmion, Uvalde, Texas, individually and as trustee of the Janey B. Marmion Revocable Trust and the Janey B. Marmion Child's Trust No. 2; Cele B. Carpenter, Dallas, Texas, individually and as trustee of the Cele B. Carpenter Child's Disclaimer Trust and Cele B. Carpenter 2008 Trust; John W. Carpenter, III, Dallas, Texas, trustee of the Benjamin H. Carpenter 2012 Legacy Trust, Austin W. Carpenter 2012 Legacy Trust and Bonner B. Carpenter 2012 Legacy Trust; Dolph Briscoe, IV, Austin, Texas; James Leigh Briscoe, Uvalde, Texas; Benjamin H. Carpenter, II, Dallas, Texas; Austin W. Carpenter, Dallas, Texas; and Bonner B. Carpenter, Dallas, Texas; collectively acting as a group in concert, to retain voting shares of Briscoe Ranch, Inc., Uvalde, Texas, and thereby indirectly retain voting shares of First State Bank of Uvalde,*

Uvalde, Texas and Security State Bank, Pearsall, Texas.

Comments on this application must be received by December 14, 2015.

Board of Governors of the Federal Reserve System, December 3, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–30887 Filed 12–7–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Final approval under OMB delegated authority of the extension, without revision, of the following reports:

1. *Report title:* Recordkeeping and Disclosure Requirements Associated with Regulation II (Debit Card Interchange Fees and Routing).

Agency form number: Reg II.

OMB control number: 7100–0349.

Frequency: On occasion.

Reporters: State member banks, national banks, insured nonmember banks, savings associations, and Federally-chartered credit unions.

Estimated annual reporting hours: Implement policies & procedures, 2,400 hours; Review and update policies and procedures, 5,240 hours; and Annual notification and change in status, 131 hours.

Estimated average hours per response: Implement policies & procedures, 160 hours; Review and update policies and procedures, 40 hours; and Annual notification and change in status, 1 hour.

Number of respondents: Implement policies & procedures, 15 respondents; Review and update policies and procedures, 131 respondents; and Annual notification and change in status, 131 respondents.

General description of report: This information collection is required to obtain or retain a benefit ((15 U.S.C. 1693o–2(a)(5)) and is not given confidential treatment.

Abstract: Regulation II implements, among other things, standards for assessing whether interchange transaction fees for electronic debit transactions are reasonable and proportional to the cost incurred by the issuer with respect to the transaction, as required by section 920 of the Electronic Fund Transfer Act. The regulation sets a cap of 21 cents plus 5 basis points of the transaction's value on interchange transaction fees of covered issuers.

Regulation II allows adjustments to debit card interchange transaction fees to make an allowance for fraud-prevention costs incurred by issuers. The regulation permits an issuer to receive or charge an amount of no more than 1 cent per transaction in addition to its interchange transaction fee if the issuer develops and implements policies and procedures that are reasonably designed to take effective steps to reduce the occurrence of, and costs to all parties from, fraudulent electronic debit transactions. An issuer must notify its payment card networks annually that it complies with the Federal Reserve's standards for the fraud-prevention adjustment.

Regulation II requires issuers to retain evidence of compliance with the requirements imposed for a period of not less than five years after the end of the calendar year in which the electronic debit transaction occurred.

Current Actions: On September 15, 2015 the Federal Reserve published a notice in the **Federal Register** (80 FR 55360) requesting public comment for 60 days on the extension, without revision, of the Recordkeeping and

Disclosure Requirements Associated with Regulation II (Debit Card Interchange Fees and Routing). The comment period for this notice expired on November 16, 2015. The Federal Reserve did not receive any comments. The information collection will be extended for three years, without revision, as proposed.

2. *Report title:* Recordkeeping Requirements of Regulation H and Regulation K Associated with Bank Secrecy Act Compliance Programs.

Agency form number: Reg K.

OMB control number: 7100-0310.

Frequency: Annually.

Reporters: State member banks; Edge and agreement corporations; and U.S. branches, agencies, and other offices of foreign banks supervised by the Federal Reserve.

Estimated annual reporting hours: Establish compliance program, 160 hours; and maintenance of compliance program, 4,872 hours.

Estimated average hours per response: Establish compliance program, 16 hours; and maintenance of compliance program, 4 hours.

Number of respondents: Establish compliance program, 10; and maintenance of compliance program, 1,218.

General description of report: The standards for Bank Secrecy Act (BSA) compliance programs associated with section 208.63 of Regulation H and with sections 211.5(m)(1) and 211.24(j)(1) of Regulation K are generally authorized pursuant to the BSA. In addition, sections 11, 21, 25, and 25A of the Federal Reserve Act authorize the Board to require the information collection and recordkeeping requirements set forth in Regulations H and K. Section 5 of the Bank Holding Company Act and section 13(a) of the International Banking Act provide further authority for sections 211.5(m) and 211.24(j)(1) of Regulation K. Since the Federal Reserve does not collect any information, no issue of confidentiality normally arises. However, if a BSA compliance program becomes a Federal Reserve record during an examination, the information may be protected from disclosure under exemptions (b)(4) and (b)(8) of the Freedom of Information Act.

Abstract: Section 208.63 of Regulation H requires state member banks to establish and maintain the same procedures. Sections 211.5(m)(1) and 211.24(j)(1) of Regulation K require Edge and agreement corporations and U.S. branches, agencies, and other offices of foreign banks supervised by the Federal Reserve to establish and maintain procedures reasonably designed to ensure and monitor compliance with

the BSA and related regulations. There are no required reporting forms associated with this information collection.

Current Actions: On September 15, 2015 the Federal Reserve published a notice in the **Federal Register** (80 FR 55360) requesting public comment for 60 days on the extension, without revision, of the Recordkeeping Requirements of Regulation H and Regulation K Associated with Bank Secrecy Act Compliance Programs. The comment period for this notice expired on November 16, 2015. The Federal Reserve did not receive any comments. The information collection will be extended for three years, without revision, as proposed.

Board of Governors of the Federal Reserve System, December 3, 2015.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2015-30855 Filed 12-7-15; 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 January 4, 2016.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *Seacoast Banking Corporation of Florida, Stuart, Florida;* to merge with Floridian Financial Group, Mary, Florida, and thereby acquire its subsidiary, Floridian Bank, Daytona Beach, Florida.

Board of Governors of the Federal Reserve System, December 2, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015-30856 Filed 12-7-15; 8:45 am]

BILLING CODE 6210-01-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 December 23, 2015.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *Robert Lee Pike, Jr., Panama City, Florida, and the RLP 2012 Children's Trust, Panama City, Florida with Johnna Lombard, Manhasset, New York,* as Trustee; to acquire voting shares of PrimeSouth Bancshares, Inc., and thereby indirectly acquire voting shares of PrimeSouth Bank, both in Tallahassee, Alabama.

B. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *Robert F. Hingst, Trustee of Robert F. Hingst GST Trust; Robert F. Hingst GST Trust; together with William H. Hingst, Trustee of William H. Hingst GST Trust and Trustee of the William H. Hingst Living Trust; William H. Hingst*

GST Trust and William H. Hingst Living Trust; Robert F. Hingst and Mary M. Hingst, Co Trustees of Mary M. Hingst Living Trust; Mary M. Hingst Living Trust; John C. Hingst; Katherine H. Hingst, all of Kokomo, Indiana; Theodore J. Hingst, Trustee of Theodore J. Hingst GST Trust and Trustee of Ted Hingst Living Trust; Theodore J. Hingst GST Trust and Ted Hingst Living Trust, all of Lafayette, Indiana, as a group acting in concert; to retain voting shares of Community First Financial Corporation, and thereby indirectly acquire voting shares of Community First Bank of Indiana, both in Kokomo, Indiana.

C. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Austin D. McLaen and Matthew S. McLaen*, both of Forman, North Dakota, both to remain members of the McLaen family shareholder group, and retain voting shares of Sargent Bankshares, Inc., and thereby indirectly retain voting shares of Sargent County Bank, both in Forman, North Dakota.

Board of Governors of the Federal Reserve System, December 3, 2015.

Michael J. Lewandowski,
Associate Secretary of the Board.

[FR Doc. 2015-30870 Filed 12-7-15; 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 January 4, 2016.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166-2034:

1. *First United Bancorp, Inc.*, Madisonville, Kentucky; to merge with Town & Country Financial, Inc., and thereby indirectly acquire Bank of Ohio County, both in Beaver Dam, Kentucky.

B. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *BankCap Equity Fund LLC, BankCap Partners GP L.P., and BankCap Partners Fund I, L.P.*, both in Dallas, Texas; to acquire through BankCap Partners Opportunity Fund, L.P., Dallas, Texas, up to 23.2 percent of the voting shares of Vista Bancshares, Inc., and thereby indirectly acquire Vista Bank, both in Ralls, Texas.

Board of Governors of the Federal Reserve System, December 3, 2015.

Michael J. Lewandowski,
Associate Secretary of the Board.

[FR Doc. 2015-30871 Filed 12-7-15; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act; Notice of Meeting

TIME AND DATE: 10:00 a.m. (Eastern Time) December 14, 2015 (Telephonic).

PLACE: 10th Floor Board Meeting Room, 77 K Street NE., Washington, DC 20002.

STATUS: Parts will be open to the public and parts will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the Public

- Approval of the Minutes for the November 25, 2015 Board Member Meeting
- Monthly Reports
 - Monthly Participant Activity Report
 - Monthly Investment Performance Report
 - Legislative Report
- Quarterly Metrics Report
- OGC Report and Annual Presentation

Closed to the Public

5. Security

FOR FURTHER INFORMATION CONTACT: Kimberly Weaver, Director, Office of External Affairs, (202) 942-1640.

Dated: December 4, 2015.

Megan Grumbine,

Deputy General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2015-31031 Filed 12-4-15; 4:15 pm]

BILLING CODE 6760-01-P

FEDERAL TRADE COMMISSION

[File No. 151 0090]

NXP Semiconductors N.V.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before December 28, 2015.

ADDRESSES: Interested parties may file a comment at <https://ftcpublish.commentworks.com/ftc/nxpsemiconductorsconsent> online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write “NXP Semiconductors N.V.—Consent Agreement; File No.151-0090” on your comment and file your comment online at <https://ftcpublish.commentworks.com/ftc/nxpsemiconductorsconsent> by following the instructions on the web-based form. If you prefer to file your comment on paper, write “NXP Semiconductors N.V.—Consent Agreement; File No.151-0090” on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC-5610 (Annex D), 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 D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Meredith Levert (202-326-2881), Bureau of Competition, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent orders to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for November 25, 2015), on the World Wide Web, at <http://www.ftc.gov/os/actions.shtm>.

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 "NXP Semiconductors N.V.—Consent Agreement; File No.151–0090" 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 does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like 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 have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).¹ Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at <https://ftcpublic.commentworks.com/ftc/nxpsemiconductorsconsent> 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 "NXP Semiconductors N.V.—Consent Agreement; File No.151–0090" on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), 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 D), 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>.

Analysis of Agreement Containing Consent Orders To Aid Public Comment

The Federal Trade Commission ("Commission") has accepted from NXP Semiconductors N.V. ("NXP"), subject to final approval, an Agreement Containing Consent Orders ("Consent Agreement") designed to remedy the

anticompetitive effects resulting from NXP's proposed acquisition of Freescale Semiconductor Ltd. ("Freescale").

On March 1, 2015, NXP and Freescale executed an Agreement and Plan of Merger ("Merger Agreement") pursuant to which NXP will acquire all of Freescale's common stock in a transaction valued at approximately \$11.8 billion ("Acquisition"). The proposed Acquisition would combine the two largest suppliers of RF power amplifiers. The Commission's Complaint alleges that the proposed Acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the FTC Act, as amended, 15 U.S.C. 45, by substantially lessening competition in the worldwide market for RF power amplifiers.

Under the terms of the proposed Decision and Order ("Order") contained in the Consent Agreement, NXP is required, no later than ten days from the close of the NXP/Freescale transaction, to divest its RF power amplifier assets to Jianguang Asset Management Co., Ltd. ("JAC"). The divestiture package includes a manufacturing facility, manufacturing equipment, intellectual property, and customer and supplier contracts. NXP's RF power employees, including the leadership of the business, will also transfer to JAC. The Consent Agreement provides JAC with everything needed to compete effectively in the RF power amplifier market.

The Consent Agreement has been placed on the public record for 30 days to solicit comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the Consent Agreement and the comments received, and decide whether it should withdraw from the Consent Agreement, modify it, or make it final.

The Parties

Headquartered in the Netherlands, NXP is a semiconductor developer and manufacturer specializing in high performance mixed signal devices for a variety of industries. NXP designs, manufactures, and sells RF power amplifiers, among other products, through its Secure Interface & Power division.

Headquartered in Austin, Texas, Freescale is a manufacturer of stand-alone semiconductors that perform dedicated power usage functions in a variety of electronic systems for automotive, networking, industrial, and consumer applications. Freescale designs, manufactures, and sells RF

¹ In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c), 16 CFR 4.9(c).

power amplifiers through its Radio Frequency division.

The Relevant Market and Market Structure

The relevant line of commerce in which to analyze the effects of the Acquisition is no broader than RF power amplifiers. RF power amplifiers (also referred to as RF power transistors) are high power (>1 watt average output power) semiconductors that increase the strength of radio signals transmitted between electronic devices. The largest application for RF power amplifiers, accounting for roughly 70% of revenues, is wireless infrastructure—i.e., cellular base stations (cell towers). Other applications include aviation, industrial, broadcasting, and non-cellular communications such as land mobile radio, as well as potential future applications for cooking and lighting. RF power transistors are manufactured using specialty process technologies in order to deliver high output power and heat dissipation. The two principal technologies are (i) silicon based laterally-diffused metal oxide semiconductor (“LDMOS”) and (ii) gallium nitride on silicon carbide substrate (“GaN”). LDMOS technology accounts for roughly 90% of RF power amplifiers used in wireless infrastructure. According to customers and other market participants, there are no substitutes for RF power amplifiers.

The relevant geographic market for RF power amplifiers is worldwide. The three major RF power amplifier suppliers (see below) manufacture the products in facilities around the world, and ship the products from those facilities to customer locations worldwide. There are currently no regulatory barriers, tariffs, or technical specifications that impede worldwide trade, and transportation costs are low.

The RF power amplifier market is characterized by a limited number of suppliers, including Freescale, the largest supplier with 36.6% of the market, and NXP, the second-largest supplier with 25.1% of the market. Infineon Technologies AG (“Infineon”) is the third largest supplier. Freescale, NXP, and Infineon are the only meaningful suppliers of LDMOS-based RF power amplifiers. Infineon, however, has a significantly smaller RF power portfolio than either Freescale or NXP. Several additional companies supply GaN-based RF power amplifiers only, but have small market shares.

The proposed NXP/Freescale combination would cause a moderately concentrated market for RF power amplifiers to become highly concentrated, increasing the Herfindahl-

Hirschman Index from 2,203 to 4,040 (a delta of 1,837). This increase in concentration far exceeds the thresholds set out in the *Horizontal Merger Guidelines* for raising a presumption that the Acquisition would create or enhance market power.

Entry

Entry into the RF power amplifier market is not likely to deter or counteract any anticompetitive effects of the proposed Acquisition. Entry is unlikely in light of high capital costs, significant switching costs by customers, and the considerable time it would take for customers to develop trust in a new entrant's products. The same barriers would apply to an expansion into LDMOS-based RF power amplifiers by companies that currently supply only GaN-based RF power amplifiers.

Effects of the Acquisition

Absent a divestiture, the proposed Acquisition is likely to cause competitive harm in the market for RF power amplifiers. NXP and Freescale compete directly for RF power amplifier sales, and customers benefit from that competition in terms of both pricing and product innovation. Customers describe NXP and Freescale as each other's closest competitors, and the parties appear to view each other the same way. By eliminating the competition between NXP and Freescale, the proposed Acquisition likely would lead to unilateral effects in the form of higher prices and reduced innovation, particularly in the wireless infrastructure segment.

The Consent Agreement

The Consent Agreement restores the competition lost from NXP's proposed acquisition of Freescale by requiring NXP to divest its RF power amplifier business to JAC, a Chinese private equity management fund. The proposed divestiture includes everything needed for JAC to compete effectively in the worldwide market for RF power amplifiers.

Under the Order, NXP is required, no later than ten days from the close of the NXP/Freescale transaction, to divest its RF power amplifier assets to JAC. The assets to be divested include a manufacturing facility located in Cabuyao (Philippines), a building in Nijmegen (the Netherlands) to house management and certain R&D and testing labs, all manufacturing and R&D assets used primarily for the RF power amplifier business, and customer support equipment. Additionally, the divestiture package includes all patents

and technologies that are exclusively or predominantly used for the RF power amplifier business, and a royalty-free license to use all other NXP patents and technologies required by that business. Finally, the divestiture package includes the transition of NXP's RF power amplifier employees, including the complete management team, to JAC.

The manufacturing assets in the divestiture package include NXP's RF power amplifier back-end manufacturing assets (including the portion of the Philippines facility dedicated to these products) but not its front-end manufacturing assets. Instead, JAC will outsource its front-end manufacturing to a third-party wafer foundry. In the interim, the Order requires that, at the request of JAC and in a manner approved by the Commission, NXP must provide front-end wafer manufacturing for a period of up to sixty months. Similarly, the Order also requires NXP to provide support services such as logistical and administrative support for a period of up to thirty-six months.

In addition, the Order includes other standard terms designed to ensure the viability of the divested business. NXP must assist JAC in hiring the existing work force of NXP's RF power amplifier business, and must refrain from soliciting those employees for two years. A Monitor will oversee NXP's compliance with the obligations set forth in the Order. If NXP does not fully comply with the divestiture and requirements of the Order, the Commission may appoint a Divestiture Trustee to divest the RF power amplifier assets and perform NXP's other obligations consistent with the Order.

Given the robustness of the divested business and the protections contained in the Order, the divestiture of NXP's RF power amplifier assets to JAC is likely to preserve competition. Potential customers have confirmed that the divested assets include everything necessary to compete effectively as a viable business. Similarly, potential customers have confirmed that JAC would be a workable option as a supplier.

Opportunity for Public Comment

The purpose of this analysis is to facilitate public comment on the Consent Agreement to aid the Commission in determining whether it should make the Consent Agreement final. This analysis is not an official interpretation of the proposed Consent Agreement and does not modify its terms in any way.

By direction of the Commission.

Donald S. Clark,
Secretary.

[FR Doc. 2015-30894 Filed 12-7-15; 8:45 am]

BILLING CODE 6750-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day-15-0214; Docket No. CDC-2015-0076]

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. Direct written comments and/or suggestions regarding the items contained in this notice 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

National Health Interview Survey (NHIS) (OMB Control No. 0920-0214, expires 12/31/2017)—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, shall collect data on the extent and nature of illness and disability of the population of the United States. The annual National Health Interview Survey is a major source of general statistics on the health of the U.S. population and has been in the field continuously since 1957. Clearance is sought for three years, to collect data from 2016 to 2018. This voluntary and confidential household-based survey collects demographic and health-related information from a nationally representative sample of noninstitutionalized, civilian persons and households throughout the country. Personal identification information is requested from survey respondents to facilitate linkage of survey data with health-related administrative and other records. In 2016 the NHIS will collect information from approximately 45,000 households, which contain about 112,000 individuals.

Information is collected using computer assisted personal interviews (CAPI). A core set of data is collected each year that remains largely unchanged, whereas sponsored supplements vary from year to year. The core set includes socio-demographic characteristics, health status, health care services, and health behaviors. For 2016, supplemental questions will be cycled in pertaining to balance, blood donation, chronic pain, diabetes, and vision. Supplemental topics that continue or are enhanced from 2015 pertain to family food security, heart disease and stroke, inflammatory bowel disease, hepatitis B and C screening, children's mental health, disability and functioning, smokeless tobacco and e-cigarettes, and immunizations. Questions from 2015 on cancer control, epilepsy, and occupational health have been removed. In addition to these core and supplemental modules, a follow-back survey will be conducted on previous NHIS respondents to collect additional health related information using alternative question wording and data collection modes as a testbed for the intended 2018 redesign of the NHIS

questionnaire. In addition, a subsample of NHIS respondents may be identified to participate in a pilot test to assess the feasibility of integrating wearable devices into the NHIS data collection process. The aim is to directly track health measurements, to compare those measurements to the self-reported health information provided by respondents, and to assess the role of devices in reducing respondent burden.

A new sampling strategy is being implemented in 2016 and for the foreseeable future. This new sampling design is necessitated by the prior 2006-2015 sample being exhausted, and will take into account demographic shifts in the U.S. civilian noninstitutionalized population. It will also be more flexible allowing for additions and contractions to reflect funding availability and to meet estimation goals. As in previous years, the base sample will remain at approximately 35,000 completed household interviews annually. To balance the precision of national and state-based estimates, most of the sample (approximately 25,000 completed interviews) will be allocated proportionally to the state population to maximize the precision of national-level estimates. A smaller portion of the sample (approximately 10,000 completed interviews) will be shifted to increase sample in the 10 least populous states, enabling state-level estimates of key variables to be produced for all 50 states and DC by pooling 3 years of data. This flexibility embedded in the new sampling plan reflects. Additional funding to improve state-level estimates will increase the sample by almost 10,000 completed interviews in midsize states bringing the total expected sample size in 2016 to 45,000 households.

Whereas the sampling frame for the NHIS has traditionally used field listing by the Census Bureau, in order to contain costs, the new frame will use a commercially available address list that covers residential addresses within all 50 states and the District of Columbia. Some field listing will be undertaken to improve coverage in rural areas, in high density areas, and of university housing units. This represents a substantial reduction in the number of listings performed annually.

It is anticipated that this new sampling plan will not affect estimates generated using NHIS data. To monitor the new design's performance, NHIS analysts will perform monthly checks in line with the ones currently performed as part of routine data review. NCHS receives raw data files monthly from the Census Bureau for processing and quality review. Each year, results from the January sample are compared to the

previous year to determine whether the results consistent. In addition to comparing the unweighted and weighted frequencies, the input and output specifications are reviewed, and the flowcharts are compared to the skip instructions and universes for each question. If a difference is found, steps are taken to determine whether the change is legitimate or whether there is a factor other than the programming of the questionnaire such as the location or context of the question in the questionnaire. If a difference persists, the paradata are reviewed to determine whether there are changes in the mean or median time spent on that question, whether interviewers had a high rate of backing up to return to that question, and whether other questions in that

battery were similarly affected. Persistent differences will be examined to determine whether there is any other interviewer effect such as results comparing newly hired and experienced interviewers and newly added primary sampling units compared to continuing primary sampling units. In addition, national estimates on the key set of indicators that are released in a quarterly report as part of the Early Release program will be monitored by NHIS analysts.

In accordance with the 1995 initiative to increase the integration of surveys within the DHHS, respondents to the NHIS serve as the sampling frame for the Medical Expenditure Panel Survey conducted by the Agency for Healthcare Research and Quality. The NHIS has

long been used by government, academic, and private researchers to evaluate both general health and specific issues, such as smoking, diabetes, health care coverage, and access to health care. It is a leading source of data for the Congressionally-mandated "Health US" and related publications, as well as the single most important source of statistics to track progress toward the National Health Promotion and Disease Prevention Objectives, "Healthy People 2020."

Burden hours have seen a net increase of 1,367 hours compared to 2015 due to the removal of the screener questionnaire and the addition of the questionnaire redesign activities. There is no cost to the 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 hours)
Adult Family Member	Family Questionnaire	45,000	1	23/60
Sample Adult	Sample Adult Questionnaire	36,000	1	15/60
Adult Family Member	Sample Child Questionnaire	14,000	1	10/60
Adult Family Member	Supplements	45,000	1	20/60
Adult Family Member	Special Projects	15,000	1	20/60
Adult Family Member	Reinterview Questions	5,000	1	5/60
Total .....	.....	.....	.....	49,000

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. 2015-30854 Filed 12-7-15; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS-10583]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed

extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *January 7, 2016*:

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs,

Attention: CMS Desk Officer, Fax
Number: (202) 395-5806 OR, Email:
OIRA_submission@omb.eop.gov.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995*.
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.
3. Call the Reports Clearance Office at (410) 786-1326.

FOR FURTHER INFORMATION CONTACT:
Reports Clearance Office at (410) 786-1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public

submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Data Collection for Medicare Beneficiaries Receiving Beta Amyloid Positron Emission Tomography (PET) for Dementia and Neurodegenerative Disease *Use:* In the Decision Memorandum #CAG-00431N issued on September 27, 2013, CMS determined there is sufficient evidence that the use of beta amyloid PET is promising in 2 scenarios: (1) To exclude Alzheimer's Disease (AD) in narrowly defined and clinically difficult differential diagnoses; and (2) to enrich clinical trials seeking better treatments or prevention strategies for AD. CMS will cover one beta amyloid PET scan per patient through Coverage with Evidence Development under section 1862(a)(1)(E) of the Social Security Act, in clinical studies that meet specific criteria established by CMS. Clinical studies must be approved by CMS, involve subjects from appropriate populations, and be comparative and longitudinal. Radiopharmaceuticals used in the scan must be FDA approved. Approved studies must address defined research questions established by CMS. Clinical studies in this National Coverage Determination (NCD) must adhere to the designated timeframe and meet standards established by CMS in the NCD. Consistent with section 1142 of the Social Security Act, the Agency for Healthcare and Quality (AHRQ) supports clinical research studies that CMS determines meet specifically identified requirements and research questions.

To qualify for payment, providers must prescribe beta amyloid PET for beneficiaries with a set of clinical criteria specific to each cancer. Data elements will be transmitted to CMS for evaluation of the short and long-term benefits of beta amyloid PET to beneficiaries and for use in future clinical decision making. *Form Number:* CMS-10583 (OMB control number: 0938-NEW); *Frequency:* Annually; *Affected Public:* Private sector (Business

or other for-profit); *Number of Respondents:* 300; *Total Annual Responses:* 3,700; *Total Annual Hours:* 6,475. (For policy questions regarding this collection contact Stuart Caplan at 410-786-8564).

Dated: December 3, 2015.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2015-30892 Filed 12-7-15; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS-R-193 and CMS-R-244]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by *February 8, 2016*.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@cms.hhs.gov.

3. Call the Reports Clearance Office at (410) 786-1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786-1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS-R-193 Important Message from Medicare (IM)

CMS-R-244 Programs for All-inclusive Care of the Elderly (PACE) and Supporting Regulations

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. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for

approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. Type of Information Collection

Request: Extension of a currently approved collection; **Title of Information Collection:** Important Message from Medicare (IM); **Use:** Hospitals have used the IM to inform original Medicare, Medicare Advantage, and other Medicare plan beneficiaries who are hospital inpatients about their hospital rights and discharge rights. In particular, the IM provides information about when a beneficiary will and will not be liable for charges for a continued stay in a hospital and offers a detailed description of the Quality Improvement Organization review process. Please note that this iteration proposes non-substantive changes to the form. **Form Number:** CMS-R-193 (OMB Control Number: 0938-0692). **Frequency:** Yearly; **Affected Public:** Private sector (Business or other for-profit and Not-for-profit institutions); **Number of Respondents:** 6,164; **Total Annual Responses:** 24,160,000; **Total Annual Hours:** 3,624,000. (For policy questions regarding this collection contact Evelyn Blaemire at 410-786-1803.)

2. Type of Information Collection

Request: Revision of a currently approved collection; **Title of Information Collection:** Programs for All-inclusive Care of the Elderly (PACE) and Supporting Regulations; **Use:** PACE organizations must demonstrate their ability to provide quality community-based care for the frail elderly who meet their state's nursing home eligibility standards using capitated payments from Medicare and the state. The model of care includes (as core services) the provision of adult day health care and multidisciplinary team case management, through which access to and allocation of all health services is controlled. Physician, therapeutic, ancillary, and social support services are provided in the participant's residence or on-site at the adult day health center. The PACE programs must provide all Medicare and Medicaid covered services including hospital, nursing home, home health, and other specialized services. Financing of this model is accomplished through prospective capitation of both Medicare and Medicaid payments. The information collection requirements are necessary to ensure that only appropriate organizations are selected to become PACE organizations and that we have the information necessary to monitor the care provided to the frail, vulnerable population served. **Form**

Number: CMS-R-244 (OMB Control Number: 0938-0790; **Frequency:** Once and occasionally; **Affected Public:** Private sector (Not-for-profit institutions); **Number of Respondents:** 35; **Total Annual Responses:** 35; **Total Annual Hours:** 740. (For policy questions regarding this collection contact John Hebb at 410-786-6657.)

Dated: December 3, 2015.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2015-30891 Filed 12-7-15; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[CFDA Numbers: 93.581, 93.587, 93.612, 93.340]

Request for Public Comment on the Proposed Adoption of Administration for Native Americans Program Policies and Procedures

AGENCY: Administration for Native Americans, ACF, HHS.

ACTION: Notice for public comment.

SUMMARY: Pursuant to Section 814 of the Native American Programs Act of 1974 (NAPA), as amended, the Administration for Native Americans (ANA) is required to provide members of the public an opportunity to comment on proposed changes in interpretive rules and general statements of policy, and to give notice of the proposed adoption of such changes at least 30 days before the changes become effective. In accordance with notice requirements of NAPA, ANA herein describes its proposed interpretive rules, general statements of policy, and rules of agency procedure or practice as they relate to the Fiscal Year (FY) 2016 Funding Opportunity Announcements (FOA) for the following programs: (1) Social and Economic Development Strategies (hereinafter referred to as SEDS) (HHS-2014-ACF-ANA-NA-0776); (2) Social and Economic Development Strategies-Alaska (hereinafter referred to as SEDS-AK) (HHS-2015-ACF-ANA-NK-0960); (3) Native Asset Building Initiative (hereinafter referred to as NABI) (HHS-2015-ACF-ANA-NO-0954); (4) Sustainable Employment and Economic Development Strategies (hereinafter referred to as SEEDS) (HHS-2014-ACF-ANA-NE-0779); (5) Native Language Preservation and Maintenance

(hereinafter referred to as Language Preservation) (HHS-2014-ACF-ANA-NL-0778); (6) Native Language Preservation and Maintenance—Esther Martinez Immersion (hereinafter referred to as Language—EMI) (HHS-2014-ACF-ANA-NB-0780); (7) Environmental Regulatory Enhancement (hereinafter referred to as ERE) (HHS-2014-ACF-ANA-NR-0777); and new FOAs for FY2016—(8) Native Language Community Coordination Demonstration Project (hereinafter referred to as NLCC) (HHS-2016-ACF-ANA-NS-1168); and (9) Native Youth Initiative for Leadership, Empowerment, and Development (hereinafter referred to as Native Youth I-LEAD) (HHS-2016-ACF-ANA-NC-1167). This notice of public comment also provides additional information about ANA's plan for administering the programs.

DATES: The deadline for receipt of comments is 15 days from the date of publication in the **Federal Register**.

ADDRESSES: Send comments in response to this notice via email to Lillian Sparks Robinson, Commissioner, Administration for Native Americans at ANACommissioner@acf.hhs.gov. Comments will be available for inspection by members of the public at the Administration for Native Americans, 330 C Street SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Carmelia Strickland, Director, Division of Program Operations, ANA (877) 922-9262.

SUPPLEMENTARY INFORMATION: Section 814 of NAPA, as amended, requires ANA to provide notice of its proposed interpretive rules and general statements of policy. The proposed clarifications, modifications, and new text will appear in the eight FY 2016 FOAs: SEDS, SEDS-AK, SEEDS, Language Preservation, Language—EMI, ERE, NLCC, and Native Youth I-LEAD. This notice serves to fulfill this requirement.

A. New Funding Opportunity Announcements (FOAs)

ANA will offer two new FOAs in FY 2016. The proposed changes to FOA content and policies described in this Notice of Public Comment also will be applicable to the new FOAs described here:

1. Native Youth Initiative for Leadership, Empowerment, and Development (I-LEAD) FOA; 42 U.S.C. 2991b (HHS-2016-ACF-ANA-NC-1167); ANA plans to publish a new FOA to support projects that will take a comprehensive, culturally-appropriate, approach to ensure all young Native

people can thrive and reach their full potential by fostering Native youth resilience, capacity building, and leadership. The program will be known as Native Youth Initiative for Leadership, Empowerment, and Development (I-LEAD).

While youth development projects are also eligible for funding under ANA's SEDS FOA, Native Youth I-LEAD will specifically focus on implementation of community programs that promote Native youth resiliency and foster protective factors such as connections with Native languages and Elders, positive peer groups, culturally-responsive parenting resources, models of safe sanctuary, and reconnection with traditional healing. Projects will also promote Native youth leadership development through the establishment of local models to instill confidence in Native youth of their value and potential, preparation of older youth to be role models for younger peers, and activities that foster leadership and skills-building. In addition, it is required that Native youth will be actively involved during the planning and implementation phases of the projects to ensure that they are responsive to the needs of Native youth in the communities to be served and to ensure that youth remain engaged throughout the project period. Awards made under this FOA will be cooperative agreements since ANA anticipates substantial programmatic involvement with the recipient during performance of financially-assisted activities that will include specialized and directed technical assistance and support across the cohort of recipients.

ANA's Administrative Policies that prevent recipients from having concurrent or successive grants with the same CFDA Number, 93.612, will not apply to recipients under the Native Youth I-LEAD FOA.

2. Native Language Community Coordination Demonstration Project FOA; (HHS-2016-ACF-ANA-NS-1168): ANA plans to publish a new FOA whose purpose is to build upon the successes of ANA's short-term, project-based Native Language funding. This initiative is intended as a place-based demonstration that will address gaps in community coordination across the Native language educational continuum. An essential aspect of this initiative is community capacity-building focused on the role and influence of Native language on Native students' academic success, school attendance, and career readiness. Projects funded under this initiative will ensure high-quality Native language instruction from early childhood through college and/or

career. Projects also will be required to provide appropriate and culturally-responsive curricula, Native language teacher professional development, and additional services and supports that are aligned, implemented, and evaluated to create a seamless path for Native language acquisition across generations for educational and economic success. Awards made under this FOA will be cooperative agreements since ANA anticipates substantial programmatic involvement with the recipient during performance of financially-assisted activities that will include specialized and directed technical assistance and support across the cohort of recipients.

This FOA will be published under ANA's Community Research, Demonstration and Pilot Projects CFDA Number, 93.340. Under the NAPA 42 U.S.C. 2991d, the Commissioner has authority to provide financial assistance conducted to public or private agencies for research, demonstration, or pilot projects which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems.

For some time, ANA has heard during tribal consultations and language summits that it is difficult to coordinate stand-alone language programs into the broader educational system. Also, tribal, public, charter, private schools, and colleges and universities that use primarily Native American languages to deliver education report that students from schools, which have been successful in coordinating language programs, have high school graduation rates and college attendance rates above the norm for their peers. This initiative will address gaps in community coordination; bring together key drivers of program effectiveness; test the efficacy of distinctive Native teaching materials, methods, and activities; and, contribute to the evidence base of Native language student outcomes.

Since this program will use the CFDA Number 93.340, ANA's Administrative Policy that prevents applicants from having concurrent grants under the same CFDA Number is not applicable to Native Language Community Coordination Demonstration Project FOA (HHS-2016-ACF-ANA-NS-1168).

a. New Administrative Policy for Native Language Community Coordination Demonstration Project

Applicants for funding under this demonstration project must be able to identify existing Native language instruction programs or partnerships that are in place and will be developed or expanded during the project's implementation. Since one purpose of

the demonstration project is to facilitate the coordination of Native language instruction and services among early childhood development, elementary, middle-school, high school, and higher education partners, we require third-party agreements from each of the identified partners describing or demonstrating their commitment to the 5-year project and to verify their role in its implementation. The third-party agreements should be included with the applicant's submission to ANA. Without ANA's receipt of such signed and dated letters from authorized officials of the project's organizational participants prior to the start of the award of grant funds, the applicant's project cannot be approved.

B. Changes to Previously-Published FOAs

1. Native Language Preservation and Maintenance FOA; 42 U.S.C. 2991b-3(a):

(a) In *Executive Summary* and *Section I. Program Description*, ANA intends to:

i. Modify the Description and program areas of interest for the Language Preservation FOA to promote the ability to use Language Preservation funding for a broad array of native-language related projects, including the establishment of a language program, or the improvement of an existing program. Program Areas of Interest will be modified to include the development of tools and interactive media to teach Native American language, per NAPA § 803C.

(b) In *Section I, Program Description*, will include additional language to further distinguish Preservation and Maintenance projects from the types of projects and immersion activities that are specific to the Esther Martinez Immersion (EMI) FOA.

2. Language Preservation and Language-EMI FOAs; 42 U.S.C. 2991b-3(a) and (b)(7):

(a) In *Section I. Program Description* and *Appendix*, will remove Language Restoration Projects from the areas of interest and definitions. Current language specifies that Projects funded under the EMI FOA referenced Native American Language Nests, Native American Language Survival Schools, and Native American Language Restoration programs authorized under the Esther Martinez Native American Languages Preservation Act (Pub. L. 109-394), 42 U.S.C. 2991(b)(7).

(b) This change is intended to clarify the focus of the EMI FOA on immersion as the method of instruction for pre-school and school-aged children. Language Restoration programs will continue to be funded by ANA under

the Native Language Preservation and Maintenance FOA.

(c) In *Section IV.2. The Project Description*, in accordance with requirements under the NAPA at 42 U.S.C. 2992B-3, ANA plans to add the requirement for a Program Performance Evaluation Plan to the FY 2016 Preservation and Maintenance and EMI FOAs:

Applicants must describe the plan for the program performance evaluation that will contribute to continuous quality improvement. The program performance evaluation should monitor ongoing processes and the progress towards the goals and objectives of the project. Include descriptions of the inputs (e.g., organizational profile, collaborative partners, key staff, budget, and other resources), key processes, and expected outcomes of the funded activities. The plan may be supported by a logic model and must explain how the inputs, processes and outcomes will be measured, and how the resulting information will be used to inform improvement of funded activities.

Applicants must describe the systems and processes that will support the organization's performance management requirements through effective tracking of performance outcomes, including a description of how the organization will collect and manage data (e.g. assigned skilled staff, data management software) in a way that allows for accurate and timely reporting of performance outcomes. Applicants must describe any potential obstacles for implementing the program performance evaluation and how those obstacles will be addressed.

(d) In *Section IV.2. The Project Description, Expected Outcomes* (formerly "Outcomes Expected"), ANA intends to revise the current requirement to provide "means of measurement" for the impact indicator for language projects, to "means of measurement/assessment". Many language projects use assessment tools and ratings as a form of measurement for language proficiency. Therefore, this wording change allows for the use of an assessment tool as an impact indicator.

(e) Use of Federal Application Submission Tool (FAST): ANA's previously announced intention to pilot the Funding Application Submission Tool (F.A.S.T.) form for the Language Preservation and Maintenance FOA is on hold. This announcement was published in the **Federal Register** on October 16, 2015 (80 FR 62536-37). For technical reasons, ANA no longer intends to pilot the F.A.S.T. for any of the 2016 FOAs.

3. SEDS and SEEDS FOAs; 42 U.S.C. 2991b:

(a) In *Section I. Program Description*, in order to clearly differentiate between ANA's SEDS FOA and the more targeted SEEDS FOA, ANA will clarify its description of the SEEDS initiative to reflect that SEEDS is designed for new job creation and business development in targeted industries or markets while also allowing for the development of skills, credentials, and experiences that will lead to attainment of new or existing jobs that increase the earned income for the project participants by mid-point of the project period. Training must be directed towards a specific industry. In addition, the recipient will be directly responsible for achieving both of the ANA-required outcomes expected and may not act as a pass-through.

(b) In *Section I. Program Description*, Professional Development will be revised to Preparation for Work under the program area of interest for SEEDS to include activities that promote short- and long-term job creation by supporting targeted training of individuals to develop new technical skills, secure new credentials, and gain experience that will lead to jobs created and increased earned income.

(c) In *Section II. Federal Award Information, Additional Information on Awards*, ANA will no longer use funding levels to distinguish award amounts in the SEEDS and SEDS FOAs. Funding Level I was set for projects with requests of \$149,999 and under in SEDS and \$199,999 and under in SEEDS, to allow competition among projects of similar scale. Projects with funding request of \$150,000 and over in SEDS and \$200,000 and over in SEEDS were designated as Funding Level II. ANA has not identified a notable difference in the average budget request within funding range as a result of the funding level designation, and therefore will discontinue the use of funding levels.

Instead, ANA encourages applicants to request the level of funding that best meets the needs of the proposed project without exceeding the stated Award Ceiling amount by budget period.

(d) The Award Ceiling for the SEEDS FOA will be reduced from \$500,000 to \$400,000; however, the project period will remain up to 60 months with five 12-month budget periods. The lower funding ceiling will allow ANA to fund additional projects under this competition. (The Award Ceiling level for awards under the SEDS FOA will remain at \$400,000 as well as the same options for project periods as that offered in the FY 2015 FOA.)

4. Native Asset Building Initiative FOA; 42 U.S.C. 2991b:

ANA will discontinue the competition for the Native Asset Building Initiative. The two grants resulting from the partnership between the ANA and the Office of Community Services (OCS) will no longer be available as a single application submission. Asset building projects will be eligible for funding under the annual SEDS FOA. In addition, eligible applicants can participate directly in the OCS's Assets for Independence (AFI) Program. Interested applicants may access the OCS-AFI FOA at <http://www.acf.hhs.gov/grants/open/foa/index.cfm?switch=foa&fon=HHS-2015-ACF-OCS-EI-1005>.

C. Changes to Administrative Policies for All FOAs (FOA Section I.)

1. The following administrative policy will be added to FY 2016 FOAs; 5 U.S.C. 301:

Compliance with Background Checks and Applicable Child Safety Laws:

"All recipients are expected to comply with applicable federal, tribal, or state law with respect to criminal history record checks and clearance through child abuse and neglect and sex offender registries."

This new administrative policy will be added to all of our FOAs to ensure that staff hired to implement ANA-funded projects which involve children are fully-vetted with background checks and other applicable laws within the local jurisdiction in which the project operates to help ensure the safety and reduce the risk to participating youth.

D. Changes to Evaluation Criteria for All FOAs (FOA Section V.1. Criteria); 45 CFR 75.204

1. Changes to Evaluation Criteria Maximum Point Values: In all FY 2016 FOAs, ANA proposes to adjust the maximum point values of evaluation criteria to prioritize the elements that are important to project monitoring and project success. ANA intends to add five points to the value for the Approach Criterion for a maximum point value of 35. The point value for the Objective Work Plan (OWP) criterion will be reduced will be reduced by five points for a maximum point value of 20 points. ANA proposes to use the following maximum point values for criteria in all FY 2016 FOAs:

Evaluation criteria	Maximum point values
Need for Assistance	10 points.
Outcomes Expected	25 points.
Project Approach	35 points.
Objective Work Plan	20 points.

Evaluation criteria	Maximum point values
Budget and Budget Justification.	10 points.

2. Changes in Sub-criteria: ANA will streamline the evaluation sub-criteria, and reorganize specific elements, to clarify instructions to panel reviewers:

(a) A new sub-criterion related to the required Problem Statement will be included in the Need for Assistance criterion.

(b) Reference to Specific, Measureable, Achievable, Relevant and Time-bound (S.M.A.R.T.) objectives will be included in the sub-criteria for Objectives and not overall for the Outcomes Expected sections in the *Section IV.2. Project Description*. Therefore, project outcomes and the impact indicator, which are also elements of the Outcomes Expected sub-criteria, are not required to be S.M.A.R.T.

(c) A new sub-criterion on the Current Status of Language will be added to the *Approach section* Language Preservation and Maintenance and the EMI FOAs. The Current Status of the Language is currently a requirement in the *Approach section* of the Project Description. No additional information will be required from the applicant.

E. Change to Recipient Reporting Requirements for All FOAs (FOA Section VI.3.); 45 CFR 75.342

1. Annual Data Report: ANA intends to add an Annual Data Report (ADR) to the reporting requirements for all funded projects. ANA has reduced its reporting requirements to twice—semi-annually and annually. ANA recently streamlined the Objective Progress Report (OPR), and determined that some information previously collected on the OPR is not necessary for project monitoring; however is important when analyzing project data. The ADR will capture this project data throughout the life of the project, versus just asking at the end of the project. The ADR also includes additional program-specific and project assessment questions. The report will supplement the annual OPR and will not deviate from the annual reporting cycle of the OPR, therefore still requiring grantees only report twice annually as stated previously. The report will be due 30 days after the end of each budget period and 90 days after the end of the project period.

F. Relocation of ANA Offices

ANA has relocated its offices to the Mary E. Switzer Memorial Building, 330 C Street SW., Washington, DC 20201.

Our phone numbers and email addresses will remain the same. Phone: (877) 922–9262 Fax: (202) 690–7441 Email: anacommments@acf.hhs.gov URL: www.acf.hhs.gov/programs/ana.

Contact information in all FY 2016 FOAs will be updated to provide mailing and physical location addresses for the new building.

Statutory Authority: Section 814 of the Native American Programs Act of 1974 (NAPA), as amended.

Lillian Sparks Robinson,

Commissioner, Administration for Native American.

[FR Doc. 2015–30868 Filed 12–7–15; 8:45 am]

BILLING CODE 4184–34–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2010–1066]

Recreational Boating Safety Projects, Programs, and Activities Funded Under Provisions of the Transportation Equity Act for the 21st Century; Fiscal Year 2015

AGENCY: Coast Guard, Homeland Security.

ACTION: Notice.

SUMMARY: In 1999, the Transportation Equity Act for the 21st Century made \$5 million per year available for the payment of Coast Guard expenses for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program. In 2005, the law was amended, and the amount was increased to \$5.5 million. The Coast Guard is publishing this notice to satisfy a requirement of the Act that a detailed accounting of the projects, programs, and activities funded under the national recreational boating safety program provision of the Act be published annually in the **Federal Register**. This notice specifies the funding amounts the Coast Guard has committed, obligated, or expended during fiscal year 2015, as of September 30, 2015.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, call Jeff Ludwig, Regulations Development Manager, telephone 202–372–1061.

SUPPLEMENTARY INFORMATION:

Background and Purpose

The Transportation Equity Act for the 21st Century became law on June 9, 1998 (Pub. L. 105–178; 112 Stat. 107). The Act required that of the \$5 million made available to carry out the national

recreational boating safety program each year, \$2 million shall be available only to ensure compliance with Chapter 43 of Title 46, U.S. Code. On September 29, 2005, the Sportfishing and Recreational Boating Safety Amendments Act of 2005 was enacted (Public Law 109–74; 119 Stat. 2031). This Act increased the funds available to the national recreational boating safety program from \$5 million to \$5.5 million annually, and stated that “not less than” \$2 million shall be available only to ensure compliance with Chapter 43 of Title 46, U.S. Code.

These funds are available to the Secretary from the Sport Fish Restoration and Boating Trust Fund established under 26 U.S.C. 9504(a) for payment of Coast Guard expenses for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program. Under 46 U.S.C. 13107(c), no funds available to the Secretary under this subsection may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized; namely, for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program. Amounts made available under 46 U.S.C. 13107(c) remain available during the two succeeding fiscal years. Any amount that is unexpended or unobligated at the end of the 3-year period during which it is available, shall be withdrawn by the Secretary and allocated to the States in addition to any other amounts available for allocation in the fiscal year in which they are withdrawn or the following fiscal year.

Use of these funds requires compliance with standard Federal contracting rules with associated lead and processing times resulting in a lag time between available funds and spending. The total amount of funding transferred to the Coast Guard from the Sport Fish Restoration and Boating Trust Fund and committed, obligated, and/or expended during fiscal year 2015 for each activity is shown below.

Specific Accounting of Funds

Manufacturer Compliance Inspection Program/Boat Testing Program: Funding was provided to continue the national recreational boat compliance inspection program, initiated in January 2001. During the Fiscal Year contracted personnel, acting on behalf of the Coast Guard, visit recreational boat manufacturers, recreational boat dealers, and recreational boat shows to inspect for compliance with the Federal regulations. During the 2015 reporting

year, inspectors performed 350 factory visits, 218 dealer visits, and 10 boat show visits resulting in 2,800 boats being inspected. Funding was also provided for testing of certain associated equipment and in-water testing of atypical and used recreational boats for compliance with capacity and flotation standards. (\$1,587,370). Additional expenditures regarding this topic that are accounted for in the topics below are Contract Personnel Support (\$103,253), Reimbursable Salaries (\$143,222) and New Recreational Boating Safety Associated Travel (\$5,526). Collectively, these expenditures, along with other potential projects, are considered to be applicable to the legal requirement that "not less than" \$2 million be available to ensure compliance with Chapter 43 of Title 46, U.S. Code.

Boating Accident Report Database (BARD) Web System: Funding was allocated to continue providing the BARD Web System, which enables reporting authorities in the 50 States, five U.S. Territories, and the District of Columbia to submit their accident reports electronically over a secure Internet connection. The system also enables the user community to generate statistical reports that show the frequency, nature, and severity of boating accidents. Funds supported system maintenance, development, and technical (hotline) support. (\$367,332).

Contract Personnel Support: Funding was provided for contract personnel to support the appropriate cost/benefit analyses for potential new regulations and to conduct general boating safety-related research and analysis and to assist the manufacturer compliance program. (\$660,562).

Boating Accident News Clipping Services: Funding was provided to continue to gather daily news stories of recreational boating accidents nationally for more real time accident information and to identify accidents that may involve regulatory non-compliances or safety defects. (\$25,000).

New Recreational Boating Safety Associated Travel: Funding was provided to facilitate travel by employees of the Boating Safety Division to carry out additional recreational boating safety actions and to gather background and planning information for new recreational boating safety initiatives. (\$17,564).

Recreational Boating Safety Outreach Initiatives: Funding was provided to produce signage promoting recreational boating safety at the U.S. Coast Guard's Douglas A. Munro Headquarters Building, and to provide appropriate recognition to select individuals for

outstanding achievements in promoting boating safety. (\$2,487).

Reimbursable Salaries: Funding was provided to carry out the work as prescribed in 46 U.S.C. 13107(c) and as described herein. The first position was that of a professional mathematician/statistician to conduct necessary national surveys and studies on recreational boating activities as well as to serve as a liaison to other Federal agencies that are conducting boating surveys so that we can pool our resources and reduce costs. The second position was that of a Recreational Boating Safety Specialist/Marine Investigator with responsibilities that include overseeing and managing RBS projects related to carbon monoxide poisoning, propeller injury mitigation, and manufacturer compliance initiatives. The third position was that of a Legislative and Strategic Planning Manager, with responsibilities that include analyzing proposed and enacted legislation for RBS impacts, and managing the development and implementation of the National Recreational Boating Safety Program's strategic plan. The fourth position was that of a Division Administrative Assistant, with responsibilities that include providing administrative support for the Boating Safety Division. (\$513,045).

Technical Support and Analysis for the Recreational Boating Safety Program: The purpose of this contract is to obtain Contractor professional, technical, and management support for services relating to the national survey development, nonprofit grants grading assessments, and other analysis as needed for the enhancement of the administration of the National Recreational Boating Safety Program. Projects covered by the contract include statistical analyses of data collected in the 2012 National Recreational Boating Survey and research on the implications of the findings relative to boating safety and the National Recreational Boating Safety Program; a review of scientific literature covering various measures of risk exposure in other transportation related fields; support in designing the next National Recreational Boating Survey; and development of a web-based system for review of national nonprofit organization grant submissions. (\$130,847).

Of the \$5.5 million made available to the Coast Guard in fiscal year 2015, \$2,120,466 has been committed, obligated, or expended and an additional \$1,183,741 of prior fiscal year funds have been committed, obligated, or expended, as of September 30, 2015. The remainder of the FY14 and FY15

funds made available to the Coast Guard (approximately \$5,132,275) may be retained for the allowable period for the National Recreational Boating Survey or transferred into the pool of money available for allocation through the state grant program.

Authority

This notice is issued pursuant to 5 U.S.C. 552 and 46 U.S.C. 13107(c)(4).

Dated: December 2, 2015.

V.B. Gifford,

Captain, U.S. Coast Guard, Director of Inspections & Compliance.

[FR Doc. 2015-30884 Filed 12-7-15; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R4-R-2015-N106;
FXRS85510445RG0-XXX-FF04R04000]

Draft Long Range Transportation Plan for U.S. Fish and Wildlife Service Lands in the Southeast Region

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft long range transportation plan for public review and comment. The Draft Long Range Transportation Plan outlines a strategy for improving and maintaining transportation assets that provide access to Service-managed lands in the Southeast Region (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the Virgin Islands) over the next 20 years.

DATES: We must receive written comments on or before January 7, 2016.

ADDRESSES: *Document Review:* If you wish to review the draft plan, you may obtain a copy by visiting our Web site at <http://www.fws.gov/southeast/refuges/roads/pdf/southeast-region-long-range-transportation-plan.pdf>.

Alternatively, you may contact Jo Ann Clark, Regional Transportation Program Manager, Southeast Region, U.S. Fish and Wildlife Service, 1875 Century Blvd., Atlanta, GA 30345 (404-679-4114).

Submitting Comments: If you wish to comment on the plan, you may submit your comments in writing by any one of the following methods:

- *U.S. mail:* Regional Transportation Program Manager, at the above address.
- *Hand-delivery:* Regional Transportation Program Manager, at the above address.
- *Email:* JoAnn_Clark@fws.gov.

For additional information about submitting comments, see the “Public Availability of Comments” section below.

FOR FURTHER INFORMATION CONTACT: Jo Ann Clark, at the above address, phone number, or email.

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we make the Draft LRTP for the Southeast Region of the U.S. Fish and Wildlife Service available for public review and comment. When finalized, the LRTP will apply to Service-managed lands in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the Virgin Islands.

Background

The Moving Ahead for Progress in the 21st Century Act (MAP-21) requires all Federal land management agencies to conduct long-range transportation planning in a manner that is consistent with metropolitan planning organization and State departments of transportation planning. This LRTP was initiated within the Service to achieve the following:

- Establish a defensible structure for sound transportation planning and decision-making.
- Establish a vision, mission, goals, and objectives for transportation planning in the Service’s Southeast Region.
- Implement coordinated and cooperative transportation partnerships in an effort to improve the Service’s transportation infrastructure.
- Integrate transportation planning and funding for wildlife refuges and fish hatcheries into existing and future Service management plans and strategies—e.g., comprehensive conservation plans (CCPs) and comprehensive hatchery management plans (CHMPs).
- Increase awareness of Alternative Transportation Systems (ATS) and associated benefits.
- Develop best management practices (BMP) for transportation improvements on Service lands.
- Serve as a pilot project for the implementation of a region-level transportation planning process within the Service.

LRTP Mission, Goals, and Objectives

Through a collaborative effort, the National Wildlife Refuge System and Fisheries Programs, in cooperation with the Divisions of Planning and Visitor Services within the Service’s Southeast Region, have contributed to defining the mission, goals, and objectives presented in this document. The resulting mission, goals, and objectives are intended to provide a systematic approach to guide the process for evaluating and selecting transportation improvement for the Service lands in the Southeast Region. These guiding principles have shaped the development, conclusions, and recommendations of this LRTP.

Mission

To support the Service’s mission by connecting people to fish, wildlife, and their habitats through strategic implementation of transportation programs.

Goals and Objectives

This long-range transportation plan has six categories of goals: Resource protection, safety and condition, welcome and orientation, planning, partnerships, and sustainability. Under each goal, we present distinct objectives that move us to the goal.

- **Natural Resource Protection:** Ensure that the transportation program helps to conserve and enhance fish, wildlife, and plant resources and their habitats.

Objective 1: Identify, research, and adopt BMPs for planning, design, construction, and maintenance that mitigate impacts of transportation.

Objective 2: Reduce transportation-related conflicts with fish and wildlife corridors on or adjacent to Service lands.

- **Safety and Conditions:** Provide a safe and reliable transportation network to and within Service lands.

Objective 1: Identify and reduce safety problems and modal conflicts to and within Service lands.

Objective 2: Ensure that mission-critical transportation assets are maintained in “good” condition.

- **Welcome and Orientation:** Develop and maintain a transportation network that enhances the welcoming and orienting experience of visitors.

Objective 1: Provide public information to enable visitors to easily get to refuges and hatcheries and to use their sites.

Objective 2: Engage the visitors with compelling information so they have a better understanding of the purpose of wildlife conservation and enjoyment of natural resources.

Objective 3: Create a consistent and recognizable identity throughout all

Service units by using standard materials for readily observed physical elements associated with the transportation system.

- **Planning:** Integrate appropriate transportation planning into Service plans and processes.

Objective 1: Ensure consistency and coordination between the project, unit, regional, and national levels of planning.

Objective 2: Define need for infrastructure improvements, and prioritize projects using a scientific and objective process.

- **Partnerships:** Develop partnerships to leverage resources and develop integrated transportation solutions.

Objective 1: Maximize leveraging opportunities for both funding and resources.

Objective 2: Work with partners to address shared transportation issues that impact Service goals.

- **Sustainability:** Adopt and promote sustainable transportation practices.

Objective 1: Address climate change and other environmental factors at all levels of transportation planning, design, project delivery, and maintenance.

Objective 2: Improve access to and within Service lands by transit or non-motorized transportation and information systems.

Objective 3: Reduce fossil fuel energy consumption.

Next Steps

After this comment period ends, we will analyze the comments and address them in the form of a final LRTP.

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.

Dated: September 2, 2015.

Mike Oetker,

Acting Regional Director.

Note: The Federal Register received this document on December 2, 2015.

[FR Doc. 2015–30815 Filed 12–7–15; 8:45 am]

BILLING CODE 4333–55–P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service**

[FWS-R8-ES-2016-N222;
FXES11130800000-167-FF08E00000]

Endangered Species Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (Act) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act also requires that we invite public comment before issuing recovery permits to conduct certain activities with endangered species.

DATES: Comments on these permit applications must be received on or before January 7, 2016.

ADDRESSES: Written data or comments should be submitted to the Endangered Species Program Manager, U.S. Fish and Wildlife Service, Region 8, 2800 Cottage Way, Room W-2606, Sacramento, CA 95825 (telephone: 916-414-6464; fax: 916-414-6486). Please refer to the respective permit number for each application when submitting comments.

FOR FURTHER INFORMATION CONTACT: Daniel Marquez, Fish and Wildlife Biologist; see **ADDRESSES** (telephone: 760-431-9440; fax: 760-431-9624).

SUPPLEMENTARY INFORMATION: The following applicants have applied for scientific research permits to conduct certain activities with endangered species under section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*). We seek review and comment from local, State, and Federal agencies and the public on the following permit requests.

Applicants

Permit No. TE-76006B-0

Applicant: Zoological Society of San Diego, San Diego, California

The applicant requests a new permit to take (harass by survey, capture, handle, and release) the mountain yellow-legged frog (Southern California Distinct Population Segment (DPS) (*Rana muscosa*) in conjunction with captive rearing, research, reintroduction into the wild, and survey activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE-795930

Applicant: Brent Helm, Sheridan, California

The applicant requests a permit renewal to take (harass by survey, capture, handle, release, collect adult vouchers, collect branchiopod cysts, processing soil samples for branchiopod cyst identification, and culturing and hatching out branchiopod cysts) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and vernal pool tadpole shrimp (*Lepidurus packardii*) in conjunction with survey activities throughout the range of each of the species in California and Jackson County, Oregon; take (harass by survey, capture, handle, and release) the California tiger salamander (Santa Barbara County DPS) (*Ambystoma californiense*) in conjunction with survey activities throughout the range of the species in California; and to remove/reduce to possession the *Neostapfia colusana* (Colusa grass) and *Tuctoria mucronata* (Solano grass) on federal lands in conjunction with surveys, research, and habitat enhancement activities throughout the range of the species in Yolo and Solano Counties, California, for the purpose of enhancing the species' survival.

Permit No. TE-78055B

Applicant: Robert Matthews, Carlsbad, California

The applicant requests a permit renewal to take (harass by survey, capture, handle, release, collect adult vouchers, and collect branchiopod cysts) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and vernal pool tadpole shrimp (*Lepidurus packardii*) in conjunction with surveys throughout the range the species in California for the purpose of enhancing the species' survival.

Permit No. TE-170389

Applicant: Travis Cooper, San Diego, California

The applicant requests a permit amendment and renewal to take (harass by survey, locate and monitor nests, and remove brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests) the southwestern willow flycatcher (*Empidonax traillii*

extimus); take (locate and monitor nests and remove brown-headed cowbird eggs and chicks from parasitized nests) the least Bell's vireo (*Vireo bellii pusillus*); take (harass by survey, capture, handle, release, collect adult vouchers, and collect branchiopod cysts) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and vernal pool tadpole shrimp (*Lepidurus packardii*); and take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys and population studies throughout the range of the species in California and Arizona for the purpose of enhancing the species' survival.

Permit No. TE-64580A

Applicant: Nicholas Rice, Las Vegas, Nevada

The applicant requests a permit amendment and renewal to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) and Yuma Ridgway's rail (Yuma clapper r.) (*Rallus obsoletus yumanensis*) (*R. longirostris y.*) in conjunction with surveys and population studies within Clark County, Nevada, for the purpose of enhancing the species' survival.

Permit No. TE-67397A

Applicant: Timothy Ricks, Las Vegas, Nevada

The applicant requests a permit amendment and renewal to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) and Yuma Ridgway's rail (Yuma clapper r.) (*Rallus obsoletus yumanensis*) (*R. longirostris y.*) in conjunction with surveys and population studies within Clark County, Nevada, for the purpose of enhancing the species' survival.

Permit No. TE-821401

Applicant: Brian Daniels, Long Beach, California

The applicant requests a permit amendment and renewal to take (locate and monitor nests, and remove brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests) the least Bell's vireo (*Vireo bellii pusillus*) and take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with surveys and population studies throughout the range of the species in California and Nevada

for the purpose of enhancing the species' survival.

Permit No. TE-039321

Applicant: Kylie Fischer, Escondido, California

The applicant requests a permit renewal to take (locate and monitor nests and remove brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with surveys and population studies throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE-800291

Applicant: Anne Wallace, Grass Valley, California

The applicant requests a permit renewal to take (harass by survey, capture, handle, release, collect adult vouchers, and collect branchiopod cysts) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and vernal pool tadpole shrimp (*Lepidurus packardii*); take (harass by survey, capture, handle, and release) the California tiger salamander (Santa Barbara County and Sonoma County DPS) (*Ambystoma californiense*); and take (harass by survey) the California Ridgway's rail (California clapper r.) (*Rallus obsoletus obsoletus*) (*R. longirostris o.*) in conjunction with surveys and population studies throughout the range of the species in California and (harass by survey, locate and monitor nests, mark nests, collect carcasses) the California least tern (*Sternula antillarum browni*) (*Sterna a. browni*) in conjunction with surveys and population studies within the Montezuma Wetlands Project Site, Solano County, California, for the purpose of enhancing the species' survival.

Permit No. TE-141359

Applicant: Stephen Stringer, El Dorado Hills, California

The applicant requests a permit renewal to take (harass by survey, capture, handle, release, collect adult vouchers, and collect branchiopod cysts) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*),

Riverside fairy shrimp (*Streptocephalus woottoni*), and vernal pool tadpole shrimp (*Lepidurus packardii*) in conjunction with surveys throughout the range the species in California and Oregon for the purpose of enhancing the species' survival.

Permit No. TE-78251B

Applicant: Amber Parmenter, Loomis, California

The applicant requests a new permit to take (harass by survey, capture, handle, release, collect adult vouchers, and collect branchiopod cysts) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), and vernal pool tadpole shrimp (*Lepidurus packardii*) in conjunction with surveys and educational presentations within Rockwell Ranch Vernal Pool Preserve, Rodeo Grounds Preserve, and Western Placer Schools Conservation Bank, in Placer County, California, for the purpose of enhancing the species' survival.

Permit No. TE-43597A

Applicant: Dana McLauhlin, Chula Vista, California

The applicant requests a permit renewal to take (harass by survey, capture, handle, release) the Pacific pocket mouse (*Perognathus longimembris pacificus*), and San Bernardino Merriam's kangaroo rat (*Dipodomys merriami parvus*) in conjunction with surveys throughout the range the species in California for the purpose of enhancing the species' survival.

Permit No. TE-79271

Applicant: Shana Dodd, San Diego, California

The applicant requests a permit renewal to take (harass by survey, capture, handle, release) the Pacific pocket mouse (*Perognathus longimembris pacificus*), and San Bernardino Merriam's kangaroo rat (*Dipodomys merriami parvus*) in conjunction with surveys throughout the range the species in California for the purpose of enhancing the species' survival.

Permit No. TE-815144

Applicant: Rosemary Thompson, Santa Barbara, California

The applicant requests a permit renewal to take (harass by survey, capture, handle, release, and collect voucher specimens) the tidewater goby (*Eucyclogobius newberryi*) in conjunction with surveys throughout

the range the species in California, and take (harass by survey, capture, handle, and release) the unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*) in conjunction with surveys on Vandenberg Air Force Base in Santa Barbara County in California for the purpose of enhancing the species' survival.

Permit No. TE-78388B

Applicant: Western Slope Wildlife LLC, Moab, Utah

The applicant requests a new permit to take (locate and monitor nests) the least Bell's vireo (*Vireo bellii pusillus*) and take (harass by survey and locate and monitor nests) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with surveys and population studies throughout the range of the species in Arizona, California, New Mexico, Oregon, and Washington for the purpose of enhancing the species' survival.

Permit No. TE-139634

Applicant: Thomas Liddicoat, Vista, California

The applicant requests a permit renewal to take (harass by survey, capture, handle, release, collect adult vouchers, and collect branchiopod cysts) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and vernal pool tadpole shrimp (*Lepidurus packardii*) in conjunction with surveys throughout the range the species in California for the purpose of enhancing the species' survival.

Permit No. TE-64144A-1

Applicant: Emily Mastrelli, San Diego, California

The applicant requests a permit renewal to take (harass by survey, locate and, monitor nests, capture, handle, release, collect carcasses) the California least tern (*Sternula antillarum browni*) (*Sterna a. browni*) in conjunction with surveys and population monitoring throughout the range of the species in California, for the purpose of enhancing the species' survival.

Permit No. TE-063608

Applicant: Brian Lohstroh, San Diego, California

The applicant requests a permit renewal and amendment to take (harass by survey, capture, handle, release, collect adult vouchers, and collect

branchiopod cysts) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and vernal pool tadpole shrimp (*Lepidurus packardii*); take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*); take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii eximius*); take (locate and monitor nests) the least Bell's vireo (*Vireo bellii pusillus*); and take (capture, handle, and release) the arroyo toad (arroyo southwestern) (*Anaxyrus californicus*) in conjunction with surveys and population monitoring throughout the range the species in California for the purpose of enhancing the species' survival.

Permit No. TE-72013A

Applicant: John Durand, Davis, California

The applicant requests a permit amendment to take (harass by survey, capture, handle, release, and collect) the delta smelt (*Hypomesus transpacificus*) in conjunction with scientific research throughout the range of the species in the Suisun Marsh within Solano and Contra Costa Counties; Sherman Island within Solano, Sacramento, and Contra Costa Counties; Cache Slough Complex area within Solano and Yolo Counties; and Sherman Lake and Brown's Island area within Solano and Contra Costa Counties in California for the purpose of enhancing the species' survival.

Public Comments

We invite public review and comment on each of these recovery permit applications. Comments and materials we receive will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

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.

Angela Picco,

Acting Regional Director, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2015-30816 Filed 12-7-15; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNMP2000 L14300000.FQ0000 NMNM-127501/NMNM-83404]

Public Land Order No. 7844; Withdrawal of Public Lands and Reserved Federal Minerals To Protect Highly Significant Caves; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws approximately 2,924.65 acres of public lands and 440 acres of reserved Federal minerals underlying non-Federal lands from location and entry under the United States mining laws, subject to valid existing rights, for 20 years to protect and preserve highly significant caves and their associated resources located in Eddy County. The lands have been and will remain open to leasing under the mineral leasing laws.

DATES: Effective Date: December 8, 2015.

FOR FURTHER INFORMATION CONTACT:

Debby Lucero, Bureau of Land Management, New Mexico State Office, 505-954-2196. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to reach the BLM contact person. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management will manage the lands to protect highly significant cave locations and their associated resources located within Eddy County. The caves contain highly significant archaeological, paleontological, biological, geological, mineralogical, hydrological, and scenic values. These caves represent the very best examples of the above-stated resources on Bureau of Land Management administered land in this region. There are over 300 known caves in the area and many more are suspected.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands and Federally reserved minerals are hereby withdrawn from location and entry

under the United States mining laws, but not from leasing under the mineral leasing laws, to protect highly significant caves and their associated resources:

New Mexico Principal Meridian

McKittrick Hill Caves

T. 22 S., R. 24 E.,
Sec. 14, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 23, W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$, and W $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 26, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
The area described contains 1,210 acres.

Mudgetts/Little Mudgetts Caves

T. 24 S., R. 24 E.,
Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
The area described contains 50 acres.

Big Manhole/Little Manhole Caves

T. 24 S., R. 24 E.,
Sec. 22, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
The area described contains 100 acres.

Honest Injun Cave

T. 22 S., R. 25 E.,
Sec. 28, lot 6.
The area described contains 42.70 acres.

Yellow Jacket and Lair Caves

T. 23 S., R. 25 E.,
Sec. 14, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 23, NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.
The area described contains 260 acres.

KFF (Elliott's) Cave

T. 24 S., R. 25 E.,
Sec. 23, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
The area described contains 130 acres.

Chosa Draw Caves

T. 25 S., R. 25 E.,
Sec. 20, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 21, S $\frac{1}{2}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 27, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 28, E $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 29, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
The area described contains 750 acres.

Lost Cave

T. 22 S., R. 26 E.,
Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 23, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
The area described contains 22.50 acres.

Fence Canyon Cave Area

T. 24 S., R. 26 E.,
Sec. 17, NW $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 18, lot 3, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$.

The area described contains 359.45 acres.

The following described federally reserved minerals underlying non-Federal surface:

Chosa Draw Caves

T. 25 S., R. 25 E.,

Sec. 28, NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$.

The areas described aggregate 440 acres.

The total areas described above aggregate 2,924.65 acres of public lands and 440 acres of Federal minerals underlying non-Federal lands in Eddy County.

2. The withdrawal made by this order does not alter the applicability of the public land laws other than the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: November 23, 2015.

Janice M. Schneider,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 2015–30899 Filed 12–7–15; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY921000, L14300000.ET0000; WYW–167985]

Public Land Order No. 7843; Withdrawal of Public Lands for the Protection of the Split Rock and Devil's Gate Interpretive Sites; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 343.23 acres of public lands from location and entry under the United States mining laws, but not from leasing under the mineral or geothermal leasing laws, or disposal under the Materials Act of 1947, for a period of 20 years to protect and preserve the Split Rock and Devil's Gate interpretive sites located along national historic trails in Fremont and Natrona Counties, Wyoming.

DATES: Effective Date: December 8, 2015.

FOR FURTHER INFORMATION CONTACT:

Janelle Wrigley, Realty Officer, Bureau of Land Management, Wyoming State

Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009, 307–775–6257 or via email at jwrigley@blm.gov.

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual. The FIRS is available 24 hours per day, 7 days per week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management will manage the land to protect the unique archeological, historical, geological, and recreational values of these two sites as well as the Federal investment for visitor use because of the special historical interpretive attributes contained at the sites.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral or geothermal leasing laws, or disposal under the Materials Act of 1947, on behalf of the Bureau of Land Management to protect unique archeological, historical, geological, and recreational values of these two sites.

Sixth Principal Meridian

Devil's Gate

T. 29 N., R. 87 W.,

Sec. 35, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Split Rock

T. 29 N., R. 89 W.,

Sec. 30, lot 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 29 N., R. 90 W.,

Sec. 25, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 343.23 acres, more or less, in Fremont and Natrona Counties, Wyoming.

2. The withdrawal made by this order does not alter the applicability of the public land laws other than the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order, unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of

1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: November 13, 2015.

Janice M. Schneider,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 2015–30900 Filed 12–7–15; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–19738; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Ohio History Connection, Columbus, OH

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Ohio History Connection has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Ohio History Connection. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Ohio History Connection at the address in this notice by January 7, 2016.

ADDRESSES: Bradley Lepper, Ohio History Connection, 800 East 17th Avenue, Columbus, OH 43211, telephone (614) 298–2064, email blepper@ohiohistory.org.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated

funerary objects under the control of the Ohio History Connection, Columbus, OH. The human remains and associated funerary objects were removed from Schoenbrunn, Tuscarawas County, OH and Gnadenhutten, Tuscarawas County, OH.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Ohio History Connection professional staff in consultation with representatives of the Delaware Tribe of Indians, Oklahoma and the Delaware Nation, Oklahoma.

History and Description of the Remains

In the 1920s, human remains representing, at minimum, two individuals were removed from a burial site in Schoenbrunn, in Tuscarawas County, OH. In 1927, William C. Mills investigated the cemetery, during which it is believed the human remains of a child (A4213/2) and an adult (A4213/3) were encountered. No known individuals were identified. No associated funerary objects are present.

On an unknown date, human remains representing, at minimum, three adult individuals were removed from a burial site in Schoenbrunn, in Tuscarawas County, OH. The human remains are a collection of modified (drilled) human phalanges from a "mound coffin" (A4213/1). As the remains were modified, they were originally reported as objects. Initially, the human remains were mistakenly reported as having been removed from a different site (A4487); their provenance was correctly identified in 2013. No known individuals were identified. As Schoenbrunn was founded by the Moravian Church in 1772–1777, as a mission to the Delaware Indians, these human remains are affiliated to the Delaware Tribe of Indians, Oklahoma. No associated funerary objects are present.

Either in the 1920s or the 1960s, human remains representing, at minimum, four individuals were probably removed from Gnadenhutten, in Tuscarawas County, OH. Although the human remains lack documentation, William C. Mills was in the area of Gnadenhutten during his excavations at

Schoenbrunn, and these human remains were found mixed with the Schoenbrunn human remains. It is probable that the material comes from this time period. Alternatively, the human remains could have been excavated in the 1960's prior to the property being given to the Village of Gnadenhutten. The remains represent three adults (A4578/1, 3 and 5) and one child (A4578/1.01). No known individuals were identified. The 13 associated funerary objects are one small mammal mandible fragment (A4578/2, found with A4578/1), nine miscellaneous animal bone fragments (A4578/4 found with A4578/3) and three pottery sherds (A4578/6 found with A4578/5). As Gnadenhutten has strong historic ties to the Delaware Tribe, these human remains and associated funerary objects are affiliated with the Delaware Tribe of Indians, Oklahoma.

Determinations Made by the Ohio History Connection

Officials of the Ohio History Connection have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of nine individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the thirteen objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Delaware Tribe, Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Bradley Lepper, Ohio History Connection, 800 East 17th Avenue, Columbus, OH 43211, telephone (614) 298–2064, email blepper@ohiohistory.org, by January 7, 2016. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Delaware Tribe of Indians, Oklahoma may proceed.

The Ohio History Connection is responsible for notifying the Delaware

Tribe of Indians, Oklahoma, and the Delaware Nation, Oklahoma, that this notice has been published.

Dated: November 4, 2015.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2015–30903 Filed 12–7–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS–WASO–NAGPRA–19650;
PPWOCRADN0–PCU00RP14.R50000]**

Notice of Inventory Completion: American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.
ACTION: Notice.

SUMMARY: The American Museum of Natural History has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the American Museum of Natural History. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the American Museum of Natural History at the address in this notice by January 7, 2016.

ADDRESSES: Nell Murphy, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024, telephone (201) 876–4194, email nmurphy@amnh.org.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C.

3003, of the completion of an inventory of human remains and associated funerary objects under the control of the American Museum of Natural History, New York, NY. The human remains and associated funerary objects were removed from Pueblo San Pedro Viejo, Bernalillo County, NM.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the American Museum of Natural History professional staff in consultation with representatives of Hopi Tribe of Arizona; Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo); Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Ysleta del Sur Pueblo (previously listed as Ysleta del Sur Pueblo of Texas).

History and Description of the Remains

In 1914, human remains representing, at minimum, 37 individuals were removed from Pueblo San Pedro Viejo, in Bernalillo County, NM during Nels C. Nelson's excavations sponsored by the American Museum of Natural History. A total of 13 individuals were removed from the South Ruin, including 4 adult females, 1 possible adult female individual, 2 adults of unknown sex, 3 sub-adults of unknown sex, and 3 individuals of unknown age and sex. A total of 23 individuals were removed from the North Ruin, including 3 adult males, 3 possible adult males, 2 adult females, 3 possible adult female individuals, 7 adults of unknown sex, and 5 sub-adults of unknown sex. No provenience information was available for 1 adult female individual. No known

individuals were identified. The 3 associated funerary objects are 1 complete ceramic redware bowl, 1 reconstructed ceramic polychrome bowl, and 1 mostly complete ceramic grayware jar.

These remains, which have not been directly dated, have been identified as Native American based on archeological context and associated funerary objects. This Ancestral Pueblo village, more commonly known as Paak'u, includes multiple components that date from Pueblo IV (A.D. 1300–1425) (Tano Basin, Santa Fe Phase), and from Spanish Contact/Colonial (A.D. 1525) to the Pueblo Revolt (A.D. 1692) (Tano Basin, Glaze E Phase). The pueblo was abandoned before 1680. Based on oral traditions and expert opinion that Paak'u was an ancestral site to the Pueblos of Kewa, San Felipe and Santa Ana, the weight of evidence supports affiliation with Kewa Pueblo, New Mexico, Pueblo of San Felipe, New Mexico, and Pueblo of Santa Ana, New Mexico.

Determinations Made by the American Museum of Natural History

Officials of the American Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 37 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 3 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and Kewa Pueblo, New Mexico, Pueblo of San Felipe, New Mexico, and Pueblo of Santa Ana, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Nell Murphy, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024, (201) 876–4194, email nmurphy@amnh.org, by January 7, 2016. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to Kewa

Pueblo, New Mexico, Pueblo of San Felipe, New Mexico, and Pueblo of Santa Ana, New Mexico may proceed.

The American Museum of Natural History is responsible for notifying Hopi Tribe of Arizona; Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo); Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Ysleta del Sur Pueblo (previously listed as Ysleta del Sur Pueblo of Texas), Pueblo of San Felipe, New Mexico, and Pueblo of Santa Ana, New Mexico, that this notice has been published.

Dated: October 21, 2015.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2015–30902 Filed 12–7–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–19690;
PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Minnesota Indian Affairs Council, Bemidji, MN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Minnesota Indian Affairs Council has completed an inventory of human remains and an associated funerary object, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and the associated funerary object and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and the associated funerary object should submit a written request to the Minnesota Indian Affairs Council. If no additional requestors come forward,

transfer of control of the human remains and the associated funerary object to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and the associated funerary object should submit a written request with information in support of the request to the Minnesota Indian Affairs Council at the address in this notice by January 7, 2016.

ADDRESSES: James L. Jones, Jr., Cultural Resource Specialist, Minnesota Indian Affairs Council, 113 2nd Avenue NW., Suite 110A, Bemidji, MN 56601, telephone (218) 209-7916.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and an associated funerary object under the control of the Minnesota Indian Affairs Council, Bemidji, MN. The human remains and associated funerary object were removed from an unknown site on the Columbia River, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Minnesota Indian Affairs Council professional staff in consultation with representatives of the Confederated Tribes and Bands of the Yakama Nation; Confederated Tribes of the Umatilla Indian Reservation (previously listed as the Confederated Tribes of the Umatilla Reservation, Oregon); Confederated Tribes of the Warm Springs Reservation of Oregon; Nez Perce Tribe (previously listed as the Nez Perce Tribe of Idaho); Spokane Tribe of the Spokane Reservation; and the Wanapum Band, a non-federally recognized Indian group, a non-federally recognized Indian group.

History and Description of the Remains

In 1934, human remains representing, at minimum, one individual were removed from an unknown location on the Columbia River, WA. The human

remains were sent by the collector to Albert Jenks, a University of Minnesota professor. No known individuals were identified. The one associated funerary object is a glass bottle filled with gold-bearing black sand from the Columbia River.

The information that accompanied the human remains and associated funerary object indicated that the human remains and associated funerary object were removed from a site along the Columbia River in Washington State. Based on osteological evidence, oral tradition, archeological and geographical evidence for the Columbia Plateau from the prehistoric through the historic times along with consultation with the Confederated Tribes and Bands of the Yakama Nation; Confederated Tribes of the Umatilla Indian Reservation (previously listed as the Confederated Tribes of the Umatilla Reservation, Oregon); Confederated Tribes of the Warm Springs Reservation of Oregon; Nez Perce Tribe (previously listed as the Nez Perce Tribe of Idaho); Spokane Tribe of the Spokane Reservation; and the Wanapum Band, a non-federally recognized Indian group, the remains have been determined to be Native American.

Determinations Made by the Minnesota Indian Affairs Council

Officials of the Minnesota Indian Affairs Council have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.

- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary object and the Confederated Tribes and Bands of the Yakama Nation; Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation); Confederated Tribes of the Chehalis Reservation; Confederated Tribes of the Colville Reservation; Confederated Tribes of the Grand Ronde Community of Oregon; Confederated Tribes of the Umatilla Indian Reservation (previously listed as the Confederated Tribes of the Umatilla Reservation, Oregon); Confederated Tribes of the Warm Springs Reservation of Oregon; Nez Perce Tribe (previously listed as the Nez Perce Tribe of Idaho); Spokane Tribe of the Spokane Reservation; and the Wanapum Band, a non-federally recognized Indian group, a non-federally recognized Indian group.

the Spokane Reservation; and the Wanapum Band, a non-federally recognized Indian group.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to James L. Jones, Jr., Cultural Resource Specialist, Minnesota Indian Affairs Council, 113 2nd Avenue NW., Suite 110A, Bemidji, MN 56601, telephone (218) 209-7916, by January 7, 2016. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Confederated Tribes and Bands of the Yakama Nation; Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation); Confederated Tribes of the Chehalis Reservation; Confederated Tribes of the Colville Reservation; Confederated Tribes of the Grand Ronde Community of Oregon; Confederated Tribes of the Umatilla Indian Reservation (previously listed as the Confederated Tribes of the Umatilla Reservation, Oregon); Confederated Tribes of the Warm Springs Reservation of Oregon; Nez Perce Tribe (previously listed as the Nez Perce Tribe of Idaho); Spokane Tribe of the Spokane Reservation; and the Wanapum Band, a non-federally recognized Indian group, may proceed.

The Minnesota Indian Affairs Council is responsible for notifying the Confederated Tribes and Bands of the Yakama Nation; Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation); Confederated Tribes of the Chehalis Reservation; Confederated Tribes of the Colville Reservation; Confederated Tribes of the Grand Ronde Community of Oregon; Confederated Tribes of the Umatilla Indian Reservation (previously listed as the Confederated Tribes of the Umatilla Reservation, Oregon); Confederated Tribes of the Warm Springs Reservation of Oregon; Nez Perce Tribe (previously listed as the Nez Perce Tribe of Idaho); Spokane Tribe of the Spokane Reservation; and the Wanapum Band, a non-federally recognized Indian group, that this notice has been published.

Dated: October 29, 2015.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2015-30904 Filed 12-7-15; 8:45 am]

BILLING CODE 4312-50-P

DEPARTMENT OF THE INTERIOR**Bureau of Safety and Environmental Enforcement**

[Docket ID BSEE–BSEE–2015–0011; OMB Control Number 1014–0019; 15XE1700DX EEEE500000 EX1SF0000.DAQ000]

Information Collection Activities: Oil and Gas Production Requirements; Submitted for Office of Management and Budget (OMB) Review; Comment Request

ACTION: 30-day Notice.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Safety and Environmental Enforcement (BSEE) is notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under subpart K, *Oil and Gas Production Requirements*. This notice also provides the public a second opportunity to comment on the revised paperwork burden of these regulatory requirements.

DATES: You must submit comments by January 7, 2016.

ADDRESSES: Submit comments by either fax (202) 395–5806 or email (*OIRA_Submission@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1014–0019). Please provide a copy of your comments to BSEE by any of the means below.

- Electronically go to <http://www.regulations.gov>. In the Search box, enter BSEE–2015–0011 then click search. Follow the instructions to submit public comments and view all related materials. We will post all comments.

- Email *cheryl.blundon@bsee.gov*, fax (703) 787–1546, or mail or hand-carry comments to the Department of the Interior; Bureau of Safety and Environmental Enforcement; Regulations and Standards Branch; ATTN: Cheryl Blundon; 45600 Woodland Road, Sterling, VA 20166. Please reference ICR 1014–0019 in your comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Regulations and Standards Branch, (703) 787–1607, to request additional information about this ICR. To see a copy of the entire ICR submitted to OMB, go to <http://www.reginfo.gov> (select Information Collection Review, Currently Under Review).

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, Subpart K, *Oil and Gas Production Requirements*.

Form(s): BSEE–0126 and BSEE–0128.

OMB Control Number: 1014–0019.

Abstract: The Outer Continental Shelf (OCS) Lands Act (OCSLA), at 43 U.S.C. 1334 authorizes the Secretary of the Interior to prescribe rules and regulations necessary for the administration of the leasing provisions of that Act related to mineral resources on the OCS. Such rules and regulations will apply to all operations conducted under a lease, right-of-way, or a right-of-use and easement. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition.

Section 5(a) of the OCS Lands Act requires the Secretary to prescribe rules and regulations “to provide for the prevention of waste, and conservation of the natural resources of the Outer Continental Shelf, and the protection of correlative rights therein” and to include provisions “for the prompt and efficient exploration and development of a lease area.”

Section 1334(g)(2) states “. . . the lessee shall produce such oil or gas, or both, at rates . . . to assure the maximum rate of production which may be sustained without loss of ultimate recovery of oil or gas, or both, under sound engineering and economic principles, and which is safe for the duration of the activity covered by the approved plan.”

In addition to the general authority of OCSLA, section 301(a) of the Federal Oil and Gas Royalty Management Act (FOGRMA), 30 U.S.C. 1751(a), grants authority to the Secretary to prescribe such rules and regulations as are reasonably necessary to carry out FOGRMA's provisions. While the majority of FOGRMA is directed to royalty collection and enforcement, some provisions apply to offshore operations. For example, section 109(c)(2) and (d)(1), 30 U.S.C. 1719(c)(2) and (d)(1), impose substantial civil penalties for failure to permit lawful inspections and for knowing or willful preparation or submission of false, inaccurate, or misleading reports, records, or other information. Because the Secretary has delegated some of the

authority under FOGRMA to the Bureau of Safety and Environmental Enforcement (BSEE), 30 U.S.C. 1751 is included as additional authority for these requirements.

The Independent Offices Appropriations Act (31 U.S.C. 9701), the Omnibus Appropriations Bill (Pub. L. 104–133, 110 Stat. 1321, April 26, 1996), and OMB Circular A–25, authorize Federal agencies to recover the full cost of services that confer special benefits. Under the Department of the Interior's implementing policy, BSEE is required to charge the full cost for services that provide special benefits or privileges to an identifiable non-Federal recipient above and beyond those that accrue to the public at large. Several requests for approval required in Subpart K are subject to cost recovery and BSEE regulations specify service fees for these requests.

Regulations implementing these responsibilities are among those delegated to BSEE.

Responses are mandatory or are required to obtain or retain a benefit. No questions of a sensitive nature are asked. BSEE protects information considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and DOI's implementing regulations (43 CFR 2), and under regulations at 30 CFR part 250.197, *Data and information to be made available to the public or for limited inspection*, 30 CFR part 252, *OCS Oil and Gas Information Program*.

The information collected under Subpart K is used in our efforts to conserve natural resources, prevent waste, and protect correlative rights, including the Federal Government's royalty interest. Specifically, BSEE uses the information to:

- Evaluate requests to burn liquid hydrocarbons and vent and flare gas to ensure that these requests are appropriate;
- determine if a maximum production or efficient rate is required; and,
- review applications for downhole commingling to ensure that action does not result in harm to ultimate recovery.

We collect the information required under this Subpart for reservoir, reserves, and conservation analyses, including the determination of maximum production rates (MPRs) when necessary for certain oil and gas completions and to evaluate the results of well tests to determine if reservoirs are being depleted in a manner that will lead to the greatest ultimate recovery of hydrocarbons.

The current subpart K regulations also specify the use of forms BSEE–0126

(Well Potential Test Report) and BSEE–0128 (Semiannual Well Test Report). Under BSEE–0126, we use this information for reservoir, reserves, and conservation analyses, including the determination of maximum production rates (MPRs) when necessary for certain oil and gas completions. This requirement implements the conservation provisions of the OCS Lands Act and 30 CFR 250. The information obtained from the well potential test is essential to determine if an MPR is necessary for a well and to establish the appropriate rate. It is not possible to specify an MPR in the absence of information about the production rate capability (potential) of the well.

Under BSEE–0128, we use this information to evaluate the results of well tests to determine if reservoirs are being depleted in a manner that will lead to the greatest ultimate recovery of hydrocarbons. This information is collected to determine the capability of hydrocarbon wells and to evaluate and verify an operator's approved maximum production rate if assigned. The form was designed to present current well data on a semiannual basis to permit the updating of permissible producing rates, and to provide the basis for estimates of currently remaining recoverable gas reserves.

Frequency: On occasion, weekly, monthly, semi-annual, annual, and varies as required by regulations.

Description of Respondents: Potential respondents comprise OCS Federal oil, gas, or sulphur lessees and/or operators.

Estimated Reporting and Recordkeeping Hour Burden: The estimated annual hour burden for this information collection is a total of 46,136 hours. The following chart details the individual components and estimated hour burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

BURDEN TABLE

30 CFR 250 Subpart K and related NTLs	Reporting & recordkeeping requirement *	Non-hour cost burdens		
		Hour burden	Average number of annual responses	Annual burden hours (rounded)
WELL TESTS/SURVEYS and CLASSIFYING RESERVOIRS				
1151(a)(1), (c); 1167	Conduct well production test; submit Form BSEE–0126 (Well Potential Test Report) and supporting information within 15 days after end of test period.	3.4	587 forms and information	1,996
1151(a)(2), (c); 1167	Conduct well production test; submit Form BSEE–0128 (Semiannual Well Test Report) and supporting information within 45 days after end of calendar half-year.	3.2	8,605 forms and information.	27,536
1151(b)	Request extension of time to submit results of semi-annual well test.	0.6	8 requests	5
1152(b), (c);	Request approval to conduct well testing using alternative procedures.	0.9	7 requests	6
1152(d)	Provide advance notice of time and date of well tests.	0.6	36 notices	22
Subtotal .....	.....	.....	9,243 responses	29,565
APPROVALS PRIOR TO PRODUCTION				
1156; 1167	Request approval to produce within 500 feet of a unit or lease line; submit supporting information/documentation; notify adjacent operators and provide BSEE proof of notice date.	8.75	20 requests	175
		\$3,892 × 20 requests = \$77,840		
1156(b); 1158(b)	Notify adjacent operators submit letters of acceptance or objection to BSEE within 30 days after notice; include proof of notice date.	1.63	20 letters	33
1157; 1167	Request approval to produce gas-cap gas in an oil reservoir with an associated gas cap, or to continue producing an oil well showing characteristics of a gas well with an associated gas cap; submit producing an oil well showing characteristics of a gas well with an associated gas cap; submit supporting information.	16.2	22 requests	356
		\$4,953 × 22 requests = \$108,966		

BURDEN TABLE—Continued

30 CFR 250 Subpart K and related NTLs	Reporting & recordkeeping requirement *	Non-hour cost burdens		
		Hour burden	Average number of annual responses	Annual burden hours (rounded)
1158; 1167	Request approval to downhole commingle hydrocarbons; submit supporting information; notify operators and provide proof of notice date.	24	30 applications	720
			\$5,779 × 30 applications = \$173,370	
Subtotal .....	.....	.....	92 responses	1,284
			\$360,176 non-hour costs	

FLARING, VENTING, and BURNING HYDROCARBONS

1160; 1161; 1163(e)	Request approval to flare or vent natural gas or exceed specified time limits/volumes; submit evaluation/documentation; report flare/vent information due to blow down of transportation pipelines within 72 hours after incident.	2.55	231 requests/reports	589
1160(b); 1164(b)(1), (2)	H ₂ S Contingency, Exploration, or Development and Production Plans and, Development Operations Coordination Documents—burdens covered under 1014–0018 and BOEM's 1010–0151. Monitor air quality and report—burdens covered under 1010–0057.			0
1162; 1163(e)	Request approval to burn produced liquid hydrocarbons; demonstrate no risk and/or submit documentation re transport. If approval needed, submit documentation with relevant information re hydrocarbons burned under the approval.	1.25	3 requests/reports	4
1163	Initial purchase or replacement of gas meters to measure the amount of gas flared or vented. This is a non-hour cost burden.		13 meters @\$77,000 each—\$1,001,000	
1163(a)(1)	Notify BSEE when facility begins to process more than an average of 2,000 bopd per month.	1.25	33 notices	41
1163(b);	Report to ONRR hydrocarbons produced, including measured gas flared/vented and liquid hydrocarbon burned—burden covered under 1012–0004.			0
1163(a), (c), (d)	Maintain records for 6 years detailing on a daily and monthly cumulative basis gas flaring/venting, liquid hydrocarbon burning; and flare/vent meter recordings; make available for inspection or provide copies upon request.	14.8 1	914 platforms (gas flare/vent). 60 liquid hydrocarbon	13,527 60
1164(c)	Submit monthly reports of flared or vented gas containing H ₂ S.	3.6	15 operators × 12 mos. = 180.	648
Subtotal .....	.....	.....	1,434 responses	14,869
			\$1,001,000 non-hour costs	

OTHER REQUIREMENTS

1165	Submit proposed plan and supporting information for enhanced recovery operations.	12	18 plans	216
1165(c)	Submit periodic reports of volumes of oil, gas, or other substances injected, produced, or produced for a second time—burden covered under ONRR's 1012–0004.			0
1166	Alaska Region only: submit annual reservoir management report and supporting information.	1	1 (req'd by State, BSEE gets copy).	1
		100	1 new development not State lands.	100
		20	1 revision	20

BURDEN TABLE—Continued

30 CFR 250 Subpart K and related NTLs	Reporting & recordkeeping requirement *	Non-hour cost burdens		
		Hour burden	Average number of annual responses	Annual burden hours (rounded)
1150–1167	General departure or alternative compliance requests not specifically covered elsewhere in Subpart K.	2.8	29 submissions	81
Subtotal .....	.....	.....	50 responses	418
Total Burden .....	.....	.....	10,819 Responses	46,136
		\$1,361,176 non-hour cost burdens		

* In the future, BSEE may require electronic filing of some submissions.

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have identified four non-hour cost

burdens, for a total of \$1,361,176. Three are service fees required to recover the Federal Government's processing costs

of certain submissions. The fourth cost is an IC equipment expenditure. The details are as follows:

\$ 250.1156 requires a service fee when submitting a request for approval to produce within 500 feet of a unit or lease line	\$3,892
\$ 250.1157 requires a service fee when submitting a request for approval before producing gas-cap gas from each completion in an oil reservoir known to have an associated gas cap, or to continue producing if an oil reservoir is not initially known to have an associated gas cap, but begins to show characteristics of a gas well	\$4,953
\$ 250.1158 requires a service fee for submitting a request for approval to downhole commingle hydrocarbons	\$5,779
\$ 250.1163 requires respondents to purchase and install gas meters to measure the amount of gas flared or vented gas for those that produce more than 2,000 bopd and do not already have a meter or need to replace a meter	\$77,000

We have not identified any other non-hour cost burden associated with this collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) requires each agency “. . . to provide notice . . . and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . .” Agencies must specifically solicit comments to: (a) Evaluate whether the collection is necessary or useful; (b) evaluate the accuracy of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of technology.

To comply with the public consultation process, on August 27, 2015, we published a **Federal Register** notice (80 FR 52061) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 250.199 provides the OMB Control Number for the information collection requirements imposed by the

30 CFR 250, subpart K regulations and forms. The regulation also informs the public that they may comment at any time on the collections of information and provides the address to which they should send comments. We received eight comments (seven of which were from the same individual) in response to the **Federal Register** notice or unsolicited comments from respondents covered under these regulations. While the majority of the comments were not germane to the paperwork burden of this collection; we have responded to the specific electronic burden comments, and some broad based reporting requirement comments.

In response to the comment that “BSEE is still in the paper collection and data entry paradigm” regarding the Well Potential Test Report (Form BSEE–0126) and the Semiannual Well Test Report (Form BSEE–0128), we offer the following. Regarding the Semiannual Well Test Report, starting in 2009, we strongly encouraged operators to submit the data electronically as there is no regulatory authority to require electronic submittals. BSEE estimates that 40–50 percent of this data is currently submitted electronically. When submitted electronically, there is obviously no need for a public information copy. BSEE continues to encourage operators to submit this data electronically. Regarding the Well Potential Test Report, they are not currently submitted electronically

because in addition to the form, structure maps, well log sections, and other proprietary data are attached as part of the submittal. Therefore, it would not be efficient to have operators submit the data on the form separate from the structure maps, etc. BSEE does agree that a long term solution could be to have all such data submitted electronically and will continue to pursue.

In response to the comment that we should “streamline the reporting as to reduce the burden to the oil and gas companies”, if we did not collect the information required in this subpart, BSEE would be unable to effectively carry out: The mandate of the OCS Lands Act, administer the offshore program, and promote and ensure the safety of the environment and personnel working on the OCS.

In response to the comment, “the oil and gas companies should only be required to report oil and gas production and operations to one office. This will reduce the reporting requirements and costs to the companies and those savings, should hopefully be passed upon to the consumers. Therefore, BSEE and BOEM should have one central point of contact to receive information from the oil and gas companies. Duplicative reporting should be avoided”. Our response, BSEE agrees that duplicative reporting should be avoided. There is no one central reporting location for both BSEE

and BOEM. However, BSEE works closely with BOEM to review the regulatory reporting requirements and to ensure there is no duplicative reporting. For more information on BSEE and BOEM individual reporting requirements refer to 30 CFR 250 and 550 respectively.

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.

Dated: November 19, 2015.

Robert W. Middleton,

Deputy Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2015-30883 Filed 12-7-15; 8:45 am]

BILLING CODE 4310-VH-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-392]

Bulk Manufacturer of Controlled Substances Application: Johnson Matthey Pharmaceutical Materials, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before February 8, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/OD/D, 8701 Morrisette Drive, Springfield, Virginia 22152. Request for hearing should be sent to: Drug Enforcement Administration, Attention: Hearing Clerk/LJ, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers,

importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (“Deputy Assistant Administrator”) pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on October 26, 2015, Johnson Matthey Pharmaceutical Materials, Inc., Pharmaceutical Service, 25 Patton Road, Devens, Massachusetts 01434 applied to be registered as a bulk manufacturer of the following basic classes controlled substances:

Controlled substance	Schedule
Amphetamine (1100)	II
Methylphenidate (1724)	II
Nabilone (7379)	II
Hydrocodone (9193)	II
Alfentanil (9737)	II
Remifentanil (9739)	II
Sufentanil (9740)	II

The company plans to utilize this facility to manufacture small quantities of the listed controlled substances in bulk and to conduct analytical testing in support of the company’s primary manufacturing facility in West Deptford, New Jersey. The controlled substances manufactured in bulk at this facility will be distributed to its customers.

Dated: November 30, 2015.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2015-30811 Filed 12-7-15; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-392]

Importer of Controlled Substances Registration: Cambrex Charles City

ACTION: Notice of registration.

SUMMARY: Cambrex Charles City applied to be registered as an importer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants Cambrex Charles City registration as an importer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated August 21, 2015, and published in the **Federal Register** on August 31, 2015, 80 FR 52510, Cambrex Charles City, 1205 11th Street, Charles City, Iowa 50616-3466 applied to be registered as an importer of certain basic

classes of controlled substances. Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007). No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of Cambrex Charles City to import the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company’s maintenance of effective controls against diversion by inspecting and testing the company’s physical security systems, verifying the company’s compliance with state and local laws, and reviewing the company’s background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above-named company is granted registration as an importer of the following basic classes of controlled substances:

Controlled substance	Schedule
4-Anilino-N-phenethyl-4-piperidine (ANPP) (8333).	II
Phenylacetone (8501)	II
Opium, raw (9600)	II
Poppy Straw Concentrate (9670)	II

The company plans to import the listed controlled substances for internal use, and to manufacture bulk intermediates for sale to its customers.

Dated: November 30, 2015.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2015-30813 Filed 12-7-15; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-392]

Importer of Controlled Substances Registration: Cody Laboratories, Inc.

ACTION: Notice of registration.

SUMMARY: Cody Laboratories, Inc. applied to be registered as an importer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants Cody Laboratories, Inc. registration as an importer of those controlled substances.

SUPPLEMENTARY INFORMATION:

By notice dated August 10, 2015, and published in the **Federal Register** on August 18, 2015, 80 FR 50032, Cody Laboratories, Inc., 601 Yellowstone Avenue, Cody, Wyoming 82414–9321 applied to be registered as an importer of certain basic classes of controlled substances. Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007). No comments or objections were submitted for this notice.

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of Cody Laboratories, Inc. to import the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above-named company is granted registration as an importer of the following basic classes of controlled substances:

Controlled substance	Schedule
Phenylacetone (8501)	II
Poppy Straw Concentrate (9670)	II
Tapentadol (9780)	II

The company plans to import narcotic raw materials for manufacturing and further distribution to its customers. The company is registered with the DEA as a manufacturer of several controlled substances that are manufactured from poppy straw concentrate.

The company plans to import an intermediate form of tapentadol (9780), to bulk manufacturer tapentadol for distribution to its customers.

Dated: November 30, 2015.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2015–30814 Filed 12–7–15; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: AMRI Rensselaer, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before February 8, 2016.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/OD/D, 8701 Morrisette Drive, Springfield, Virginia 22152. Request for hearing should be sent to: Drug Enforcement Administration, Attention: Hearing Clerk/LJ, 8701 Morrisette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION:

The Attorney General has delegated her authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (“Deputy Assistant Administrator”) pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on October 2, 2015, AMRI Rensselaer, Inc., 33 Riverside Avenue, Rensselaer, New York 12144 applied to be registered as a bulk manufacturer of the following basic classes controlled substances:

Controlled substance	Schedule
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Amphetamine (1100)	II
Lisdexamfetamine (1205)	II
Methylphenidate (1724)	II
Pentobarbital (2270)	II
4-Anilino-N-phenethyl-4-piperidine (ANPP) (8333)	II
Meperidine (9230)	II
Fentanyl (9801)	II

The company plans to manufacture bulk controlled substances for use in product development and for distribution to its customers.

In reference to drug code 7360 (marihuana), and 7370 (THC), the company plans to bulk manufacture these drugs as synthetic. No other activities for these drug codes are authorized for this registration.

Dated: November 30, 2015.

Louis J. Milione,

Deputy Assistant Administrator.

[FR Doc. 2015–30812 Filed 12–7–15; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under CERCLA

On November 20, 2015, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Oklahoma, in the lawsuit entitled *United States v. The Doe Run Resources Childress Royalty Corporation and NL Industries Inc., Case No. 4:15-cv-00663-CVE-TLW*.

Defendants leased property where mining operations took place at the Tar Creek Site. The proposed settlement resolves the United States' claims and the claims of the State of Oklahoma on behalf of the Oklahoma Department of Environmental Quality against The Doe Run Resources Corporation (“Doe Run”) and NL Industries Inc. (“NL”) under Section 107 of CERCLA for recovery of response costs incurred and to be incurred at the Site. Under the proposed Consent Decree, Doe Run will pay \$3,433,137 and NL will pay \$6,603,590 to resolve the United States' claims. Doe Run and NL will pay \$62,000 and \$225,000 respectively to resolve the claims of the State. In addition, the Settling Federal Agency (the Department of the Interior) is resolving its CERCLA liability at the Site by paying \$5.0 million.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America v. The Doe Run Resources Childress Royalty Corporation and NL Industries Inc., Case No. 4:15-cv-00663-CVE-TLW, D.J. Ref. No. 90–11–2–330/10*. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail	<i>pubcomment- ees.enrd@usdoj.gov.</i>
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: <http://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$16.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Thomas P. Carroll,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–30874 Filed 12–7–15; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (15–114)]

Privacy Act of 1974; Privacy Act System of Records

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of proposed revisions to an existing Privacy Act system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the National Aeronautics and Space Administration is issuing public notice of its proposal to modify a previously noticed system of records as set forth below under the caption **SUPPLEMENTARY INFORMATION**.

DATES: Submit comments within 30 calendar days from the date of this publication. The changes will take effect at the end of that period, if no adverse comments are received.

ADDRESSES: Patti F. Stockman, Privacy Act Officer, Office of the Chief Information Officer, National Aeronautics and Space Administration Headquarters, Washington, DC 20546–0001, (202) 358–4787, NASAPAOfficer@nasa.gov.

FOR FURTHER INFORMATION CONTACT: NASA Privacy Act Officer, Patti F.

Stockman, (202) 358–4787, NASAPAOfficer@nasa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, and as part of its biennial System of Records review, NASA proposes to modify its existing Standards of Conduct Counseling system of records. Specifically, the existing system of records, Standards of Conduct Counseling Case Files/NASA 10SCCF, is being modified to add a word to the SORN title, making it “Ethics Standards of Conduct Counseling Case Files;” clarify the Categories of Individuals on whom records are maintained; correct an Authority citation; add a Purpose section; update the System Manager and Safeguards sections; and provide minor refinements of Routine Uses and Retention and Disposal sections.

Renee P. Wynn,

NASA Chief Information Officer.

NASA 10SCCF (11–094, 76 FR 64115–64122)

SYSTEM NAME:

Ethics Standards of Conduct Counseling Case Files.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Locations 1 through 11 inclusive, and Location 18, as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system maintains information on current, former, and prospective NASA employees who have sought advice or have been counseled regarding conflict of interest rules and other Government ethics requirements for Federal employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Depending upon the nature of the problem, information collected may include employment history, financial data, and information concerning family members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

51 U.S.C. 20113(a); 44 U.S.C. 3101; 18 U.S.C. 201, 203, 205, 207–209; 5 U.S.C. 7324–7327; 5 U.S.C. Appendix; 14 CFR part 1207; 5 CFR parts 2634–2641; 5 CFR part 6901; and Executive Order 12674, as modified by Executive Order 12731.

PURPOSE:

Records in this system are used to enable ethics officials to render advice and legal determinations to NASA employees and detailees to assure

compliance with these acts and to preserve and promote the integrity of public officials and institutions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Any disclosures of information will be compatible with the purpose for which the Agency collected the information. Information from these records may be disclosed: (1) To the Office of Personnel Management, Office of Government Ethics, and Merit Systems Protection Board for investigation of possible violations of standards of conduct which the agencies directly oversee; and (2) in accordance with NASA standard routine uses for all of NASA’s systems of records as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are maintained in paper form in loose-leaf binders or file folders, and in electronic media, including NASA’s Ethics Program Tracking System (EPTS).

RETRIEVABILITY:

Records are retrieved from the system by name of individual.

SAFEGUARDS:

Non-electronic records are secured in locked rooms or locked file cabinets to which only persons authorized by the General Counsel, Agency Counsel for Ethics, or Center Chief Counsel have access. Electronic records are maintained on secure NASA servers and protected in accordance with all Federal standards and those established in NASA regulations at 14 CFR 1212.605 and applicable NASA policy. Additionally, the Agency employs infrastructure encryption technologies in data transmission between servers and data management environments therein.

RETENTION AND DISPOSAL:

Records are maintained in Agency files and destroyed in accordance with NASA Records Retention Schedules, Schedule 1, Item 133.

SYSTEM MANAGERS AND ADDRESSES:

System Manager: Agency Counsel for Ethics, General Law Practice Group, Location 1. Sub-system Managers: Chief Counsel, Locations 2 through 11, and Counsel to the Executive Director, Location 18, as set forth in Appendix A.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to the System Manager and must include employee's full name and NASA Center where employed.

CONTESTING RECORD PROCEDURES:

The NASA regulations and procedures for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 CFR part 1212.

RECORD SOURCE CATEGORIES:

Information collected directly from individual and from his/her official employment record.

[FR Doc. 2015-30865 Filed 12-7-15; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL SCIENCE FOUNDATION**Astronomy and Astrophysics Advisory Committee; Notice of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Astronomy and Astrophysics Advisory Committee (#13883).

Date and Time: January 28, 2016; 9:00 a.m.-5:00 p.m., January 29, 2016; 9:00 a.m.-12:00 p.m.

Place: NASA Goddard Space Flight Center, 8800 Greenbelt Rd., Building 34, Room W305, Greenbelt, MD 20771.

Type of Meeting: Open.

Contact Person: Dr. Jim Ulvestad, Division Director, Division of Astronomical Sciences, Suite 1045, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: 703-292-7165.

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation (NSF), the National Aeronautics and Space Administration (NASA) and the U.S. Department of Energy (DOE) on issues within the field of astronomy and astrophysics that are of mutual interest and concern to the agencies.

SUPPLEMENTARY INFORMATION:

The meeting will be open to the public up to the capacity of the room.

Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID to Security before access to the Goddard Space Flight Center. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: Full

name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Ms. Briana E. Horton, via email at briana.e.horton@nasa.gov or by fax at (301) 286-1714. U.S. citizens and Permanent Residents (green card holders) are requested to submit their name and affiliation 3 working days prior to the meeting to Briana Horton.

Agenda: To hear presentations of current programming by representatives from NSF, NASA, DOE and other agencies relevant to astronomy and astrophysics; to discuss current and potential areas of cooperation between the agencies; to formulate recommendations for continued and new areas of cooperation and mechanisms for achieving them.

Dated: December 3, 2015.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2015-30853 Filed 12-7-15; 8:45 am]

BILLING CODE 7555-01-P

NATIONAL SCIENCE FOUNDATION**Notice of Permits Issued Under the Antarctic Conservation Act of 1978**

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT:

Nature McGinn, ACA Permit Officer, Division of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Or by email: ACApermits@nsf.gov.

SUPPLEMENTARY INFORMATION: On September 22, 2015 the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on December 1, 2015 to: Stephanie Jenouvrier, Permit No. 2016-012.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2015-30827 Filed 12-7-15; 8:45 am]

BILLING CODE 7555-01-P

NATIONAL SCIENCE FOUNDATION**Notice of Permits Issued Under the Antarctic Conservation Act of 1978**

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT:

Nature McGinn, ACA Permit Officer, Division of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Or by email: ACApermits@nsf.gov.

SUPPLEMENTARY INFORMATION: On September 22, 2015 the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on December 1, 2015 to: Stephanie Jenouvrier, Permit No. 2016-011.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2015-30826 Filed 12-7-15; 8:45 am]

BILLING CODE 7555-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2015-0269]

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 November 10, 2015, to November 23, 2015. The last biweekly notice was published on November 24, 2015.

DATES: Comments must be filed by January 7, 2016. A request for a hearing must be filed February 8, 2016.

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–2015–0269. 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:

Sandra Figueroa, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1262, email: sandra.figueroa@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0269 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–2015–0269.

- *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–2015–0269, 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's 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 January 25, 2016.

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://](http://www.nrc.gov/site-help/e-submittals/getting-started.html)

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.

Arizona Public Service Company, et al., Docket Nos. STN 50-528, STN 50-529, and STN 50-530, Palo Verde Nuclear Generating Station, Units 1, 2, and 3, Maricopa County, Arizona

Date of amendment request: July 31, 2015. A publicly-available version is in ADAMS under Accession No. ML15218A300.

Description of amendment request: The amendments would revise the technical specifications (TSs) to permit the use of Risk-Informed Completion Times (RICTs) in accordance with Technical Specifications Task Force (TSTF) traveler TSTF-505-A, Revision 1, "Provide Risk-Informed Extended Completion Times—RITSTF [Risk-Informed TSTF] Initiative 4b."

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 permits the use of RICTs provided the associated risk is assessed and managed in accordance with the NRC-accepted RICT Program. The proposed use of RICTs does not involve a significant increase in the probability of an accident previously evaluated because the change only affects TS Conditions, Required Actions and CTs [Completion Times (CTs)] associated with risk informed technical specifications and does not involve changes to the plant, its modes of operation, or TS mode applicability. The proposed license amendment references regulatory commitments to achieve the baseline [probabilistic risk assessment (PRA)] risk metrics specified in the NRC model evaluation. The changes proposed by regulatory commitments will be

implemented under the requirements of 10 CFR 50.59 without the need for prior NRC approval. The proposed change does not increase the consequences of an accident because the accident mitigation functions of the affected systems, structures, or components (SSCs) are not changed.

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 or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change permits the use of RICTs provided the associated risk is assessed and managed in accordance with the NRC-accepted RICT Program. The proposed use of RICTs does not create the possibility of a new or different kind of accident from any accident previously evaluated because the change only affects TS Conditions, Required Actions and CTs associated with risk informed technical specifications. The proposed change does not involve a physical alteration of the plant and does not involve installation of new or different kind of equipment. The proposed license amendment references regulatory commitments to achieve the baseline PRA risk metrics specified in the NRC model evaluation. The changes proposed by regulatory commitments will be implemented under the requirements of 10 CFR 50.59 without the need for prior NRC approval. The proposed change does not alter the accident mitigation functions of the affected SSCs and does not introduce new or different SSC failure modes than already 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.

The proposed change permits the use of RICTs provided the risk levels associated with inoperable equipment within the scope of the RICT program are assessed and managed in accordance with the NRC approved RICT Program. The proposed change implements a risk-informed Configuration Risk Management Program (CRMP) to assure that adequate margins of safety are maintained. Application of these new specifications and the CRMP considers cumulative effects of multiple systems or components being out of service and does so more effectively than the current TS. In this regard, the implementation of the CRMP is considered an improvement in 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 that review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Attorney for licensee: Michael G. Green, Senior Regulatory Counsel, Pinnacle West Capital Corporation, P.O. Box 52034, Mail Station 8695, Phoenix, Arizona 85072-2034.

NRC Branch Chief: Robert J. Pascarelli.

Arizona Public Service Company, et al., Docket Nos. STN 50-528, STN 50-529, and STN 50-530, Palo Verde Nuclear Generating Station, Units 1, 2, and 3, Maricopa County, Arizona

Date of amendment request: October 9, 2015. A publicly-available version is in ADAMS under Accession No. ML15293A335.

Description of amendment request: The amendments would revise the emergency action levels from a scheme based on Nuclear Energy Institute (NEI) 99-01, Revision 5, "Methodology for Development of Emergency Action Levels," to a scheme provided in the subsequent Revision 6 of NEI 99-01.

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 to the Palo Verde Nuclear Generating Station (PVNGS) emergency action levels (EALs) do not impact the physical function of plant structures, systems, or components (SSC) or the manner in which SSCs perform their design function. The proposed changes neither adversely affect accident initiators or precursors, nor alter design assumptions. The proposed changes do not alter or prevent the ability of SSCs to perform their intended function to mitigate the consequences of an initiating event within assumed acceptance limits. No operating procedures or administrative controls that function to prevent or mitigate accidents are affected by the proposed changes.

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 or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not involve a physical alteration of the plant (*i.e.*, no new or different type of equipment will be installed, modified, or removed) or a change in the method of plant operation. The proposed changes will not introduce failure modes that could result in a new accident, and the change does not alter assumptions made in the safety analysis. The proposed changes to the PVNGS emergency action levels are not initiators of any accidents.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from accidents previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is associated with 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 do not impact operation of the plant or its response to transients or accidents. The changes do not affect the Technical Specifications or the operating license. The proposed changes do not involve a change in the method of plant operation, and no accident analyses will be affected by the proposed changes.

Additionally, the proposed changes will not relax any criteria used to establish safety limits and will not relax any safety system settings. The safety analysis acceptance criteria are not affected by these changes. The proposed changes will not result in plant operation in a configuration outside the design basis. The proposed changes do not adversely affect systems that respond to safely shut down the plant and to maintain the plant in a safe shutdown condition. The Emergency Plan will continue to activate an emergency response commensurate with the extent of degradation of plant safety.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on that review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Attorney for licensee: Michael G. Green, Senior Regulatory Counsel, Pinnacle West Capital Corporation, P.O. Box 52034, Mail Station 8695, Phoenix, Arizona 85072-2034.

NRC Branch Chief: Robert J. Pascarelli.

Dominion Nuclear Connecticut, Inc., Docket No. 50-336, Millstone Power Station, Unit No. 2 (MPS2), New London County, Connecticut

Date of amendment request: September 1, 2015. A publicly-available version is in ADAMS under Accession No. ML15253A205.

Description of amendment request: The amendment would revise Technical Specification (TS) 6.9.1.8.b, "Core Operating Limits Report," to add Framatome-ANP (AREVA) topical reports EMF-2328(P)(A), Supplement 1, "PWR [pressurized water reactor] Small Break LOCA [loss of coolant accident] Evaluation Model, S-RELAP5 Based," and EMF-92-116(P)(A), Supplement 1, "Generic Mechanical Design Criteria for

PWR Fuel Designs,” for referencing as analytical methods used to determine MPS2 core operating 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 [amendment] involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to TS 6.9.1.8.b permit the use of the recent supplements to the appropriate methodologies to analyze accidents to ensure that the plant continues to meet applicable design criteria and safety analysis acceptance criteria. The proposed changes to the list of NRC-approved methodologies listed in TS 6.9.1.8.b has no impact on plant operation and configuration. The list of methodologies in TS 6.9.1.8.b does not impact either the initiation of an accident or the mitigation of its consequences.

The revised [small-break loss-of-coolant accident (SBLOCA)] analysis demonstrates [Millstone Power Station, Unit 2 (MPS2)] continues to satisfy the 10 CFR 50.46 ECCS [emergency core cooling system] performance acceptance criteria using an NRC-approved evaluation model.

Therefore, the proposed change 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 previously evaluated?

Response: No.

The proposed changes have no impact on any plant configuration or system performance. There is no change to the design function or operation of the plant. The proposed changes will not create the possibility of a new or different accident due to credible new failure mechanisms, malfunctions, or accident initiators not previously considered. There is no change to the parameters within which the plant is normally operated, and thus, the possibility of a new or different type of accident is not created.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from those previously evaluated within the [final safety analysis report (FSAR)].

3. Does the proposed [amendment] involve a significant reduction in a margin of safety?

Response: No.

The proposed changes have no impact on any plant configuration or system performance. Approved methodologies will be used to ensure that the plant continues to meet applicable design criteria and safety analysis acceptance criteria.

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: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar Street, RS-2, Richmond, VA 23219.

Acting NRC Branch Chief: Travis L. Tate.

Duke Energy Progress Inc., Docket No. 50-400, Shearon Harris Nuclear Power Plant, Unit 1, New Hill, North Carolina

Date of amendment request: August 18, 2015, as supplemented by letter dated September 29, 2015. Publicly-available versions are in ADAMS under Accession Nos. ML15236A265 and ML15272A443, respectively.

Description of amendment request: The amendment would revise the Shearon Harris Nuclear Power Plant, Unit 1 Technical Specifications (TSs) by relocating specific surveillance frequencies to a licensee-controlled program with the implementation of Nuclear Energy Institute (NEI) 04-10, “Risk-Informed Technical Specifications Initiative 5b, Risk-Informed Method for Control of Surveillance Frequencies.” Additionally, the change would add a new program, the Surveillance Frequency Control Program, to TS Section 6, “Administrative Controls.” The changes are consistent with the NRC-approved Technical Specification Task Force (TSTF) Improved Standard Technical Specifications Change Traveler (TSTF)-425, Revision 3, “Relocate Surveillance Frequencies to Licensee Control—RITSTF [Risk-Informed Technical Specification Task Force] Initiative 5b.”

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 any accident previously evaluated?

Response: No.

The proposed change relocates the specified frequencies for periodic surveillance requirements to licensee control under a new Surveillance Frequency Control Program. Surveillance frequencies are not an initiator to any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The systems and components required by the technical specifications for which the surveillance

frequencies are relocated are still required to be operable, meet the acceptance criteria for the surveillance requirements, and be capable of performing any mitigation function assumed in the accident analysis.

As a result, the consequences of any accident previously evaluated are not significantly increased.

2. Does the proposed change create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

No new or different accidents result from utilizing the proposed change. The changes do not involve a physical alteration of the plant (*i.e.*, no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the changes do not impose any new or different requirements. The changes do not alter assumptions made in the safety analysis. The proposed changes are consistent with the safety analysis assumptions and current plant operating practice.

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 the margin of safety?

Response: No.

The design, operation, testing methods, and acceptance criteria for systems, structures, and components (SSCs), specified in applicable codes and standards (or alternatives approved for use by the NRC) will continue to be met as described in the plant licensing basis (including the final safety analysis report and bases to TS), since these are not affected by changes to the surveillance frequencies. Similarly, there is no impact to safety analysis acceptance criteria as described in the plant licensing basis. To evaluate a change in the relocated surveillance frequency, Duke Energy will perform a probabilistic risk evaluation using the guidance contained in NRC approved NEI 04-10, Revision 1, in accordance with the TS Surveillance Frequency Control Program. NEI 04-10, Revision 1, methodology provides reasonable acceptance guidelines and methods for evaluating the risk increase of proposed changes to surveillance frequencies consistent with Regulatory Guide 1.177.

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: Lara S. Nichols, Deputy General Counsel, Duke Energy Corporation, 550 South Tryon Street, Mail Code DEC45A, Charlotte, NC 28202.

NRC Branch Chief: Benjamin G. Beasley.

Exelon Generation Company, LLC, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Units 1 and 2, Calvert County, Maryland

Exelon Generation Company, LLC, Docket No. 72–8, Calvert Cliffs Independent Spent Fuel Storage Installation, Calvert County, Maryland

Exelon Generation Company, LLC, Docket Nos. 50–220 and 50–410, Nine Mile Point Nuclear Station, Units 1 and 2, Oswego County, New York

Exelon Generation Company, LLC, Docket No. 50–244, R. E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: July 29, 2015, as supplemented by letter dated November 4, 2015. A publicly-available version is in ADAMS under Accession Nos. ML15210A314 and ML15309A131, respectively.

Description of amendment request: The proposed change would revise the Emergency Response Organization (ERO) requalification training frequency for the affected facilities.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Exelon has evaluated the proposed change to the affected sites' Emergency Plans and determined that the change does not involve a Significant Hazards Consideration. In support of this determination, an evaluation of each of the three (3) standards, set forth in 10 CFR 50.92, "Issuance of amendment," is provided below.

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change does not increase the probability or consequences of an accident. The proposed change does not involve the modification of any plant equipment or affect plant operation. The proposed change will have no impact on any safety-related Structures, Systems, or Components. The proposed change only affects the administrative aspects of the annual ERO requalification training frequency requirements and not the content of the training.

The proposed change would revise the ERO requalification frequency from an annual basis to once per calendar year not to exceed 18 months between training sessions as defined in the Exelon Nuclear Radiological Emergency Plans for the affected plants. The proposed change would align the Exelon fleet under one standard regarding the annual requalification training frequency of personnel assigned Exelon ERO positions.

Therefore, the proposed change to the Emergency Plan requalification training frequency for the affected sites does not

involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change has no impact on the design, function, or operation of any plant systems, structures, or components. The proposed change does not affect plant equipment or accident analyses. The proposed change only affects the administration aspects of the annual emergency response organization requalification training frequency requirements. There are no changes in the content of the training being proposed. The proposed change is to align the Exelon fleet under one standard regarding the annual requalification training frequency of personnel assigned Exelon ERO positions.

Therefore, the proposed change to the Emergency Plan requalification training frequency for the affected sites does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change does not adversely affect existing plant safety margins or the reliability of the equipment assumed to operate in the safety analyses. There is no change being made to safety analysis assumptions, safety limits, or limiting safety system settings that would adversely affect plant safety as a result of the proposed change. Margins of safety are unaffected by the proposed change to the frequency in the ERO requalification training requirements. The proposed change only affects the administrative aspects of the annual ERO requalification training frequency requirements and does not change the training content.

Therefore, the proposed change to the Emergency Plan requalification training frequency for the affected sites 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 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.

Acting NRC Branch Chief: Justin C. Poole.

Exelon Generation Company, LLC, and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units 2 and 3, York and Lancaster Counties, Pennsylvania

Date of amendment request: October 2, 2015. A publicly-available version is in ADAMS under Accession No. ML15275A265.

Description of amendment request: The proposed amendments would: (1) Revise the allowable test pressure band for the technical specification (TS) surveillance requirement (SR) pump flow testing of the high pressure coolant injection (HPCI) system and the reactor core isolation (RCIC) system; (2) revise the surveillance frequency requirements for verifying the sodium pentaborate enrichment of the standby liquid control (SLC) system; and (3) delete SRs associated with verifying the manual transfer capability of the normal and alternate power supplies for certain motor-operated valves associated with the suppression pool spray (SPS) and drywell spray (DWS) sub-systems of the residual heat removal (RHR) system.

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. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes for testing the HPCI System and the RCIC System at a lower pressure value do not affect the ability of the systems to perform their design functions. Testing at a lower pressure prevents unnecessary reactivity and reactor pressure perturbations and is considered to be conservative with respect to proving operability of these systems.

The revision to the SLC system SR 3.1.7.10 and deletion of the SPS and DWS sub-system SRs 3.6.2.4.3 and 3.6.2.5.3 do not affect the ability of these systems to perform their design functions. These proposed changes are administrative in nature and have no effect on plant operation.

The proposed changes do not adversely affect plant operations, design functions or analyses that verify the capability of systems, structures and components to perform their design functions. Performances of the involved SRs are not initiators of any accident previously evaluated.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes for testing the HPCI System and the RCIC System at a lower pressure value do not alter the system design, create new failure modes, or change any modes of operation. The proposed changes do not involve a physical alteration of the plant; and no new or different kind of equipment will be installed.

The revision to the SLC system SR 3.1.7.10 and deletion of the SPS and DWS sub-system SRs 3.6.2.4.3 and 3.6.2.5.3 are administrative in nature and have no effect on plant operation. These proposed changes do not alter the physical design, safety limits, or safety analysis assumptions associated with the operation of the plant.

These proposed changes do not introduce any new accident initiators, nor do they reduce or adversely affect the capabilities of any plant system, structure, or component to perform their safety function.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

The proposed changes for testing the HPCI System and the RCIC System at a lower pressure value do not affect the ability of the systems to perform their design functions. Testing at a lower pressure prevents unnecessary reactivity and reactor pressure perturbations and is considered to be conservative with respect to proving operability of these systems. The revision to the SLC system SR 3.1.7.1 O and deletion of the SPS and DWS sub-system SRs 3.6.2.4.3 and 3.6.2.5.3 are administrative in nature and have no effect on plant operation. The HPCI, RCIC, SLC and RHR systems will continue to be demonstrated OPERABLE by performance of the revised and retained SRs. The proposed changes conform to NRC regulatory requirements regarding the content of plant TS.

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: J. Bradley Fewell, Esquire, Vice President and Deputy General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Douglas A. Broadus.

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: November 4, 2015. A publicly-available

version is in ADAMS under Accession No. ML15288A549.

Description of amendment request: The proposed change, if approved, to depart from certified AP1000 Tier 1 information and from the plant-specific Tier 2 Updated Final Safety Analysis Report (UFSAR) information by reconfiguring the signal processing in the two processor cabinets currently planned for the Annex Building and relocating the cabinets to the Auxiliary Building. The proposed changes also change the hardware and reduce the number of functions of the cabinet as well as changing the power supply to one backed by separate diesel generators.

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 to the design of the diverse actuation system (DAS) conform to the DAS fire-induced spurious actuation (smart fire) of the squib valves and single point failure criteria. The DAS is a nonsafety-related diverse backup to the safety-related protection and safety monitoring system (PMS). The proposed changes do not involve any accident initiating component/system failure or event, thus the probabilities of the accidents previously evaluated are not affected. The affected equipment does not adversely affect or interact with safety-related equipment or a radioactive material barrier, and this activity does not involve the containment of radioactive material. Thus, the proposed changes would not affect any safety-related accident mitigating function. The radioactive material source terms and release paths used in the safety analyses are unchanged, thus the radiological releases in the Updated Final Safety Analysis Report (UFSAR) accident analyses are 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 amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes to the design of the DAS do not alter the performance of the DAS as a nonsafety-related diverse backup to the PMS. The new configuration within two independent and separate processor cabinets located in the Auxiliary Building do not adversely affect any safety-related equipment or function, therefore no new accident initiator or failure mode is created. The changes to provide independent power supplies to the separate processor cabinets do

not have any impact on any safety-related equipment or function, and no new accident or failure mode is created. The proposed changes do not create a new fault or sequence of events that could lead to a radioactive release. The changes do not adversely affect any safety-related equipment or structure. 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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes to the design of the DAS do not affect any safety-related equipment or function. The proposed changes do not have any adverse effect on the ability of safety-related structures, systems, or components to perform their design basis functions. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, thus no margin of safety is reduced. Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the 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. 52-025 and 52-026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: October 15, 2015. A publicly-available version is in ADAMS under Accession No. ML15288A549.

Description of amendment request: The amendment request proposes changes to the Diverse Actuation System (DAS) control cabinets. Because, this proposed change requires a departure from Tier 1 information in the Westinghouse Advanced Passive 1000 Design Control Document (DCD), the licensee also requested an exemption from the requirements of the Generic DCD Tier 1 in accordance with 10 CFR 52.63(b)(1).

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 to the design of the diverse actuation system (DAS) conform to the DAS fire-induced spurious actuation (smart fire) of the squib valves and single point failure criteria. The DAS is a nonsafety-related diverse backup to the safety-related protection and safety monitoring system (PMS). The proposed changes do not involve any accident initiation component/system failure or event, thus the probabilities of the accidents previously evaluated are not affected. The affected equipment does not adversely affect or interact with safety-related equipment or a radioactive material barrier, and this activity does not involve the containment of radioactive material. Thus, the proposed changes would not affect any safety-related accident mitigating function. The radioactive material source terms and release paths used in the safety analyses are unchanged, thus the radiological releases in the Updated Final Safety Analysis Report (UFSAR) accident analyses 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 proposed changes to the design of the DAS do not alter the performance of the DAS as a nonsafety-related diverse backup to the PMS. The new configuration within two independent and separate processor cabinets located in the Auxiliary Building do not adversely affect any safety-related equipment or function, therefore no new accident initiator or failure mode is created. The changes to provide independent power supplies to the separate processor cabinets do not have any impact any safety-related equipment or function, and no new accident or failure mode is created. The proposed changes do not create a new fault or sequence of events that could lead to a radioactive release. The changes do not adversely affect any safety-related equipment or structure.

Therefore, the proposed changes does 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.

The proposed changes to the design of the DAS do not affect any safety-related equipment or function. The proposed changes do not have any adverse effect on the ability of safety-related structures, systems, or components to perform their design basis functions. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, thus no margin of safety is reduced.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three

standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Lawrence Burkhardt.

III. 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.

Entergy Nuclear Operations, Inc., Docket No. 50–255, Palisades Nuclear Plant, Van Buren County, Michigan

Date of application for amendment: July 29, 2014, as supplemented by

letters dated February 13, April 1, and August 14, 2015.

Brief description of amendment: The amendment revised Renewed Facility Operating License No. DPR–20 and approved the request to implement 10 CFR 50.61a, "Alternate fracture toughness requirements for protection against pressurized thermal shock events."

Date of issuance: November 23, 2015.

Effective date: As of the date of issuance and shall be implemented within 120 days.

Amendment No.: 257. A publicly-available version is in ADAMS under Accession No. ML15209A791; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–20: Amendment revised the Renewed Facility Operating License.

Date of initial notice in Federal Register: September 30, 2014 (79 FR 58814). The supplemental letters dated February 13, April 1, and August 14, 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 the amendment is contained in a Safety Evaluation dated November 23, 2015.

No significant hazards consideration comments received: Yes. The Safety Evaluation dated November 23, 2015, provides the discussion of the comments received from Beyond Nuclear.

Entergy Nuclear Operations, Inc., Docket No. 50–255, Palisades Nuclear Plant, Van Buren County, Michigan

Date of application for amendment: November 12, 2014, as supplemented by letter dated January 28, 2015.

Brief description of amendment: The amendment approved the licensee's proposed revisions to information in the Final Safety Analysis Report regarding the reactor pressure vessel (RPV) Charpy upper-shelf energy (USE) requirements in part 50, "Domestic Licensing of Production and Utilization Facilities," appendix G, "Fracture Toughness Requirements," IV.A.1. The change updates the analysis for satisfying the RPV Charpy USE requirements through the end of the renewed operating license.

Date of issuance: November 23, 2015.

Effective date: As of the date of issuance.

Amendment No.: 258. A publicly-available version is in ADAMS under Accession No. ML15106A682; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR-20: Amendment revised the Renewed Facility Operating License.

Date of initial notice in Federal Register: January 6, 2015 (80 FR 523). The supplemental letter dated January 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 NRC 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 November 23, 2015.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: July 2, 2015, as supplemented by letters dated August 14, September 23, and October 8, 2015.

Brief description of amendment: The amendment revised the limiting condition for operation of Technical Specification 3.1.3.4 to increase the maximum individual control element assembly (CEA) drop time from the fully withdrawn position to 90 percent inserted from less than or equal to 3.2 seconds to less than or equal to 3.5 seconds and increase the maximum arithmetic average of all CEA drop times from less than or equal to 3.0 seconds to less than or equal to 3.2 seconds. The licensee also proposed to update the Final Safety Analysis Report to account for the CEA drop times increase.

Date of issuance: November 13, 2015.

Effective date: As of the date of issuance and shall be implemented 60 days from the date of issuance.

Amendment No.: 246. A publicly-available version is in ADAMS under Accession No. ML15289A143; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF-38: The amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in Federal Register: September 8, 2015 (80 FR 53892). The supplements dated September 23, and October 8, 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 November 13, 2015.

No significant hazards consideration comments received: Yes. The comments received on Amendment No. 246 are addressed in the Safety Evaluation dated November 13, 2015.

Exelon Generation Company, LLC, Docket No. 50-373 and 50-374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Date of amendment request: July 12, 2012, as supplemented by letters dated September 17, 2012, January 18, 2013, February 11, 2013, October 4, 2013, December 4, 2014, and April 15, 2015.

Brief description of amendment: The amendment adds a new action statement to Technical Specification 3.7.3, requiring performance of Surveillance Requirement (SR) 3.7.3.1 once per hour if Core Standby Cooling System Pond temperature is ≥ 101 °F, and also modifies the temperature limit specified in SR 3.7.3.1 from " ≤ 101.25 °F" to "within the limits of Figure 3.7.3-1," newly added by this amendment.

Date of issuance: November 19, 2015.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 218 and 204. A publicly-available version is in ADAMS under Accession No. ML15202A578; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF-11 and NPF-18: Amendment revised the Facility Operating Licenses and Technical Specifications.

Date of initial notice in Federal Register: August 5, 2014 (79 FR 45489).

The supplemental letters dated December 4, 2014, and April 15, 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 November 19, 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 application for amendments: November 13, 2014.

Brief description of amendments: The amendments revised Technical Specification (TS) 3/4.5.2, "ECCS [Emergency Core Cooling System] Subsystems— T_{avg} [average temperature] Greater Than or Equal to 350 °F [degrees Fahrenheit]," to correct non-conservative TS requirements. The amendments also made editorial changes to the TSs.

Date of issuance: November 9, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 267 and 262. The amendments are available in ADAMS under Accession No. ML15294A443; documents related to these amendments are listed in the Safety Evaluation (SE) enclosed with the amendments.

Renewed Facility Operating License Nos. DPR-31 and DPR-41: Amendments revised the TSs.

Date of initial notice in Federal Register: March 3, 2015 (80 FR 11478).

The Commission's related evaluation of the amendments is contained in an SE dated November 9, 2015.

No significant hazards consideration comments received: No.

Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: November 25, 2014. A redacted version was provided by letter dated April 20, 2015.

Brief description of amendment: The amendment revised the Cyber Security Plan Implementation Milestone 8 completion date and the physical protection license condition.

Date of issuance: November 19, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment No.: 284. A publicly-available version is in ADAMS under Accession No. ML15294A279; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR-40: The amendment revised the Operating License.

Date of initial notice in Federal Register: July 7, 2015 (80 FR 38775).

The Commission's related evaluation of the amendment is contained in a safety evaluation dated November 19, 2015.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 27th day of November 2015.

For the Nuclear Regulatory Commission.

Anne T. Boland,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015-30680 Filed 12-7-15; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-250-LA and 50-251-LA
ASLBP No. 15-935-02-LA-BD01]

Atomic Safety and Licensing Board; In the Matter of Florida Power & Light Company (Turkey Point Nuclear Generating, Units 3 and 4)

December 2, 2015.

Before Administrative Judges:

Michael M. Gibson, Chairman

Dr. Michael F. Kennedy

Dr. William W. Sager

Notice of Hearing

The Atomic Safety and Licensing Board hereby gives notice that it will convene an evidentiary hearing on January 11, 2016, to receive testimony and exhibits regarding license amendments issued to Florida Power & Light Company (FPL) that increase the temperature limit for the cooling canals at Turkey Point Nuclear Generating Units 3 and 4, located near Homestead, Florida.¹ The hearing will begin at 9:30 a.m. EST on January 11, 2016, at the Hampton Inn & Suites in Miami South/Homestead, and continue from day-to-day until completed. The Board also hereby gives notice that it will accept written limited appearance statements from members of the public regarding the license amendment.

I. Background

This proceeding concerns the cooling canal system (CCS) at Turkey Point Units 3 and 4, which provides a heat sink for the plant's safety systems.² In the CCS, heated water discharged from the plant flows over a 13-mile loop before returning to the plant for recirculation for cooling purposes.³ The technical specifications set during the 2002 license renewal establish a water

temperature limit of 100 degrees Fahrenheit, as measured at the point of intake back into the plant.⁴ Should FPL exceed the temperature limit, Units 3 and 4 would be required to undergo a dual unit shutdown.⁵

The cooling canals approached the water temperature limit in July 2014, leading FPL to request license amendments to raise the limit to 104 degrees Fahrenheit.⁶ The Nuclear Regulatory Commission (NRC) granted the license amendments on August 8, 2014, and published a notice in the *Federal Register* informing the public of the opportunity to request a hearing concerning the license amendments.⁷ In response, Citizens Allied for Safe Energy, Inc. (CASE), filed a petition to intervene and proffered four contentions challenging the license amendments.⁸ This Board was established on October 21, 2014, to preside over this proceeding,⁹ and heard oral argument regarding the admissibility of CASE's four proffered contentions on January 14, 2015, in Homestead, Florida.¹⁰

On March 23, 2015, the Board granted CASE's hearing request and admitted one of its four proffered contentions.¹¹ The admitted contention states:

The NRC's environmental assessment, in support of its finding of no significant impact related to the 2014 Turkey Point Units 3 and 4 license amendments, does not adequately address the impact of increased temperature and salinity in the CCS on saltwater intrusion arising from (1) migration out of the CCS; and (2) the withdrawal of fresh water from surrounding aquifers to mitigate conditions within the CCS.¹²

After admitting this contention, the Board ruled that the procedures of Subpart L will be used for this proceeding.¹³ The parties to this

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* at 44,465; see Letter from Michael Kiley, Vice President, FPL, to NRC, License Amendment Request No. 231, Application to Revise Technical Specifications to Revise Ultimate Heat Sink Temperature Limit (July 10, 2014) (ADAMS Accession No. ML14196A006).

⁷ 79 FR 44,466; see Letter from Audrey Klett, Project Manager, NRC to Mano Nazar, President and Chief Nuclear Officer, NextEra Energy, Turkey Point Nuclear Generating Units Nos. 3 and 4—Issuance of Amendments under Exigent Circumstances Regarding Ultimate Heat Sink and Component Cooling Water Technical Specifications (Aug. 8, 2014) (ADAMS Accession No. ML14199A107).

⁸ See Citizens Allied for Safe Energy, Inc. Petition to Intervene and Request for a Hearing (Oct. 14, 2014).

⁹ Florida Power & Light Company: Establishment of Atomic Safety and Licensing Board, 79 FR 64,840, 64,840 (Oct. 31, 2014).

¹⁰ Tr. at 1-210.

¹¹ LBP-15-13, 81 NRC 456, 476 (2015).

¹² *Id.*

¹³ See Licensing Board Initial Scheduling Order (May 8, 2015) at 2 (unpublished).

proceeding (CASE, FPL, and the NRC Staff) have filed written testimony and exhibits on the merits of this admitted contention, which will be the sole matter under consideration at the evidentiary hearing.

II. Hearing Date, Time, and Location

The evidentiary hearing will commence on Monday, January 11, 2016, at 9:30 a.m. EST and continue through Tuesday, January 12, 2016, at 5:00 p.m. EST, unless the Board concludes the hearing earlier. The evidentiary hearing will take place at the: Hampton Inn & Suites—Miami South/Homestead, 2855 NE 9th Street, Homestead, Florida 33033.

Members of the public and the media are welcome to attend and observe the evidentiary hearing, which will involve technical, scientific, and legal questions and testimony. Participation in the hearing, however, will be limited to the parties, their representatives, and their witnesses. Please be aware that security measures will be employed at the entrance to the hearing location, including searches of hand-carried items such as briefcases, backpacks, or purses. In accordance with NRC policy, no signs, banners, posters, or other displays will be permitted inside the hearing room.¹⁴ The rules and policies regarding the possession of weapons in United States Courthouses and United States Federal Buildings in the State of Florida shall apply to all proceedings conducted in Florida by the Atomic Safety and Licensing Board of the U.S. Nuclear Regulatory Commission.¹⁵ No firearms or other weapons are allowed in the hearing room. This policy does not apply to federal, state, or local law enforcement personnel while in the performance of their official duties.

III. Limited Appearance Statements

As provided in 10 CFR 2.315(a), any person (other than a party or the representative of a party to this proceeding) may submit a written statement, known as a limited appearance statement, setting forth a position on matters of concern related to this proceeding.

Although these statements are not considered testimony or evidence, and are not made under oath, they nonetheless may assist the Board or the parties in considering the issues in this proceeding.¹⁶ Anyone who submits a limited appearance statement, however, should be aware that the jurisdiction of

¹⁴ See Procedures for Providing Security Support for NRC Public Meetings/Hearings, 66 FR 31,719 (June 12, 2001).

¹⁵ See 18 U.S.C. § 930.

¹⁶ 10 CFR 2.315(a).

¹ See License Amendment; Issuance, Opportunity to Request a Hearing, and Petition for Leave to Intervene, 79 FR 47,689, 47,690 (Aug. 14, 2014); Environmental Assessment and Final Finding of No Significant Impact, Issuance, 79 FR 44,464, 44,466 (July 31, 2014).

² 79 FR 44,466.

³ *Id.*

this Board and the scope of this proceeding are limited solely to the license amendments described above, and, more particularly, to the specific issues described in the admitted contention.

Written limited appearance statements must be submitted by January 15, 2016, and should be sent by mail, fax, or email to both the Office of the Secretary and the Chairman of this Licensing Board:

Office of the Secretary

Mail: Office of the Secretary, Rulemakings and Adjudications Staff, U.S. Nuclear Regulatory Commission Washington, DC 20555-0001.

Fax: (301) 415-1101 (verification (301) 415-1966).

Email: hearingdocket@nrc.gov.

Chairman of the Licensing Board

Mail: Administrative Judge Michael M. Gibson, Chairman, c/o Nicole Pepperl & Jennifer Scro, Board Law Clerks, Mail Stop T-3F23, U.S. Nuclear Regulatory Commission Washington, DC 20555-0001.

Fax: (301) 415-5599 (verification (301) 415-4128).

Email: Nicole.Pepperl@nrc.gov & Jennifer.Scro@nrc.gov.

IV. Document Availability

Documents relating to this proceeding are available for public inspection, physically at the NRC's Public Document Room or electronically from the publicly available records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at www.nrc.gov/reading-rm/adams.html. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS may contact the NRC Public Document Room reference staff by telephone at (800) 397-4209 or (301) 415-4737, or by email to pdr@nrc.gov. Reference staff are available Monday through Friday between 8:00 a.m. and 4:00 p.m. ET, except federal holidays.

It is so ordered.

For the Atomic Safety and Licensing Board.

Dated: December 2, 2015.

Michael M. Gibson,
Chairman, Administrative Judge.

[FR Doc. 2015-30885 Filed 12-7-15; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2015-0260]

Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; opportunity to comment, request a hearing, and petition for leave to intervene; order.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of one amendment request. The amendment request is for Duane Arnold Energy Center. The NRC proposes to determine that the amendment request involves no significant hazards consideration. In addition, the amendment request contains sensitive unclassified non-safeguards information (SUNSI).

DATES: Comments must be filed by January 7, 2016. A request for a hearing must be filed by February 8, 2016. Any potential party as defined in § 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to SUNSI is necessary to respond to this notice must request document access by December 18, 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-2015-0260. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: Carol.Gallagher@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- Mail comments to: Cindy Bladey, Office of Administration, Mail Stop: OWFN-12-H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Mable Henderson, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-3760, email: Mable.Henderson@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2015-0260 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-2015-0260.

- 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-2015-0260, 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. Background

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the NRC is publishing this 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 notice includes notices of an amendment containing SUNSI.

III. Notice 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 Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, 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 a notice of issuance in the **Federal Register**. 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 February 8, 2016. 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 February 8, 2016.

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.

For further details with respect to the license amendment application, see the application for amendment which is available for public inspection at the NRC's PDR. For additional direction on obtaining information related to this document, see the "Obtaining Information and Submitting Comments," section of this document.

NextEra Energy Duane Arnold, LLC, Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: July 30, 2015. A publicly-available version is in

ADAMS under Accession No. ML15253A328.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The amendment would revise Technical Specifications 1.1, "Definitions," 3.4.9, "RCS Pressure and Temperature (P/T) Limits," and 5.6, "Reporting Requirements," by replacing the existing reactor vessel heatup and cooldown rate limits and the pressure and temperature (P-T) limit curves with references to a Pressure and Temperature Limits Report (PTLR).

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 modify the TS by replacing the reactor coolant system (RCS) pressure and temperature (P-T) limit curves with references to the Pressure and Temperature Limits Report (PTLR). The requested amendment would also adopt Licensing Topical Report (LTR) BWROG-TP-11-022, Revision 1, "Pressure-Temperature Limits Report Methodology for Boiling Water Reactors," for the preparation of new DAEC P-T curves developed for all plant conditions at 54 effective full power years (EFPY). 10 CFR 50 Appendix G establishes requirements to protect the integrity of the reactor coolant pressure boundary (RCPB) in nuclear power plants. Implementing the NRC-approved methodology for calculating P-T curves and relocating those P-T curves from the TS to the PTLR provide an equivalent level of assurance that RCPB integrity will be maintained as specified in 10 CFR 50 Appendix G.

The proposed changes do 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 changes do not require any physical change to any plant SSCs nor do they require any change in systems or plant operations. The proposed changes are consistent with the safety analysis assumptions and resultant consequences.

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 do not involve a physical alteration of the plant (*i.e.*, no new or different type of equipment will be

installed) or a change in the methods governing normal plant operation. No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of the proposed changes.

The proposed changes do not introduce any new accident precursors, nor do they impose any new or different requirements or eliminate any existing requirements. RCPB integrity will continue to be maintained in accordance with 10 CFR 50 Appendix G; therefore, the assumed accident performance of plant structures, systems and components will not be affected. The proposed changes do not alter assumptions made in the safety analysis.

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 changes do not affect the function of the RCPB or its response during plant transients. By calculating the P-T curves using NRG-approved methodology, adequate margins of safety relating to RCPB integrity are maintained. The proposed changes do not alter the manner in which the safety limits are determined. There are no changes to setpoints at which protective actions are initiated. The operability requirements for equipment assumed to operate for accident mitigation are not affected.

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. William Blair, P.O. Box 14000, Juno Beach, Florida 33408-0420.

NRC Branch Chief: David L. Pelton.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

NextEra Energy Duane Arnold, LLC, Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing SUNSI.

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to

SUNSI is necessary to respond to this notice may request such access. A “potential party” is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requester shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are Hearing.Docket@nrc.gov and OGCmailcenter@nrc.gov, respectively.¹ The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party’s particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requester’s basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly-available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine

within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order² setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after the requestor is granted access to that information. However, if more than 25 days remain between the date the petitioner is granted access to the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline. This provision does not extend the time for filing a request for a hearing and petition to intervene, which must comply with the requirements of 10 CFR 2.309.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and need for access, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requester may challenge the NRC staff’s adverse determination by filing a challenge within 5 days of

receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) officer if that officer has been designated to rule on information access issues.

H. Review of Grants of Access. A party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm that party’s interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.³

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 20th day of November, 2015.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,
Secretary of the Commission.

¹ While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC’s “E-Filing Rule,” the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

² Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

³ Requesters should note that the filing requirements of the NRC’s E-Filing Rule (72 FR 49139; August 28, 2007) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING

Day	Event/activity
0	Publication of FEDERAL REGISTER notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2015-30154 Filed 12-7-15; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52-027 and 52-028; NRC-2008-0441]

Virgil C. Summer Nuclear Station, Units 2 and 3; South Carolina Electric & Gas Company

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and issuing License Amendment No. 35 to Combined Licenses (COL), NPF-93 and NPF-94. The COLs were issued to South Carolina Electric & Gas Company (SCE&G), and South Carolina Public Service Authority (the licensee), for construction and operation of the Virgil C. Summer Nuclear Station (VCSNS),

Units 2 and 3 located in Fairfield County, South Carolina.

The granting of the exemption allows the changes to Tier 1 information requested in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

DATES: December 8, 2015.

ADDRESSES: Please refer to Docket ID NRC-2008-0441 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-2008-0441. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: Carol.Gallagher@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *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 a document is referenced. The request for the amendment and exemption was submitted by the letter dated December 4, 2014 (ADAMS Accession No. ML14339A637). The licensee supplemented this request by letters dated July 23 and August 27, 2015 (ADAMS Accession Nos. ML15204A845 and ML15239A814, respectively).

- *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: Ruth Reyes, Office of New Reactors, U.S. Nuclear Regulatory Commission,

Washington, DC 20555-0001; telephone: 301-415-3249; email: *Ruth.Reyes@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting an exemption from Tier 1 information in the certified DCD incorporated by reference in part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), appendix D, "Design Certification Rule for the AP1000 Design," and issuing License Amendment No. 35 to COLs, NPF-93 and NPF-94, to the licensee. The exemption is required by Paragraph A.4 of Section VIII, "Processes for Changes and Departures," Appendix D to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought proposed changes related to the structure and layout of various areas of the annex building. The proposed changes to Tier 2 information in the VCSNS Units 2 and 3 Updated Final Safety Analysis Report (UFSAR), plant-specific Tier 1 information, and corresponding COL appendix C information would allow:

- (1) Installation of an additional non-safety-related battery;
- (2) Revision to the annex building internal configuration by converting a shift turnover room to a battery room, adding an additional battery equipment room, and moving a fire area wall;
- (3) Increase in the height of a room in the annex building; and
- (4) Increase in thicknesses of certain annex building floor slabs.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in 10 CFR 50.12, 10 CFR 52.7, and 10 CFR 52.63(b)(1). The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML15254A216.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VCSNS Units 2 and 3 (COLs NPF-93 and NPF-94). These documents can be found in ADAMS under Accession Nos. ML15254A203 and ML15254A207, respectively. The

exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF-93 and NPF-94 are available in ADAMS under Accession Nos. ML15254A197 and ML15254A200, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to VCSNS, Units 2 and 3. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated December 4, 2014, and supplemented by letters dated July 23 and August 27, 2015, South Carolina Electric & Gas Company (licensee) requested from the Nuclear Regulatory Commission (Commission) an exemption to allow departures from Tier 1 information in the certified Design Control Document (DCD) incorporated by reference in 10 CFR part 52, Appendix D, "Design Certification Rule for the AP1000 Design," as part of license amendment request (LAR) 13-22, "Annex Building Structure and Layout Changes."

For the reasons set forth in Section 3.1 of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML15254A216, the Commission finds that:

- A. the exemption is authorized by law;
- B. the exemption presents no undue risk to public health and safety;
- C. the exemption is consistent with the common defense and security;
- D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;
- E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption, and
- F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption to the provisions of 10 CFR part 52, appendix D, Section III.B, to allow deviations from the certified DCD Tier 1 Table 3.3-1 and Figure 3.3-11A, as described in the licensee's request dated December 4, 2014, and supplemented by letters dated July 23 and August 27, 2015. This exemption is related to, and necessary for the granting of License Amendment No. 35, which is being issued concurrently with this exemption.

3. As explained in Section 5.0 of the NRC staff's Safety Evaluation (ADAMS Accession No. ML15254A216), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of the date of its issuance.

III. License Amendment Request

The request for the amendment and exemption was submitted by the letter dated December 4, 2014. The licensee supplemented this request by the letters dated July 23 and August 27, 2015. The proposed amendment is described in Section I, above.

The Commission has determined for 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** on March 31, 2015 (80 FR 17093). No comments were received during the 30-day comment period.

The NRC staff has found that the amendment involves no significant hazards consideration. The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued the amendment that the licensee requested on December 4, 2014, and supplemented by the letters dated July 23 and August 27, 2015. The exemption and amendment were issued on October 22, 2015, as part of a combined package to the licensee (ADAMS Accession No. ML15254A194).

Dated at Rockville, Maryland, this 30th day of November 2015.

For the Nuclear Regulatory Commission.
Lawrence Burkhardt,
*Chief, Licensing Branch 4, Division of New
 Reactor Licensing, Office of New Reactors.*
 [FR Doc. 2015-30879 Filed 12-7-15; 8:45 am]
BILLING CODE 7590-01-P

OFFICE OF PERSONNEL MANAGEMENT

Notice of Meeting of the Hispanic Council on Federal Employment

AGENCY: U.S. Office of Personnel
Management.

ACTION: December 10, 2015 Council
Meeting.

SUMMARY: The Hispanic Council on
Federal Employment (Council) meeting
will be held on Thursday, December 10,
2015 at the location shown below from
1:30 p.m. to 3:00 p.m.

The Council is an advisory committee
composed of representatives from
Hispanic organizations and senior
government officials. Along with its
other responsibilities, the Council shall
advise the Director of the Office of
Personnel Management on matters
involving the recruitment, hiring, and
advancement of Hispanics in the
Federal workforce. The Council is co-
chaired by the Director of the Office of
Personnel Management and the Chair of
the National Hispanic Leadership
Agenda (NHLA).

The meeting is open to the public.
Please contact the Office of Personnel
Management at the address shown
below if you wish to present material to
the Council at any of the meetings. The
manner and time prescribed for
presentations may be limited,
depending upon the number of parties
that express interest in presenting
information.

ADDRESSES: U.S. Office of Personnel
Management, 1900 E St. NW., Executive
Conference Room, 5th Floor,
Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT:
Sharon Wong, Deputy Director, Policy &
Coordination for the Office of Diversity
and Inclusion, Office of Personnel

Management, 1900 E St. NW., Suite
5H35, Washington, DC 20415. Phone
(202) 606-0020 FAX (202) 606-6012 or
email at sharon.wong@opm.gov.

U.S. Office of Personnel Management.

Beth F. Cobert,

Acting Director.

[FR Doc. 2015-30833 Filed 12-7-15; 8:45 am]

BILLING CODE 6820-B2-P

SECURITIES AND EXCHANGE COMMISSION

Investment Advisers Act of 1940, Release No. 4285/December 2, 2015; Notice of Intention To Cancel Registrations of Certain Investment Advisers Pursuant to Section 203(H) of the Investment Advisers Act of 1940

Notice is given that the Securities and
Exchange Commission (the
“Commission”) intends to issue an
order or orders, pursuant to Section
203(h) of the Investment Advisers Act of
1940 (the “Act”), cancelling the
registrations of the investment advisers
whose names appear in the attached
Appendix, hereinafter referred to as the
registrants.

Section 203(h) of the Act provides, in
pertinent part, that if the Commission
finds that any person registered under
Section 203, or who has pending an
application for registration filed under
that section, is no longer in existence, is
not engaged in business as an
investment adviser, or is prohibited
from registering as an investment
adviser under section 203A, the
Commission shall by order, cancel the
registration of such person.

The registrants listed in the Appendix
either have not filed a Form ADV
amendment with the Commission as
required by rule 204-1 under the Act
and appear to be no longer in business
as investment advisers, or have
indicated on Form ADV that they are no
longer eligible to remain registered with
the Commission as investment advisers
but have not filed Form ADV-W to
withdraw their registration.
Accordingly, the Commission believes
that reasonable grounds exist for a

finding that these registrants are no
longer in existence, are not engaged in
business as investment advisers, or are
prohibited from registering as
investment advisers under section 203A
of the Act, and that their registrations
should be cancelled pursuant to section
203(h) of the Act.

Notice is also given that any
interested person may, by Monday,
December 28, 2015, at 5:30 p.m., submit
to the Commission in writing a request
for a hearing on the cancellation of a
registrant, accompanied by a statement
as to the nature of the writer's interest,
the reason for such request, and the
issues, if any, of fact or law proposed to
be controverted, and the writer may
request to be notified if the Commission
should order a hearing thereon. Any
such communication should be
addressed: Secretary, Securities and
Exchange Commission, Washington, DC
20549.

At any time after Monday, December
28, 2015, the Commission may issue an
order or orders cancelling the
registrations of any or all of the
registrants listed in the Appendix, upon
the basis of the information stated
above, unless an order or orders for a
hearing on the cancellation shall be
issued upon request or upon the
Commission's own motion. Persons who
requested a hearing, or to be advised as
to whether a hearing is ordered, will
receive any notices and orders issued in
this matter, including the date of the
hearing (if ordered) and any
postponements thereof. Any adviser
whose registration is cancelled under
delegated authority may appeal that
decision directly to the Commission in
accordance with rules 430 and 431 of
the Commission's rules of practice (17
CFR 201.430 and 431).

For further information contact: Jamie
Lynn Walter, Senior Counsel at 202-
551-6999 (Division of Investment
Management, Office of Investment
Adviser Regulation).

For the Commission, by the Division of
Investment Management, pursuant to
delegated authority.¹

Robert W. Errett,
Deputy Secretary.

APPENDIX

801-72059	SOLOMON HENDRIX & CO.
801-9488	MAURY WADE & COMPANY.
801-71810	BISHOP ASSET MANAGEMENT, LLC.
801-69144	SAFE HAVEN ADVISORS, INC
801-70781	WANGER OMNIWEALTH, LLC.
801-70401	MIDWEST MORTGAGE ANALYTICS.
801-70533	ALPHAMETRIX, LLC.
801-71189	MORGAN FINCH, LLC.

¹ 17 CFR 200.30-5(e)(2).

APPENDIX—Continued

801-77520	ACCESS STRATEGIC ADVISORY GROUP, LLC.
801-66662	ARNOTT CAPITAL PTY LTD.
801-71208	KPDN INC.
801-69648	FUTURE VALUE CONSULTANTS LIMITED.
801-65517	FGS CAPITAL LLP.
801-71188	CENTINELA CAPITAL PARTNERS, LLC.
801-72117	MAP ALTERNATIVE ASSET MANAGEMENT COMPANY, LLC.
801-69898	INSIGHT ONSITE STRATEGIC MANAGEMENT LLC.
801-10966	GARY EUGENE GIBBONS DBA THE COLERIDGE GROUP.
801-77747	NEW SOURCE MEDIA ADVISOR, LLC.
801-70916	CMA ADVISORY GROUP, LLC.
801-78409	CASICO, LLC.
801-78848	RCG PARTNERS.
801-72000	STAMBOULI MANAGEMENT CORP.
801-71089	OPTIMIZE CAPITAL.
801-71439	BATTENKILL CAPITAL MANAGEMENT, INC.
801-78049	EXCALIBUR MANAGEMENT, LLC.
801-61973	MEDITRON ASSET MANAGEMENT, LLC.
801-77143	CAMELOT ACQUISITION SECONDARY OPPORTUNITIES MANAGEMENT, LLC.
801-63963	HARPER ASSOCIATES, LLC.
801-28490	FX CONCEPTS, LLC.
801-76567	CUSTOM FINANCIAL SERVICES, LLC.
801-8984	VALLEY FORGE MANAGEMENT CORP.
801-70460	PAUL-ELLIS INVESTMENT ASSOCIATES.
801-77931	YORKSHIRE CAPITAL MANAGEMENT LLC.
801-77496	WILLIAMS CAPITAL STRATEGIES LLC.
801-72743	NICHOLS CONSULTING.
801-62524	PURCELL ADVISORY SERVICES, LLC.
801-76636	PETROFF INSTITUTIONAL.
801-72299	VASQUEZ & CO.

[FR Doc. 2015-30838 Filed 12-7-15; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION**[Release No. 34-76540; File No. SR-NYSEMKY-2015-97]****Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 132—Equities To Delete Supplementary Material .40 Requiring Members Effecting Transactions on the Equities Trading Floor to Submit Certain Data Elements and Badge Information and to Make a Conforming Change**

December 2, 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 November 20, 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 Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 132—Equities to delete Supplementary Material .40 requiring members effecting transactions on the equities trading Floor (the “Trading Floor”) to submit certain data elements and badge information and to make a conforming change. The proposed rule change is available on the Exchange’s Web site at www.nyse.com, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change**1. Purpose**

The Exchange proposes to amend Rule 132—Equities (“Rule 132”) to delete Supplementary Material .40, which requires members to submit certain data elements and badge information for transactions effected on the Trading Floor and to make a conforming change.

Rule 132 requires clearing member organizations submitting a transaction to comparison to include the audit trail data elements set forth in Supplementary Material .30, including a specification of the account type for which the transaction was effected according to defined account categories. Consistent with this requirement, Supplementary Material .40 requires members⁴ effecting transactions on the Trading Floor as agent or otherwise to supply these audit trail data elements to their clearing member organization and to promptly provide the reporter in the Crowd (or other designated Exchange representative) with the member’s broker badge number or alpha symbol.

The Exchange proposes to delete Rule 132.40 as obsolete. Rule 132.40 was

¹ 15 U.S.C. 78s(b)(1).² 15 U.S.C. 78a.³ 17 CFR 240.19b-4.⁴ Under Rule 2(a), a member is a natural person associated with a member organization and in the context of Rule 132.40, refers to Floor brokers only.

adopted at a time when manual transactions on the Trading Floor were recorded on paper order tickets. The rule was designed to improve trade documentation and ensure that broker badge information was captured correctly for Crowd trades (*i.e.*, verbal executions between two Floor brokers or between a Floor broker and a specialist). Currently, however, all information regarding transactions at the Exchange, including the audit trail data elements of Rule 132.30 and badge information for manual transactions, is captured and transmitted electronically by Exchange systems. Because these data elements no longer need to be separately submitted by members, Rule 132.40 is obsolete and therefore can be deleted.

The Exchange also proposes to amend Rule 476A, which sets forth the list of rules under which a member organization or covered person may be subject to a fine in lieu of the Exchange commencing a disciplinary proceeding under Rule 476. Rule 476A permits a summary fine for failures to collect and/or submit all audit trail data specified in Rule 132. The Exchange proposes to delete the clause “and/or submit” to reflect elimination of the submission requirement set forth in Supplementary Material .40 of Rule 132. The Exchange believes this proposed change will add transparency and clarity to the Exchange’s rules.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act,⁵ in general, and furthers the objectives of section 6(b)(5) of the Act,⁶ in particular, because it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest. In particular, the Exchange believes that deleting rule text relating to a requirement that is obsolete, *i.e.*, to manually submit and transmit information that Exchange systems now capture and transmit electronically, removes impediments to and perfects the mechanism of a free and open market by simplifying its rulebook and removing confusion that may result from having obsolete rules in the Exchange’s rulebook. The Exchange further believes that the proposal removes impediments to and perfects the mechanism of a free and open market by ensuring that persons subject

to the Exchange’s jurisdiction, regulators, and the investing public can more easily navigate and understand the Exchange’s rulebook. The Exchange also believes that eliminating obsolete rules would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased transparency as to which rules are operable, thereby reducing potential confusion. Similarly, the Exchange believes that removing a cross-reference to obsolete requirements would remove impediments to and perfect the mechanism of a free and open market because it would reduce potential confusion that may result from having such cross references in the Exchange’s rulebook. Removing such obsolete cross references will also further the goal of transparency and add clarity to the Exchange’s rules.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather to eliminate obsolete data submission requirements for trades on its Trading Floor.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change 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,⁷ the proposed rule change has become effective pursuant to section

19(b)(3)(A) of the Act⁸ and Rule 19b-4(f)(6) thereunder.⁹

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)¹⁰ 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-2015-97 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-NYSEMKT-2015-97. 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.,

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

⁷ The Exchange has fulfilled this requirement.

⁸ 15 U.S.C. 78s(b)(3)(A).

⁹ 17 CFR 240.19b-4(f)(6).

¹⁰ 15 U.S.C. 78s(b)(2)(B).

Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at www.nyse.com. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEMKT-2015-97 and should be submitted on or before December 29, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Robert W. Errett,
Deputy Secretary.

[FR Doc. 2015-30837 Filed 12-7-15; 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 an Open Meeting on Friday, December 11, 2015 at 10:00 a.m., in the Auditorium, Room L-002.

The subject matter of the Open Meeting will be:

- The Commission will consider whether to propose a new rule and amendments to certain proposed forms related to the use of derivatives by registered investment companies and business development companies.
- The Commission will consider whether to propose rules to require disclosure of certain payments made to governments by resource extraction issuers, as mandated by Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

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: December 4, 2015.

Brent J. Fields,
Secretary.

[FR Doc. 2015-31071 Filed 12-4-15; 4:15 pm]

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, December 10, 2015 at 2:00 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:

- Settlement of injunctive actions;
- Institution and settlement of administrative proceedings;
- Resolution of litigation claims; 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: December 3, 2015.

Brent J. Fields,
Secretary.

[FR Doc. 2015-30946 Filed 12-4-15; 11:15 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-76538; File No. SR-NASDAQ-2015-124]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Approving a Proposed Rule Change To List and Trade Shares of the Active Alts Contrarian ETF of ETFis Series Trust I

December 2, 2015.

I. Introduction

On October 19, 2015, The NASDAQ Stock Market LLC ("Nasdaq" or

"Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to list and trade shares ("Shares") of the Active Alts Contrarian ETF ("Fund") of ETFis Series Trust I ("Trust") under Nasdaq Rule 5735. The proposed rule change was published for comment in the **Federal Register** on October 29, 2015.³ The Commission received no comments on the proposal. This order approves the proposed rule change.

II. The Exchange's Description of the Proposal⁴

Nasdaq proposes to list and trade the Shares under Nasdaq Rule 5735, which governs the listing and trading of Managed Fund Shares.⁵ The Fund will be an actively-managed exchange-traded fund ("ETF"). The Shares will be offered by the Trust, which was established as a Delaware series trust on September 20, 2012.⁶ The Fund will be a series of the Trust. Etfis Capital LLC will be the investment adviser ("Adviser") to the Fund. Active Alts Inc. will be the investment sub-adviser to the Fund ("Sub-Adviser").⁷ ETF

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 76245 (Oct. 23, 2015), 80 FR 66594 ("Notice").

⁴ Additional information regarding, among other things, the Shares, the Fund, its investment objective, its investments, its investment strategies, its investment methodology, its fees, its creation and redemption procedures, availability of information, trading rules and halts, and surveillance procedures can be found in the Notice and in the Registration Statement. See Notice, *supra* note 3, and Registration Statement, *infra* note 6, respectively.

⁵ A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940, as amended (15 U.S.C. 80a-1) (the "1940 Act") organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies.

⁶ The Trust is registered with the Commission as an investment company and has filed a registration statement on Form N-1A ("Registration Statement") with the Commission. See Post-Effective Amendment No. 70 to Registration Statement on Form N-1A for the Trust, dated Oct. 16, 2015 (File Nos. 333-187668 and 811-22819). The description of the Fund and the Shares contained herein is based, in part, on information in the Registration Statement. The Commission has issued an order, upon which the Trust may rely ("Exemptive Order"), granting certain exemptive relief to the investment adviser to the Fund under the 1940 Act. See Investment Company Act Release No. 30607 (Jul. 23, 2013) (File No. 812-14080).

⁷ An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 ("Advisers Act"). As a result,

Continued

¹¹ 17 CFR 200.30-3(a)(12).

Distributors LLC (“Distributor”) will be the principal underwriter and distributor of the Shares. The Bank of New York Mellon Corporation (“BNY”) will act as the administrator, accounting agent, custodian and transfer agent to the Fund.

The Exchange represents that the Adviser is not a broker-dealer, although it is affiliated with the Distributor, a broker-dealer. The Adviser has implemented a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio. The Exchange represents that the Sub-Adviser is not a broker-dealer and is not affiliated with a broker-dealer.⁸

A. Principal Investments of the Fund

The Exchange states that the Fund’s investment objective is to seek current income and capital appreciation. The Fund will seek to achieve its investment objective by primarily investing in U.S. exchange-traded equity securities (referred to herein as “Equities”⁹) that the Sub-Adviser believes have a higher potential for capital appreciation as a

the Adviser, the Sub-Adviser and each such party’s related personnel are subject to the provisions of Rule 204A-1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with applicable federal securities laws as defined in Rule 204A-1(e)(4). Accordingly, procedures designed to prevent the communication and misuse of nonpublic information by an investment adviser must be consistent with Rule 204A-1 under the Advisers Act. In addition, Rule 206(4)-7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

⁸ See Notice, *supra* note 3, 80 FR at 66595. In the event (a) the Adviser or the Sub-Adviser becomes newly affiliated with a broker-dealer or registers as a broker-dealer, or (b) any new adviser or new sub-adviser is a registered broker-dealer or is or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the Fund portfolio and will be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding such portfolio.

⁹ The term “Equities” includes American Depositary Receipts, but does not include shares of ETFs or closed-end investment companies that are U.S. exchange-traded.

result of a “short squeeze.”¹⁰ The Sub-Adviser’s process for identifying short squeeze opportunities involves analysis of both fundamental factors (*e.g.*, quality of earnings, fundamental stability of business, etc.) and technical factors (*e.g.*, price and volume characteristics, relative strength, etc.). Using this analysis, the Sub-Adviser seeks to identify securities where, in the opinion of the Sub-Adviser, short interest is significant, is increasing or is expected to increase, but is unjustified based on the Sub-Adviser’s analysis.

The Exchange states that, to the extent the Sub-Adviser has not identified Equities suitable for investment, the Fund principally will be invested in cash or money market instruments,¹¹ and to the extent permitted by applicable law and the Fund’s investment restrictions, the Fund may invest in shares of money-market mutual funds.

The Fund may also determine to lend out portfolio securities that the Sub-Adviser believes to be strong candidates for a short squeeze to short sellers and other market participants for a premium recognized as income.

B. Other Investments

The Exchange states that the Fund may invest in any type of ETF that is U.S. exchange-traded, including index based ETFs, sector based ETFs, and fixed-income ETFs. The Fund also may invest in closed-end investment companies that are U.S. exchange-traded.

C. Investment Restrictions

The Fund will not be limited with respect to its investments in any sector or industry, but the Fund will limit investments in a single issuer to no more than five percent of the total assets of the Fund and to no more than five percent of the security’s public float. In addition, the Fund will limit its Equities investments to companies with a market capitalization of \$250 million or more.

The Fund will be prevented from purchasing more than 3% of an ETF’s outstanding shares, unless: (i) The ETF

¹⁰ The Exchange describes a “short squeeze” as occurring when investors who have sold short shares of an equity security seek to rapidly cover or buy back the short position due to actual or perceived appreciation in the security, which may occur because of positive news or events related to the company, its market sector or the market generally. The Exchange states that often, the additional buying momentum created by short sellers covering their short positions escalates the increase in the price of the shares.

¹¹ The following is a list of the money market instruments in which the Fund may invest: short-term (less than one-year) notes issued by (i) the U.S. government, (ii) an agency of the U.S. government, or (iii) a U.S. corporation.

or the Fund has received an order for exemptive relief from the 3% limitation from the Commission that is applicable to the Fund; and (ii) the ETF and the Fund take appropriate steps to comply with any conditions in such order.

The Fund’s investments (including investments in ETFs) will not be utilized to seek to achieve a leveraged return on the Fund’s net assets.

The Fund will not invest in futures contracts, will not invest in options, will not invest in swaps, and will not invest in other derivative instruments. The Fund also will not invest in leveraged ETFs.

III. Discussion and Commission Findings

After careful review, the Commission finds that the Exchange’s proposal to list and trade the Shares is consistent with the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.¹² In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act,¹³ which requires, among other things, that the Exchange’s rules be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Exchange Act,¹⁴ which sets forth Congress’ finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Quotation and last sale information for the Shares and for the Equities and any other exchange-traded securities held by the Fund will be available via UTP Level 1, as well as Nasdaq proprietary quote and trade services. Intra-day, executable price quotations of the Equities, any other exchange-traded securities, and money market instruments and money-market mutual funds held by the Fund are available from major broker-dealer firms or on the exchanges on which they are traded, if applicable. The foregoing

¹² In approving this proposed rule change, the Commission has considered the proposed rule’s impact on efficiency, competition and capital formation. See 15 U.S.C. 78c(f).

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ 15 U.S.C. 78k-1(a)(1)(C)(iii).

intra-day price information is available through subscription services, such as Bloomberg and Thomson Reuters, which can be accessed by authorized participants and other investors. Information regarding market price and volume of the Shares is and will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. The previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. The previous day's closing price and trading volume information for the Equities and any other exchange-traded securities held by the Fund will be published daily in the financial section of newspapers.

The Commission also believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. On each business day, before commencement of trading in Shares in the Regular Market Session¹⁵ on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio that will form the basis for the Fund's calculation of NAV at the end of the business day.¹⁶

The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. Moreover, the Intraday Indicative Value, available on the NASDAQ OMX Information LLC proprietary index data service,¹⁷ will be

based upon the current value for the components of the Disclosed Portfolio and will be updated and widely disseminated and broadly displayed at least every 15 seconds during the Regular Market Session. In addition, during hours when the local markets for foreign securities in the Fund's portfolio are closed, the Intraday Indicative Value will be updated at least every 15 seconds during the Regular Market Session to reflect currency exchange fluctuations.

BNY, through the National Securities Clearing Corporation, will make available on each business day, immediately prior to the opening of business on the Exchange's Regular Market Session (currently 9:30 a.m. Eastern time), the list of the names and the required number of shares of each Deposit Security to be included in the current Fund Deposit (based on information at the end of the previous business day) for the Fund. The NAV of the Fund will be calculated by BNY and determined at the close of regular trading on the New York Stock Exchange (ordinarily 4:00 p.m. Eastern time) on each day that such exchange is open. The Web site for the Fund will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information.

The Exchange represents that trading in Shares will be halted if the circuit breaker parameters in Nasdaq Rule 4120(a)(11) have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to Nasdaq Rule 5735(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. The Exchange states that it has a general policy prohibiting the distribution of material, nonpublic information by its employees.¹⁸ The Exchange represents that the Adviser is affiliated with a broker-dealer and has implemented a "fire wall" with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the Fund's portfolio. The Exchange has represented that the Sub-Adviser is not a broker-dealer and is not affiliated with a broker-dealer.¹⁹

Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. The Exchange states that trading in the

Shares will be subject to the existing trading surveillances, administered by both Nasdaq and also the Financial Industry Regulatory Authority ("FINRA") on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.²⁰ On behalf of the Exchange, FINRA will communicate as needed regarding trading in the Shares, Equities, or other exchange-traded securities with other markets and other entities that are Intermarket Surveillance Group ("ISG") members, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares, Equities, or other exchange-traded securities from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares, Equities, or other exchange-traded securities from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.²¹ FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain money market instruments held by the Fund reported to FINRA's Trade Reporting and Compliance Engine.

The Exchange represents that it deems the Shares to be equity securities, thus rendering trading in the Shares subject to Nasdaq's existing rules governing the trading of equity securities.²² In support of this proposal, the Exchange has also made the following representations:

(1) The Shares will be subject to Rule 5735, which sets forth the initial and continued listing criteria applicable to Managed Fund Shares.²³

(2) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.²⁴

(3) Trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and also the FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws, and these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange

¹⁵ See Nasdaq Rule 4120(b)(4) (describing the three trading sessions on the Exchange: (1) Pre-Market Session from 7 a.m. to 9:30 a.m. Eastern time; (2) Regular Market Session from 9:30 a.m. to 4 p.m. or 4:15 p.m. Eastern time; and (3) Post-Market Session from 4 p.m. or 4:15 p.m. to 8 p.m. Eastern time).

¹⁶ Under accounting procedures to be followed by the Fund, trades made on the prior business day ("T") will be booked and reflected in NAV on the current business day ("T+1"). Notwithstanding the foregoing, portfolio trades that are executed prior to the opening of the Exchange on any business day may be booked and reflected in NAV on such business day. Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

¹⁷ Currently, the NASDAQ OMX Global Index Data Service ("GIDS") is the NASDAQ OMX global index data feed service, offering real-time updates, daily summary messages, and access to widely followed indexes and Intraday Indicative Values for ETFs. GIDS provides investment professionals with the daily information needed to track or trade NASDAQ OMX indexes, listed ETFs, or third-party partner indexes and ETFs.

¹⁸ See Notice, *supra* note 3, 80 FR at 66598.

¹⁹ See note 8, *supra*, and accompanying text.

²⁰ FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

²¹ For a list of the current members of ISG, see www.isgportal.org.

²² See Notice, *supra* note 3, 80 FR at 66598.

²³ See *id.* at 66594.

²⁴ See *id.* at 66598.

rules and applicable federal securities laws.²⁵

(4) Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (a) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (b) Nasdaq Rule 2111A, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in the Shares to customers; (c) how and by whom information regarding the Intraday Indicative Value and the Disclosed Portfolio is disseminated; (d) the risks involved in trading the Shares during the Pre-Market and Post-Market Sessions when an updated Intraday Indicative Value will not be calculated or publicly disseminated; (e) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (f) trading information.²⁶

(5) For initial and/or continued listing, the Fund must be in compliance with Rule 10A-3 under the Act.²⁷

(6) The Fund will limit its Equities investments to companies with a market capitalization of \$250 million or more.²⁸

(7) All Equities and any shares of ETFs or closed-end investment companies held by the Fund will be listed on a U.S. exchange that is a member of the ISG or a party to a comprehensive surveillance sharing agreement with the Exchange.²⁹

(8) The Fund will not invest in leveraged ETFs.³⁰

(9) The Fund will not invest in futures contracts, will not invest in options, will not invest in swaps, and will not invest in other derivative instruments.³¹

(10) A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange.³²

This approval order is based on all of the Exchange's representations, including those set forth above and in the Notice.

For the foregoing reasons, the Commission finds that the proposed

rule change is consistent with Section 6(b)(5) of the Act³³ and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act, that the proposed rule change (SR–NASDAQ–2015–124) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³⁴

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–30835 Filed 12–7–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31924; File No. 812–14258]

Nuveen Fund Advisors, LLC, et al.; Notice of Application

December 2, 2015.

AGENCY: Securities and Exchange Commission (“Commission”).

ACTION: Notice of an application for an order pursuant to sections 6(c) and 17(b) of the Investment Company Act of 1940 (the “Act”) for an exemption from section 17(a) of the Act permitting certain transactions.

SUMMARY OF THE APPLICATION:

Applicants request an order (the “Order”) that would permit certain registered management investment companies to engage in certain primary and secondary market transactions in fixed income instruments on a principal basis (the “Transactions”) with a USB Trading Entity (defined below).

APPLICANTS: Nuveen Fund Advisors, LLC (the “Adviser”), Nuveen Investments, Inc. (“Nuveen”), Nuveen All Cap Energy MLP Opportunities Fund, Nuveen AMT-Free Municipal Income Fund, Nuveen AMT-Free Municipal Value Fund, Nuveen Arizona Premium Income Municipal Fund, Nuveen Build America Bond Fund, Nuveen Build America Bond Opportunity Fund, Nuveen California AMT-Free Municipal Income Fund, Nuveen California Dividend Advantage Municipal Fund, Nuveen California Dividend Advantage Municipal Fund 2, Nuveen California Dividend Advantage Municipal Fund 3, Nuveen California Municipal Value Fund 2, Nuveen

California Municipal Value Fund, Inc., Nuveen California Select Tax-Free Income Portfolio, Nuveen Connecticut Premium Income Municipal Fund, Nuveen Core Equity Alpha Fund, Nuveen Credit Strategies Income Fund, Nuveen Diversified Dividend and Income Fund, Nuveen Dividend Advantage Municipal Fund, Nuveen Dividend Advantage Municipal Fund 2, Nuveen Dividend Advantage Municipal Fund 3, Nuveen Dividend Advantage Municipal Income Fund, Nuveen Dow 30SM Dynamic Overwrite Fund, Nuveen Energy MLP Total Return Fund, Nuveen Enhanced Municipal Value Fund, Nuveen Flexible Investment Income Fund, Nuveen Floating Rate Income Fund, Nuveen Floating Rate Income Opportunity Fund, Nuveen Georgia Dividend Advantage Municipal Fund 2, Nuveen Global High Income Fund, Nuveen Global Equity Income Fund, Nuveen High Income 2020 Target Term Fund, Nuveen High Income December 2018 Target Term Fund, Nuveen High Income December 2020 Target Term Fund, Nuveen High Income December 2022 Target Term Fund, Nuveen Intermediate Duration Municipal Term Fund, Nuveen Intermediate Duration Quality Municipal Term Fund, Nuveen Investment Funds, Inc., Nuveen Investment Quality Municipal Fund, Inc., Nuveen Investment Trust, Nuveen Investment Trust II, Nuveen Investment Trust III, Nuveen Investment Trust V, Nuveen Managed Accounts Portfolios Trust, Nuveen Maryland Premium Income Municipal Fund, Nuveen Massachusetts Premium Income Municipal Fund, Nuveen Michigan Quality Income Municipal Fund, Nuveen Minnesota Municipal Income Fund, Nuveen Missouri Premium Income Municipal Fund, Nuveen Mortgage Opportunity Term Fund 2, Nuveen Mortgage Opportunity Term Fund, Nuveen Multi-Market Income Fund, Nuveen Multistate Trust I, Nuveen Multistate Trust II, Nuveen Multistate Trust III, Nuveen Multistate Trust IV, Nuveen Municipal Advantage Fund, Inc., Nuveen Municipal High Income Opportunity Fund, Nuveen Municipal Income Fund, Inc., Nuveen Municipal Market Opportunity Fund, Inc., Nuveen Municipal Opportunity Fund, Inc., Nuveen Municipal Trust, Nuveen Municipal Value Fund, Inc., Nuveen Nasdaq 100 Dynamic Overwrite Fund, Nuveen New Jersey Dividend Advantage Municipal Fund, Nuveen New Jersey Municipal Value Fund, Nuveen New York AMT-Free Municipal Income Fund, Nuveen New York Dividend Advantage Municipal Fund, Nuveen New York Municipal Value

²⁵ See *id.*

²⁶ See *id.* at 66598–66599.

²⁷ See 17 CFR 240.10A–3. See also Notice, *supra* note 3, 80 FR at 66598.

²⁸ See *id.* at 66598.

²⁹ See *id.* at 66598.

³⁰ See *id.* at 66595.

³¹ See *id.* at 66596.

³² See *id.* at 66598.

³³ 15 U.S.C. 78f(b)(5).

³⁴ 17 CFR 200.30–3(a)(12).

Fund 2, Nuveen New York Municipal Value Fund, Inc., Nuveen New York Select Tax-Free Income Portfolio, Nuveen North Carolina Premium Income Municipal Fund, Nuveen Ohio Quality Income Municipal Fund, Nuveen Pennsylvania Investment Quality Municipal Fund, Nuveen Pennsylvania Municipal Value Fund, Nuveen Performance Plus Municipal Fund, Inc., Nuveen Preferred and Income Term Fund, Nuveen Preferred Income Opportunities Fund, Nuveen Premier Municipal Income Fund, Inc., Nuveen Premium Income Municipal Fund 2, Inc., Nuveen Premium Income Municipal Fund 4, Inc., Nuveen Premium Income Municipal Fund, Inc., Nuveen Quality Income Municipal Fund, Inc., Nuveen Quality Municipal 2018 Term Fund, Nuveen Quality Municipal Fund, Inc., Nuveen Quality Preferred Income Fund, Nuveen Quality Preferred Income Fund 2, Nuveen Quality Preferred Income Fund 3, Nuveen Real Asset Income and Growth Fund, Nuveen Real Estate Income Fund, Nuveen S&P 500 Buy-Write Income Fund, Nuveen S&P 500 Dynamic Overwrite Fund, Nuveen Select Maturities Municipal Fund, Nuveen Select Quality Municipal Fund, Inc., Nuveen Select Tax-Free Income Portfolio, Nuveen Select Tax-Free Income Portfolio 2, Nuveen Select Tax-Free Income Portfolio 3, Nuveen Senior Income Fund, Nuveen Short Duration Credit Opportunities Fund, Nuveen Strategy Funds, Inc., Nuveen Tax-Advantaged Dividend Growth Fund, Nuveen Tax-Advantaged Total Return Strategy Fund, Nuveen Texas Quality Income Municipal Fund, Nuveen Virginia Premium Income Municipal Fund, Diversified Real Asset Income Fund (each a "Fund", collectively, the "Funds"), U.S. Bancorp ("USB"), U.S. Bank National Association ("USBNA") and U.S. Bancorp Investments, Inc. ("USBI").

FILING DATES: The application was filed on December 27, 2013, and amended on July 1, 2014, December 8, 2014, May 22, 2015, and October 22, 2015.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on December 28, 2015, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0-5 under the

Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090; Applicants, c/o Richard T. Prins, Esq. Skadden, Arps, Slate, Meagher & Flom LLP, Four Times Square, New York, NY 10036.

FOR FURTHER INFORMATION CONTACT: Laura L. Solomon, Senior Counsel, at (202) 551-6915, or Daniele Marchesani, Branch Chief, at (202) 551-6821 (Chief Counsel's Office, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090.

Applicants' Representations

1. Each Fund is an open-end or closed-end management investment company registered under the Act and is organized as a business trust or corporation under the laws of Massachusetts, Maryland or Minnesota, or is a series thereof. The Funds have a variety of investment objectives, but each may invest a portion of its assets in fixed-income instruments. "Fixed-income instruments" for purposes of the Order means fixed-income securities and interests in syndicated loans, convertible bonds and convertible preferred stock, as well as money market instruments, such as treasury instruments, commercial paper and certificates of deposit.

2. The Adviser, a Delaware limited liability company, is a direct wholly owned subsidiary of Nuveen, a Delaware corporation. The Adviser is registered as an investment adviser under the Investment Advisers Act of 1940 (the "Advisers Act"). The Adviser acts as investment adviser to the Funds and has oversight over one or more sub-advisers engaged by the Funds.¹

¹ Each Fund has (or may, in the future, have) one or more affiliated or unaffiliated sub-advisers that provide sub-advisory services (each, a "Sub-Adviser," collectively, the "Sub-Advisers"). Applicants request the Order cover any such Sub-Advisers, provided that any Sub-Adviser that relies on the Order complies with the conditions of the Order as though it were an Adviser.

3. USBNA is a national banking association and a wholly owned subsidiary of USB. USBNA Dealer Division, an internal division of USBNA, engages in bank permitted dealer activities and is exempt from registering as a broker-dealer pursuant to the Securities Exchange Act of 1934 ("1934 Act"). USBI, a Delaware corporation, is also a wholly owned subsidiary of USB that is registered as a broker-dealer with the Commission under the 1934 Act. Each of USBI, USBNA, USBNA Dealer Division, as well as other affiliates of USB that are controlled (within the meaning of section 2(a)(9) of the Act) by USB and are registered as broker-dealers or exempt from registration as such (each, a "USB Trading Entity," and, collectively, the "USB Trading Entities"), may seek to engage in Transactions with the Funds.²

4. On December 31, 2010, Nuveen completed its acquisition of a portion of the asset management business of FAF Advisors, Inc. ("FAF Advisors"), a wholly owned subsidiary of USBNA (the "FAF Acquisition"). The open-end funds previously advised by FAF Advisors entered into investment advisory agreements with the Adviser. The Adviser continued to serve as investment adviser to the open-end funds and closed-end funds that it advised prior to the FAF Acquisition.

5. Certain fiduciary account investments maintained by USB Fiduciary in certain of the Funds remain after the FAF acquisition. USB Fiduciary has discretionary authority over, but no pecuniary interest in, such investments. Because of these investments, there may be affiliations between the USB Trading Entities and the Funds.

6. Applicants state that, because of consolidation in the financial services industry, a few major broker-dealers account for a large percentage of the market share in trading in fixed income instruments. Applicants state that the decline in the number of broker-dealers and banks trading in the fixed-income instruments in which the Funds seek to invest and the increasing significance of the few remaining institutions demonstrate the importance to the Funds of their relationships with such entities, including the USB Trading

² No director, officer or employee of the Funds or the Adviser is or will be a director, officer or employee of a USB Trading Entity. The board of directors or board of trustees or other governing body, as applicable ("Board") of each Fund currently has eleven members, of which nine members are currently not interested persons of the Fund and the chair of the Board of each Fund is currently not an interested person, as defined in section 2(a)(19) of the Act, of the Fund.

Entities. For example, Applicants further state that in the first half of 2015, the USB Trading Entities were ranked 15th as a domestic book running lead manager of U.S. investment grade corporate bonds by volume, and ranked 6th as a lead and co-manager by number of transactions. Applicants represent that the USB Trading Entities' underwriting market share was 37% calculated as a percentage of the total number of U.S. investment grade corporate bond transactions in the marketplace. On the municipal securities side of the business, the USB Trading Entities were ranked 66th in fixed rate lead managed business, and 9th in variable rate demand note underwriting in 2014. Applicants further represent that as a variable rate demand note underwriter the USB Trading Entities achieved a 3% market share in 2014. Applicants state the USB Trading Entities ranked 5th in the Overall Bookrunner League Tables by number of deals with a 3% market share, 3rd in the Domestic League Tables and 5th in the Global League Tables for private placements in 2014. Applicants assert that these statistics demonstrate the growth in demand for its services and USB expects continued growth on an ongoing basis in capital markets transaction volumes for the USB Trading Entities.

7. Applicants assert that prohibiting the Funds from engaging in the Transactions with the USB Trading Entities would become increasingly detrimental to the ongoing interests of Fund shareholders by limiting the Funds' access to important trading counterparties that have growing market share in many of the types of instruments that the Funds purchase. Applicants submit that prohibiting the Funds from engaging in Transactions with the USB Trading Entities unnecessarily reduces the opportunities available to the Funds to obtain competitive pricing and execution and to access the markets for particular fixed-income instruments that are available from only a few dealers. Applicants assert that precluding a Fund from trading with a USB Trading Entity may harm the Fund by, among other things, preventing it from obtaining the best pricing, terms and quality of services otherwise available in the market.

8. Applicants, therefore, request the Order, pursuant to sections 6(c) and 17(b) of the Act exempting from section 17(a) of the Act³ Transactions entered

into in the ordinary course of business by a Fund with USB Trading Entities, under the terms and conditions set forth in the application.

9. The requested relief would include (i) the Funds and any investment company registered under the Act or series thereof, whether now existing or organized in the future, that is advised by the Adviser or by any existing or future entity that is controlling, controlled by or under common control with the Adviser or Nuveen and registered as an investment adviser under the Advisers Act; (ii) the Adviser; and (iii) the USB Trading Entities;⁴ provided that any entity that relies on the Order complies with the terms and conditions of the Order as though it were an applicant.

10. The Order would be available only in circumstances in which the USB Trading Entity might be deemed to be (i) an affiliated person ("first-tier affiliate"), or an affiliated person of a first-tier affiliate (a "second-tier affiliate") of a Fund solely by reason of a USB Fiduciary,⁵ being deemed to own, control or hold with power to vote through non-proprietary, trust or other fiduciary account investments five percent or more of the Fund's total outstanding voting securities (each, a "5% Fund"); (ii) a first-tier affiliate of a Fund solely by reason of USB Fiduciary being deemed to beneficially own through the fiduciary account investments more than twenty-five percent of the Fund's total outstanding voting securities or, by virtue of such fiduciary account investments, to control the Fund (each, a "25% Fund," together with the 5% Funds, the "Owned Funds"); and/or (iii) a second-tier affiliate of any Fund other than an Owned Fund (each, an "Other Fund") solely by reason of USB Fiduciary being considered to own, control or hold with power to vote a 5% Fund's securities as described in (i) or being deemed to beneficially own a 25% Fund's

⁴ All existing entities that currently intend to rely on the requested relief are either named as applicants or listed in Schedule A to the application. Any other entity that relies on the Order now or in the future will comply with the terms and conditions set forth in the application.

⁵ USB Fiduciary includes USBNA, its trust bank subsidiaries, U.S. Bank Trust National Association and U.S. Bank Trust National Association SD, and any successors. The term "successor" is limited to the entity that results from a reorganization into another jurisdiction, a change in the type of business organization or a combination, consolidation or reorganization of any of the entities referred to in the previous sentence, including any such combination, consolidation or reorganization effected through the use of a "shell" entity controlled by any of the foregoing entities, provided that such combination, consolidation or reorganization does not result in a change of direct or indirect control of such entities.

securities as described in (ii), through fiduciary account investments.⁶

11. The requested relief would not extend to primary market Transactions in fixed-income instruments, other than repurchase agreements and variable rate demand notes, of which USB or any entity controlled by USB, including any USB Trading Entity, is the primary obligor.

12. Neither USB nor any USB Affiliates control or will control (within the meaning of section 2(a)(9) of the Act), directly or indirectly, Nuveen or the Adviser or any other non-Fund entity under the control of Nuveen (together, the "Nuveen Affiliates"), and neither USB nor any USB Affiliates will exercise, or attempt to exercise, control over any Fund. Applicants state that only the fiduciary account investments in the Owned Funds raise the affiliation issues addressed by the requested relief. Additionally, Nuveen has no beneficial interest in, and will not control (within the meaning of section 2(a)(9) of the Act) directly or indirectly, USB, the USB Trading Entities or any other USB Affiliate.

13. Applicants state that the USB Affiliates will not have any involvement in the Advisers' investment decisions or decisions to engage in Transactions pursuant to the Order, and will not attempt to influence or control in any way the placing by the Adviser of orders, other than in the normal course of sales activities of the same nature that are being carried out during the same time period with respect to unaffiliated institutional clients of the USB Trading Entity, or that existed between the USB Trading Entity and FAF Advisors, if any, prior to the consummation of the FAF Acquisition.

14. Applicants assert that there is substantial internal separation and independent operation of the division of USBNA that maintains fiduciary accounts ("USBNA Fiduciary Division") and USBNA Dealer Division. USBNA Fiduciary Division is subject to strict fiduciary laws and regulations that require USBNA Fiduciary Division to act solely in the interests of the principals or beneficiaries of the accounts. Applicants represent that

⁶ Applicants note that there may be some instances in which USB or an entity, including a division thereof, controlled by USB (each, a "USB Affiliate," collectively, the "USB Affiliates") might be deemed to own, control or hold with power to vote less than five percent of the outstanding voting securities of a Fund otherwise than through fiduciary account investments (a "<5% holding"). References to potential affiliations arising "solely by reason of" fiduciary account investments above certain levels may include situations where fiduciary account investments exceed such levels only when added to a <5% holding.

³ Applicants are not seeking relief from the provisions of sections 10(f), 17(d) or 17(e) of the Act or rules 17d-1 or 17e-1 thereunder.

there is not, and will not be, any express or implied understanding between a USB Trading Entity and Nuveen or the Adviser that the Adviser will cause a Fund to enter into Transactions or give preference to the USB Trading Entity in effecting such Transactions between the Fund and the USB Trading Entity.

15. USB Fiduciary undertakes to not to exercise any voting power with respect to shares that constitute five percent or more of a Fund's total outstanding voting securities, including in connection with the election of directors/trustees (the "Non-Voting Undertaking").

Applicants' Legal Analysis

1. Section 17(a) of the Act, in relevant part, prohibits an affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, from selling to or purchasing from such company any security or other property and from borrowing money or other property from such company. Section 17(b) of the Act authorizes the Commission to exempt a transaction from section 17(a) of the Act if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

2. Section 6(c) of the Act, in relevant part, authorizes the Commission to exempt any person or transaction, or any class or classes of persons or transactions, from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

3. Section 2(a)(3) of the Act, in relevant part, defines "affiliated person" of another person to include: (a) Any person directly or indirectly owning, controlling, or holding with power to vote, 5% or more of the outstanding voting securities of such other person; (b) any person 5% or more of whose outstanding voting securities are directly or indirectly owned by, controlled, or held with power to vote, by such person; and (c) any person directly or indirectly controlling, controlled by, or under common control with, such other person.

4. Section 2(a)(9) of the Act, in relevant part, defines "control" as "the power to exercise a controlling

influence over the management or policies of a company, unless such power is solely the result of an official position with such company." Section 2(a)(9) also provides that any person who owns beneficially, either directly or through one or more controlled companies, more than 25% of the voting securities of a company shall be presumed to control such company, and that any person who does not so own more than 25% of the voting securities of any company shall be presumed not to control such company.

5. Applicants state that a USB Trading Entity could be deemed to be a first-tier affiliate or a second-tier affiliate of a 5% Fund insofar as fiduciary account investments of five percent or more of an Owned Fund's outstanding voting securities could cause USB Fiduciary to be viewed as owning, controlling or holding with power to vote "voting securities." Were a USB Fiduciary deemed to be a first-tier affiliate of a 5% Fund, the USB Trading Entities (except for USBNA Dealer Division) would then be deemed to be second-tier affiliates of the 5% Fund. USBNA Dealer Division, on the other hand, could be deemed to be a first-tier affiliate of the 5% Fund. Additionally, a USB Trading Entity could be deemed a first-tier affiliate of a 25% Fund and a second-tier affiliate of the Other Funds.⁷ Applicants submit that, due to the fiduciary account investments, any Transaction involving a Fund and a USB Trading Entity that is a first-tier affiliate or a second-tier affiliate thereof, would be subject to the prohibition of section 17(a) of the Act.

6. Applicants submit that the primary purpose of section 17(a) is to prevent a person with the power to control or influence a registered investment company from engaging in self-dealing or overreaching, to the detriment of the investment company's shareholders. Applicants submit that the policies which section 17(a) of the Act was meant to further are not implicated in

⁷ As discussed in the application, this conclusion could be reached if, on account of the fiduciary account investments, USB Fiduciary "beneficially owned" greater than twenty-five percent of the 25% Fund's total outstanding voting securities. The Owned Fund could then be presumed to be under the control of USB Fiduciary, and thus of USB. As wholly owned subsidiaries of USB, the USB Trading Entities may also be presumed to be under the control of USB. Accordingly, the 25% Fund and the USB Trading Entities could be presumed to be under the common control of USB and thus first-tier affiliates of each other. If the 25% Fund and the Other Funds are deemed to be under the control of their Adviser(s), then the 25% Fund and the Other Funds could be deemed to be first-tier affiliates of each other by virtue of being under common control. Therefore, if the USB Trading Entities are deemed to be first-tier affiliates of the 25% Fund, they could be deemed to be second-tier affiliates of the Other Funds.

the context of the requested Order because USB and USB Trading Entities are not able to cause a Fund to enter into a Transaction or otherwise influence portfolio decisions by the Adviser on behalf of the Funds. Applicants state that, as a result, no USB Trading Entity is in a position to cause a Fund to enter into Transactions that are not in the best interests of the Fund and its shareholders. Applicants also state that there will be no conflict of interest associated with the Adviser's decision to engage in a Transaction with a USB Trading Entity on behalf of a Fund. Applicants further submit that the conditions to the requested Order provide further protections against any possibility of self-dealing or overreaching by the USB Trading Entities. Therefore, Applicants submit that the Order satisfies the statutory standards for relief.

Applicants' Conditions

Applicants agree that the Order granting the requested relief will be subject to the following conditions:

A. Structural

(1) Neither USB nor any USB Affiliates will control any Adviser or any principal underwriters or promoters for the Funds, directly or indirectly, within the meaning of section 2(a)(9) of the Act, and neither USB nor any USB Affiliates will exercise, or attempt to exercise, control over any Fund. The Order will remain in effect only so long as Nuveen, or another entity not controlling, controlled by or under common control with USB, primarily controls the Adviser. In this regard, pursuant to the Non-Voting Undertaking, USB Fiduciary will not exercise any voting authority that it possesses with respect to shares that constitute five percent or more of any Fund's total outstanding voting securities. Instead, it will delegate to an independent third party that is not affiliated with either USB or any USB Affiliate the voting of such shares.

(2) Neither USB nor any USB Affiliates will directly or indirectly consult with Nuveen or any Nuveen Affiliate, including the Adviser, or any portfolio manager of the Adviser concerning purchase or sale Transactions, or the selection of a broker or dealer for any Transactions placed or to be placed on behalf of a Fund, or otherwise seek to influence the choice of broker or dealer for any Transaction by a Fund, other than in the normal course of sales activities of the same nature that are being carried out during the same time period with respect to unaffiliated institutional clients of the

USB Trading Entity, or that existed between the USB Trading Entity and the Adviser and the Nuveen Sub-Advisers, if any, prior to the consummation of the FAF Acquisition.

(3) No officer, director or employee of an Owned Fund will directly or indirectly seek to influence in any way the terms of any Transaction covered by the Order, other than in the normal course of investment activities of the same nature that are being carried out during the same time period with respect to unaffiliated broker-dealers, or that existed between the USB Trading Entity and the Adviser and the Nuveen Sub-Advisers, if any, prior to the consummation of the FAF Acquisition.

(4) Each USB Trading Entity will adopt and implement policies that prohibit the USB Trading Entity from (a) linking any approval or action relating to an Owned Fund to any action by any Fund or by the Adviser relating to any Fund, or (b) using the fiduciary account investments in an Owned Fund as a basis for seeking to persuade any Fund or the Adviser to engage in business with the USB Trading Entity.

(5) The Adviser and the USB Trading Entities, with the assistance of their respective legal/compliance departments, will prepare guidelines for their respective personnel to make certain that Transactions effected pursuant to the Order comply with its terms and conditions, and that the Adviser and the USB Trading Entities maintain an arm's-length relationship. The respective legal/compliance departments of the Adviser and the USB Trading Entities will monitor periodically the activities of the Adviser and the USB Trading Entities, respectively, to make certain that the terms and conditions of the Order are met.

B. Transactional

With respect to each Transaction entered into or effected pursuant to the Order on behalf of a Fund:

(1) Each Fund's Board, including a majority of its disinterested directors or trustees, as applicable ("Necessary Majority"), will approve, and the Fund will implement, procedures governing all Transactions pursuant to the Order and the Fund's Board will no less frequently than quarterly review all Transactions conducted pursuant to the Order and receive and review a report (the "Report"), of those Transactions. The Report which will be prepared by the Adviser and reviewed and approved by the Fund's Chief Compliance Officer, will indicate for each Transaction that the terms and conditions of the Order have been satisfied, and will include a

discussion of any significant changes in the volume, type or terms of Transactions between the relevant Funds and the USB Trading Entity, the reasons for these changes, and a determination that such changes are appropriate. In addition, annually and prior to entering into a Transaction with a USB Trading Entity that no Fund has previously traded with, the Board will consider (i) whether the level of Transactions with USB Trading Entities is appropriate and (ii) whether continued reliance on the Order in any applicable category of fixed-income instruments is appropriate in light of the need of the Funds to have the USB Trading Entities available as trading counterparties, as evidenced by, among other things, the aggregate market share of the USB Trading Entities in each such category.

(2) For each Transaction, the Adviser will adhere to a "best execution" standard, will consider only the interests of the Fund and will not take into account the impact of the Fund's investment decision on the USB Trading Entity. Before entering into any Transaction, the Adviser will determine that the Transaction is consistent with the investment objective(s) and policies of the Fund and is in the best interests of the Fund and its shareholders.

(3) Each Fund will (a) for so long as the Order is relied upon, maintain and preserve in an easily accessible place a written copy of the procedures and conditions (and any modifications thereto) that are described herein, and (b) maintain and preserve for a period of not less than six years from the end of the fiscal year in which any Transaction in which the Adviser knows that both a USB Trading Entity and a Fund directly or indirectly have an interest occurs, the first two years in an easily accessible place, a written record of each such Transaction setting forth a description of the security purchased or sold by the Fund, a description of the USB Trading Entity's, or affiliated person of the USB Trading Entity's interest or role in the Transaction, the terms of the Transaction, and the information or materials upon which the determination was made that such Transaction was made in accordance with the procedures and conditions set forth in the application.

(4) Except for Transactions involving repurchase agreements and variable rate demand notes, before any secondary market principal Transaction in fixed-income instruments is entered into between a Fund and a USB Trading Entity, the Adviser will obtain a competitive quotation for the same

instruments (or in the case of instruments for which quotations for the same instruments are not available, a competitive quotation for Comparable Instruments)⁸ from at least two unaffiliated market counterparties that are in a position to quote favorable market prices, except that if, after reasonable efforts by the Adviser, quotations are unavailable from two such market counterparties, only one other competitive quotation is required. For each such Transaction, the Adviser will determine, based upon the quotations and such other relevant information reasonably available to the Adviser (such as available transaction prices and any other information regarding the value of the instruments), that the price available from the USB Trading Entity is at least as favorable as that available from other sources.

(a) *Repurchase Agreements.* With respect to Transactions involving repurchase agreements, a Fund will enter into such agreements only where the Adviser has determined, based upon information reasonably available to the Adviser, that the income to be earned from the repurchase agreement is at least equal to that available from other sources. Before any repurchase agreements are entered into pursuant to the Order, the Fund or the Adviser will obtain competitive quotations from at least two unaffiliated market counterparties with respect to repurchase agreements comparable to the type of repurchase agreement involved, except that if, after reasonable efforts by the Adviser, quotations are unavailable from two such market counterparties, only one other competitive quotation is required.

(b) *Variable Rate Demand Notes.* With respect to each Transaction involving variable rate demand notes for which dealer quotes are not ordinarily available, a Fund will only undertake purchases and sales where the Adviser has determined, based on relevant information reasonably available to the Adviser that the income earned from the variable rate demand note is at least equal to that of variable rate demand notes of comparable quality that are available from other sources.

(5) With respect to instruments offered in a primary market underwritten, or other primary market, Transaction, the Fund will undertake such purchase from a USB Trading

⁸ The term "Comparable Instruments" refers to instruments with substantially identical maturities, credit risk and repayment terms (including floating or fixed-rate coupons, attached options, or any other provisions that affect the expected size or timing of the payments from the instruments) as the instruments to be purchased or sold.

Entity only where the Adviser has determined, based upon relevant information reasonably available to the Adviser that the instruments will be purchased at a price that is not more than the price paid by each other purchaser of the instruments from, as relevant, the USB Trading Entity or other members of an underwriting syndicate in that offering or in any concurrent offering of instruments, and on the same terms as such other purchasers (except in the case of an offering conducted under the laws of a country other than the United States, for any rights to purchase that are required by law to be granted to existing holders of the issuer). If no information regarding concurrent purchasers of the instruments is reasonably available to the Adviser, the Fund may undertake such purchase from a USB Trading Entity when the Adviser has determined, based upon information reasonably available to the Adviser, that the yield on the instruments to be purchased is at least equal to that available on Comparable Instruments from other sources at that time.

(6) The commission, fee, spread, or other remuneration to be received by the USB Trading Entities must be reasonable and fair compared to the commission, fee, spread, or other remuneration received by others in connection with comparable transactions involving similar instruments being purchased or sold during a comparable period of time.

For the Commission, by the Division of Investment Management, under delegated authority.

Robert W. Errett,
Deputy Secretary.

[FR Doc. 2015-30867 Filed 12-7-15; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-76539; File No. SR-NYSE-2015-61]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 132 To Delete Supplementary Material .40 Requiring Members Effecting Transactions on the NYSE Trading Floor To Submit Certain Data Elements and Badge Information and To Make a Conforming Change

December 2, 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 November 20, 2015, New York Stock Exchange LLC (“NYSE” or the “Exchange”) filed with the Securities and Exchange Commission (the “Commission”) the proposed rule change as described in Items I, 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

The Exchange proposes to amend Rule 132 to delete Supplementary Material .40 requiring members effecting transactions on the NYSE trading Floor (the “Trading Floor”) to submit certain data elements and badge information and to make a conforming change. The proposed rule change is available on the Exchange's Web site at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 132 to delete Supplementary Material .40, which requires members to submit certain data elements and badge information for transactions effected on the Trading Floor and to make a conforming change.

Rule 132 requires clearing member organizations submitting a transaction to comparison to include the audit trail data elements set forth in Supplementary Material .30, including a specification of the account type for which the transaction was effected

according to defined account categories. Consistent with this requirement, Supplementary Material .40 requires members⁴ effecting transactions on the Trading Floor as agent or otherwise to supply these audit trail data elements to their clearing member organization and to promptly provide the reporter in the Crowd (or other designated Exchange representative) with the member's broker badge number or alpha symbol.

The Exchange proposes to delete Rule 132.40 as obsolete. Rule 132.40 was adopted at a time when manual transactions on the Trading Floor were recorded on paper order tickets. The rule was designed to improve trade documentation and ensure that broker badge information was captured correctly for Crowd trades (*i.e.*, verbal executions between two Floor brokers or between a Floor broker and a specialist). Currently, however, all information regarding transactions at the Exchange, including the audit trail data elements of Rule 132.30 and badge information for manual transactions, is captured and transmitted electronically by Exchange systems. Because these data elements no longer need to be separately submitted by members, Rule 132.40 is obsolete and therefore can be deleted.

The Exchange also proposes to amend Rule 9217, which sets forth the list of rules under which a member organization or covered person may be subject to a fine under a minor rule violation plan as set forth in Rule 9216(b). Rule 9217 permits a summary fine for failures to collect and/or submit all audit trail data specified in Rule 132. The Exchange proposes to delete the clause “and/or submit” to reflect elimination of the submission requirement set forth in Supplementary Material .40 of Rule 132. The Exchange believes this proposed change will add transparency and clarity to the Exchange's rules.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁵ in general, and furthers the objectives of Section 6(b)(5) of the Act,⁶ in particular, because it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the

⁴ Under Rule 2(a), a member is a natural person associated with a member organization and in the context of Rule 132.40, refers to Floor brokers only.

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

¹ 15 U.S.C.78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

public interest. In particular, the Exchange believes that deleting rule text relating to a requirement that is obsolete, *i.e.*, to manually submit and transmit information that Exchange systems now capture and transmit electronically, removes impediments to and perfects the mechanism of a free and open market by simplifying its rulebook and removing confusion that may result from having obsolete rules in the Exchange's rulebook. The Exchange further believes that the proposal removes impediments to and perfects the mechanism of a free and open market by ensuring that persons subject to the Exchange's jurisdiction, regulators, and the investing public can more easily navigate and understand the Exchange's rulebook. The Exchange also believes that eliminating obsolete rules would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased transparency as to which rules are operable, thereby reducing potential confusion. Similarly, the Exchange believes that removing a cross-reference to obsolete requirements would remove impediments to and perfect the mechanism of a free and open market because it would reduce potential confusion that may result from having such cross references in the Exchange's rulebook. Removing such obsolete cross references will also further the goal of transparency and add clarity to the Exchange's rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address competitive issues but rather to eliminate obsolete data submission requirements for trades on its Trading Floor.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become

operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change 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,⁷ the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act⁸ and Rule 19b-4(f)(6) thereunder.⁹

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)¹⁰ 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-NYSE-2015-61 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-NYSE-2015-61. 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 will also be available for Web site viewing and printing at the NYSE's principal office and on its Internet Web site at www.nyse.com. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSE-2015-61 and should be submitted on or before December 29, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Robert W. Errett,
Deputy Secretary.

[FR Doc. 2015-30836 Filed 12-7-15; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14549 and #14550]

Texas Disaster #TX-00461

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Texas (FEMA-4245-DR), dated 11/25/2015.

Incident: Severe Storms, Tornadoes, Straight-line Winds, and Flooding.

Incident Period: 10/22/2015 through 10/31/2015.

Effective Date: 11/25/2015.

Physical Loan Application Deadline Date: 01/25/2016.

Economic Injury (EIDL) Loan Application Deadline Date: 08/25/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

⁷ The Exchange has fulfilled this requirement.

⁸ 15 U.S.C. 78s(b)(3)(A).

⁹ 17 CFR 240.19b-4(f)(6).

¹⁰ 15 U.S.C. 78s(b)(2)(B).

¹¹ 17 CFR 200.30-3(a)(12).

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 11/25/2015, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans):

Bastrop, Brazoria, Caldwell, Comal, Galveston, Guadalupe, Hardin, Harris, Hays, Hidalgo, Liberty, Navarro, Travis, Willacy, Wilson.

Contiguous Counties (Economic Injury Loans Only):

Texas: Atascosa, Bexar, Blanco, Brooks, Burnet, Cameron, Chambers, Ellis, Fayette, Fort Bend, Freestone, Gonzales, Henderson, Hill, Jasper, Jefferson, Karnes, Kendall, Kenedy, Lee, Limestone, Matagorda, Montgomery, Orange, Polk, San Jacinto, Starr, Tyler, Waller, Wharton, Williamson.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners With Credit Available Elsewhere	3.750
Homeowners Without Credit Available Elsewhere	1.875
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere ...	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
<i>For Economic Injury:</i>	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14549B and for economic injury is 145500.

(Catalog of Federal Domestic Assistance Numbers 59008)

James E. Rivera,
Associate Administrator for Disaster Assistance.

[FR Doc. 2015-30830 Filed 12-7-15; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF STATE

[Public Notice: 9371]

Renewal of the Charter of the Advisory Committee on International Postal and Delivery Services

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: This notice announces the renewal of the charter or the Advisory Committee on International Postal and Delivery Services (IPODS). In accordance with the provisions of the 2006 Postal Accountability and Enhancement Act (Pub. L. 109-435) and the Federal Advisory Committee Act (Pub. L. 92-463), the Committee's charter has been renewed for an additional two years.

The IPODS Committee comprises members representing mailers, private sector delivery companies, stakeholders in international delivery services or others who are directly affected by international postal operations. In addition, the Committee includes Federal members representing the Department of Commerce, the Department of Homeland Security, the Office of the United States Trade Representative, the Postal Regulatory Commission, and the United States Postal Service. Members are appointed by the Assistant Secretary of State for International Organization Affairs. The Committee provides advice to the Department of State with respect to U.S. foreign policy related to international postal services and other international delivery services and U.S. policy toward the Universal Postal Union and other international postal and delivery organizations.

For further information, please contact Ms. Sherece Robinson of the Office of Specialized and Technical Agencies (IO/STA), Bureau of International Organization Affairs, U.S. Department of State, at tel. (202) 663-2649, by email at RobinsonSA2@state.gov or by mail at IO/STA, L409 (SA1); Department of State; 2401 E Street NW.; Washington DC 20037.

Dated: October 23, 2015.

Joseph P. Murphy,
Designated Federal Officer, Advisory Committee on International Postal and Delivery Services, Office of Specialized and Technical Agencies, Bureau of International Organization Affairs, Department of State.

[FR Doc. 2015-30901 Filed 12-7-15; 8:45 am]

BILLING CODE 4710-19-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2015-0344]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 30 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

DATES: Comments must be received on or before January 7, 2016. All comments will be investigated by FMCSA. The exemptions will be issued the day after the comment period closes.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2015-0344 using any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- **Mail:** Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- **Hand Delivery:** West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- **Fax:** 1-202-493-2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. 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 for further information.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or

Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.dot.gov/privacy.

FOR FURTHER INFORMATION CONTACT: Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-113, Washington, DC 20590-0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” FMCSA can renew exemptions at the end of each 2-year period. The 30 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Thomas G. Ashbrook

Mr. Ashbrook, 63, has had complete loss of vision in his left eye since childhood. The visual acuity in his right eye is 20/25, and in his left eye, no light perception. Following an examination in 2015, his optometrist stated, “I certify

that Tom Ashbrook has sufficient vision to perform the driving tasks required to operate a commercial vehicle with full distance correction.” Mr. Ashbrook reported that he has driven tractor-trailer combinations for 45 years, accumulating 3.6 million miles. He holds a Class A CDL from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Howard D. Barton

Mr. Barton, 64, has a retinal hole in his left eye due to a traumatic incident in 2009. The visual acuity in his right eye is 20/20, and in his left eye, 20/100. Following an examination in 2015, his optometrist stated, “It is my professional opinion that Mr. Barton has more than sufficient vision to perform the driving tasks required to operate a commercial vehicle.” Mr. Barton reported that he has driven straight trucks for 2 years, accumulating 100,000 miles and tractor-trailer combinations for 46 years, accumulating 5.52 million miles. He holds a Class A CDL from Indiana. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he exceeded the speed limit by 10 miles per hour.

Bryan Borrowman

Mr. Borrowman, 50, has had a chorioretinal scar in his right eye since 2011. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, “Patient’s left visual field compensates well for his right visual field defect and should not have any problems operating a commercial vehicle.” Mr. Borrowman reported that he has driven tractor-trailer combinations for 9 years, accumulating 1.35 million miles. He holds a Class A CDL from Utah. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

George R. Cornell

Mr. Cornell, 53, has had a retinal detachment in his left eye in 2010. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2015, his optometrist stated, “Vision sufficient for commercial vehicle.” Mr. Cornell reported that he has driven straight trucks for 5 years, accumulating 50,000 miles, tractor-trailer combinations for 22 years, accumulating 1.1 million miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Mr. Bruce J. Dowd

Mr. Dowd, 60, has been blind in his right eye due to a traumatic incident in 1964. The visual acuity in his right eye is no light perception, and in his left eye, 20/15. Following an examination in 2015, his optometrist stated, “I certify in my medical opinion that Bruce has sufficient vision to perform the driving tasks required to operate a heavy vehicle under 26,001 as he has for the past twenty years.” Mr. Dowd reported that he has driven straight trucks for 44 years, accumulating 1 million miles. He holds a Class D operator’s license from Connecticut. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Raul A. Gonzalez

Mr. Gonzalez, 46, has optic atrophy in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2015, his optometrist stated, “He has been functioning successfully as a commercial driver for many years and nothing has changed to date. He has proven his ability to continue to function as a driver and we believe his vision is adequate for that purposes [sic].” Mr. Gonzalez reported that he has driven tractor-trailer combinations for 25 years, accumulating 1.94 million miles. He holds a Class A CDL license from California. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he was cited for stopping on a non-emergency shoulder.

Calvin N. Gregory, Jr.

Mr. Gregory, 65, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, “Stable amblyopia . . . no impact on horizontal or vertical visual field . . . OK to operate a commercial vehicle.” Mr. Gregory, reported that he has driven straight trucks for 44 years, accumulating 4.4 million miles. He holds a Class A CDL from Maryland. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Thomas E. Gross

Mr. Gross, 59, has a prosthetic left eye due to a traumatic incident over 45 years ago. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2015, his ophthalmologist stated, “I certainly certify that in my professional medical opinion that he has as he has

had in the past sufficient vision to perform the driving tasks required to operate a commercial vehicle as he has in the past." Mr. Gross reported that he has driven straight trucks for 40 years, accumulating 200,000 miles. He holds a Class C operator's license from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Ethan A. Hale

Mr. Hale, 24, has had a prosthetic left eye due to a traumatic incident in 2005. The visual acuity in his right eye is 20/15, and in his left eye, no light perception. Following an examination in 2015, his optometrist stated, "The applicant was found to be visually able to safely operate a commercial motor vehicle." Mr. Hale reported that he has driven straight trucks for 4 years, accumulating 80,000 miles. He holds a Class DA CDL from Kentucky. His driving record for the last 3 years shows no crashes and one conviction for a moving violation in a CMV; he was cited for speeding.

Steven G. Hall

Mr. Hall, 47, has had a macular hole in his left eye since 1990. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2015, his optometrist stated, "In my professional and medical opinion, Mr. Steven Hall has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Hall reported that he has driven straight trucks for 3 years, accumulating 234,000 miles, and tractor-trailer combinations for 5 years, accumulating 390,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jason F. Huddleston

Mr. Huddleston, 40 has glaucoma in his right eye due to a traumatic incident in 2003. The visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, "I certify in my medical opinion that Mr. Jason Huddleston has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Huddleston reported that he has driven straight trucks for 17 years, accumulating 208,080 miles. He holds a Class C operator's license from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

David A. Luke

Mr. Luke, 60, has complete loss of vision due to a traumatic incident in his right eye since childhood. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, "I have no problem with his ability to see adequately to drive a commercial vehicle." Mr. Luke reported that he has driven straight trucks for 44 years, accumulating 22,000 miles, and tractor-trailer combinations for 7 years, accumulating 252,000 miles. He holds a Class A CDL from Nebraska. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Raymond J. Mannarino

Mr. Mannarino, 68, has had a macular pucker in his left eye since 1995. The visual acuity in his right eye is 20/30, and in his left eye, 20/80. Following an examination in 2015, his ophthalmologist stated, "Certify that as per above, pt [sic] has sufficient vision to perform commercial driving." Mr. Mannarino reported that he has driven straight trucks for 40 years, accumulating 80,000 miles and tractor-trailer combinations for 30 years, accumulating 1.2 million miles. He holds a Class A CDL from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Samuel T. Mazza, Jr.

Mr. Mazza, Jr., 35, has had dense anisometropic amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2015, his optometrist stated, "Samuel's visual status is stable and unchanged since I first saw him in 2010, and in my opinion, he is fit to drive a commercial motor vehicle." Mr. Mazza reported that he has driven straight trucks for 11 years, accumulating 110,000 miles, tractor-trailer combinations for 11 years, accumulating 220,000 miles. He holds a Class A CDL from Connecticut. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Ralph S. Miller

Mr. Miller, 59, has had a prosthetic right eye due to ocular melanoma since 1998. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, "It is my opinion that Mr. Miller has sufficient vision to operate a commercial vehicle." Mr. Miller reported that he has driven straight trucks for 35 years,

accumulating 350,000 miles. He holds a Class B CDL from West Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

John M. Moore

Mr. Moore, 55, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, "This patient has stable longstanding (since childhood) amblyopia in his right eye . . . he has sufficient vision to perform the tasks required to operate a commercial vehicle." Mr. Moore reported that he has driven straight trucks for 35 years, accumulating 875,000 miles, and tractor-trailer combinations for 35 years, accumulating 35,000 miles. He holds a Class A CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Samuel M. Mosman

Mr. Mosman, 33, has a retinal scar in his left eye due to a traumatic incident in 2007. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2015, his ophthalmologist stated, "Mr. Mosman's Visual [sic] acuity has been stable since June 2007 . . . Mr. Mosman states that he has driven a commercial vehicle for 9 years and I believe there is nothing to interfere with his future driving." Mr. Mosman reported that he has driven straight trucks for 10 years, accumulating 400,000 miles and tractor-trailer combinations for 8 years, accumulating 520,000 miles. He holds a Class A CDL license from Washington. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Josh D. Nichols

Mr. Nichols, 37, had his left eye enucleated due to a traumatic incident in 1993. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2015, his optometrist stated, "It is my professional opinion that Joshua D [sic] Nichols possesses sufficient vision to perform the driving tasks required to operate a commercial motor vehicle." Mr. Nichols reported that he has driven straight trucks for 15 years, accumulating 450,000 miles. He holds an operator's license from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

John P. Pitts

Mr. Pitts, 61, has vision loss in his left eye due to ocular nerve damage in 2009. The visual acuity in his right eye is 20/20, and in his left eye, counting fingers. Following an examination in 2015, his optometrist stated, "In my opinion, John Pitts has sufficient vision to operate a commercial vehicle." Mr. Pitts reported that he has driven straight trucks for 4 years, accumulating 10,000 miles and tractor-trailer combinations for 30 years, accumulating 3 million miles. He holds an operator's license from Arizona. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Alexander L. Resh

Mr. Resh, 24, had an infection and subsequent complete loss of vision in his right eye due to a traumatic incident in 2013. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, "He has excellent vision in his left eye and should have no difficulty operating a commercial vehicle." Mr. Resh reported that he has driven straight trucks for 7 years, accumulating 84,000 miles. He holds a Class C operator's license from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

August Roberts, Jr.

Mr. Roberts, 68, has had macular degeneration in his left eye since 2010. The visual acuity in his right eye is 20/20, and in his left eye, 20/50. Following an examination in 2015, his optometrist stated, "I, Yen Le, OD, certify that Mr. August Roberts have [sic] sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Roberts reported that he has driven straight trucks for 43 years, accumulating 645,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Phillip D. Satterfield

Mr. Satterfield, 51, has had toxoplasmosis in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2015, his optometrist stated, "It is my medical opinion the above-referenced patient does have sufficient vision to operate a commercial vehicle." Mr. Satterfield reported that he has driven tractor-trailer combinations for 30 years, accumulating 315,000 miles. He holds a Class A CDL from Georgia. His driving

record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Fred Schmidt

Mr. Schmidt, 58, has had a prosthetic left eye due to a traumatic incident at age 11. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2015, his optometrist stated, "In my opinion, this patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Schmidt reported that he has driven straight trucks for 40 years, accumulating 800,000 miles, tractor-trailer combinations for 30 years, accumulating 900,000 miles. He holds a Class AM CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Robert L. Simpson

Mr. Simpson, 54, has had optic nerve atrophy in his right eye since 2012 due to a pituitary tumor. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2015, his ophthalmologist stated, "He does see well enough to drive a commercial vehicle." Mr. Simpson reported that he has driven straight trucks for 1 year, accumulating 80,000 miles, tractor-trailer combinations for 15 years, accumulating 1.5 million miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Franklin Tso

Mr. Tso, 72, has had a corneal scar in his right eye since childhood. The visual acuity in his right eye is 20/80, and in his left eye, 20/30. Following an examination in 2015, his ophthalmologist stated, "In my professional opinion Mr. Tso has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Tso reported that he has driven straight trucks for 56 years, accumulating 3.4 million miles. He holds an operator's license from New Mexico. His driving record for the last 3 years shows no crashes and 1 conviction for a moving violation in a CMV; he exceeded the speed limit by 7 mph.

Keith D. Turnbow

Mr. Turnbow, 61, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2015, his optometrist

stated, "Vision is sufficient to operate a commercial vehicle." Mr. Turnbow reported that he has driven straight trucks for 41 years, accumulating 1.23 million miles and tractor-trailer combinations for 13 years, accumulating 1.3 million miles. He holds a Class A CDL from Missouri. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

James L. Urbach

Mr. Urbach, 45, has had a chronic rhegmatogenous retinal detachment in his left eye since 2011. The visual acuity in his right eye is 20/15, and in his left eye, 20/60. Following an examination in 2015, his ophthalmologist stated, "It is my medical opinion that Mr. Urbach possesses sufficient vision to perform the driving tasks necessary to operate a commercial vehicle." Mr. Urbach reported that he has driven tractor-trailer combinations for 10 years, accumulating 1.13 million miles. He holds a Class A CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Eric C. Weidley

Mr. Weidley, 39, has had optic neuritis in his right eye since 2009. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2015, his ophthalmologist stated, "In my medical opinion, you have sufficient vision and experience to perform the driving tasks required to operate a commercial vehicle." Mr. Weidley reported that he has driven straight trucks for 16 years, accumulating 640,000 miles. He holds a Class CM operator's license from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Jackie G. Wells

Mr. Wells, 65, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/80, and in his left eye, 20/20. Following an examination in 2015, his optometrist stated, "I feel Mr. Wells has sufficient vision to perform the driving tasks required to operate a commercial vehicle due to the fact that he is able to see 20/20 with both eyes open and has full visual fields in each eye." Mr. Wells reported that he has driven straight trucks for 20 years, accumulating 160,000 miles. He holds an operator's license from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Charles T. Whitehead

Mr. Whitehead, 66, has had hyperopic astigmatism and refractive amblyopia in his right eye since birth. The visual acuity in his right eye is 20/70, and in his left eye, 20/25. Following an examination in 2015, his optometrist stated, "Mr. Whitehead is diagnosed with Hyperopic Astigmatism and Refractive Amblyopia [*sic*] of the right eye that he has had since birth. It is my opinion that Mr. Whitehead is capable of operating a commercial vehicle." Mr. Whitehead reported that he has driven tractor-trailer combinations for 43 years, accumulating 3.4 million miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

III. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this

notice, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and put the docket number FMCSA-2015-0344 in the "Keyword" box, and click "Search." When the new screen appears, click on "Comment Now!" button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the

facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period and may change this notice based on your comments.

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To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> and insert the docket number FMCSA-2015-0344 in the "Keyword" box and click "Search." Next, click "Open Docket Folder" button and choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: November 30, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015-30863 Filed 12-7-15; 8:45 am]

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FEDERAL REGISTER

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Part II

The President

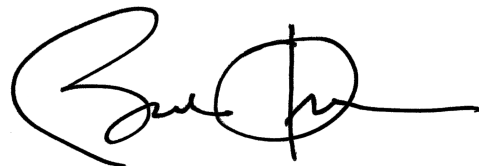
Proclamation 9377—Honoring the Victims of the Attack in San Bernardino, California

Presidential Documents

Title 3—**Proclamation 9377 of December 3, 2015****The President****Honoring the Victims of the Attack in San Bernardino, California****By the President of the United States of America****A Proclamation**

As a mark of respect for the victims of gun violence perpetrated on December 2, 2015, in San Bernardino, California, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions through December 7, 2015. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of December, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and fortieth.



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